

Pursuing consumer claims in Poland and the state of consumer rights enforcement

2025

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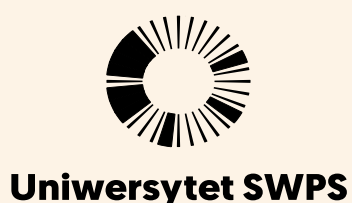
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INTRODUCTION

Consumer law from the perspective of a citizen is extremely important, as its regulations accompany people daily in various areas of life – from small purchases to complicated specialist contracts.

The significance of consumer law is recognized in the legislation of the European Union. The EU places great importance on the protection of consumer rights and provides common standards applicable in all member states. The regulations being created focus on achieving goals such as creating a high level of consumer protection, empowering consumers, and facilitating cross-border trade.

Despite intensive legislative efforts by the EU, consumer protection does not look the same in every member state, as indicated by the European Commission in periodic reports of the Consumer Conditions Scoreboard (CCS) dedicated to the situation of consumers in EU countries. There are several reasons for this state of affairs. First of all, the adopted directives give member states a certain degree of freedom, allowing for the introduction of additional regulations, provided they comply with EU legislation. Secondly, the implementation of regulations may be delayed or inaccurate. Moreover, the practice and enforcement of regulations differ in individual states despite the similarity of legal regimes, as the institutions responsible for law enforcement operate with varying effectiveness. In the compiled summaries, Poland performs average compared to other countries and significantly deviates from EU leaders.

This situation prompted the initiators of this publication, who work daily in consumer organizations providing direct assistance to Polish consumers, to conduct an in-depth analysis of the problem. Recognizing a number of difficulties faced by all participants in the consumer protection system in Poland for years, we decided to thoroughly investigate how the enforcement of consumer claims and the application of rights in this area looks. Such comprehensive and extensive research has not been conducted so far.

The report consists of five parts:

Chapter One contains a critical review of the current regulations regarding consumer protection and their assessment through the lens of the practice of law application and the possibilities of real claim enforcement.

Chapter Two analyses the institutional system of consumer protection in Poland, verifying whether one can speak of the existence of a system. The operation of selected institutions has been analysed: municipal and district consumer ombudsmen, the Office of Competition and Consumer Protection (OCCP), Voivodeship Trade Inspection Inspectorates (VTII), the European Consumer Centre (ECK), and consumer non-governmental organizations. This part is mainly based on source data from 2020–2024 (partially until the beginning of 2025) obtained through public information access procedures.

Chapter Three is dedicated to the level of consumer awareness, verified through objective survey research on a representative sample of Poles using an online questionnaire. It has been checked to what extent consumers are aware of their rights and the available mechanisms for pursuing claims.

Chapter four analyses consumers' experiences in the practical application of consumer law: the types of problems, ways of dealing with them, factors influencing the willingness to act, the results and effectiveness of actions taken, the reasons for consumer passivity, and the level of trust in the entities supporting them.

Chapter five presents a summary and recommendations for improving the effectiveness of consumer protection.

The prepared publication illustrates how many areas require remedial action. The aim of the report is to initiate a broad and substantive discussion on the pursuit of consumer claims in Poland and the enforcement of rights in this area, as well as to initiate a debate on the necessary systemic and legislative changes. Below we present the key conclusions from each chapter and encourage reading the entire report.

Chapter I. The legal environment regarding the most important regulations concerning consumers

- Consumer rights are crucial in the daily lives of citizens. The European Union ensures high standards of consumer protection in all member states, and the quality of legal regulations directly affects social welfare and the functioning of the state.
- Polish consumer law, although extensive and covering a wide range of issues, is scattered across numerous legal acts. Additionally, legislative technique – difficult language, imprecise formulations, the addition of letters to editorial units, and the lack of uniform terminology – complicates the application of regulations for consumers, entrepreneurs, and institutions.
- The intensive legislative activity of the EU translates into an increasing number of legal acts in Poland. There is more and more talk about the need to simplify existing regulations and introduce facilitation for entrepreneurs.
- Current consumer regulations provide comprehensive protection and deserve a positive assessment, although in some areas they require supplementation and clarification.
- A priority should be to ensure the effective application of existing regulations by all stakeholders – consumers, entrepreneurs, and institutions, as there are significant deficits in this area.
- Public consultations in the legislative process are crucial, however, in recent years they have not been conducted thoroughly, and the voices of practitioners have been overlooked, which has led to negative consequences.

Chapter II. Institutional system of consumer protection

- In order to speak of a system, three conditions must be met simultaneously – there must be a certain set of elements, coexisting to serve a specific purpose, governed by certain common rules, and between which there are ordered relationships.

Entities creating the consumer protection system

- It is difficult to determine how many institutions in Poland co-create the consumer protection system. Consumers are dealt with by OCCP, consumer ombudsmen,

consumer organizations, and the Financial Ombudsman. The broadly understood consumer protection is also addressed by the Trade Inspection, the Trade Quality Inspection of Agricultural and Food Products, the National Revenue Administration, and the Patient Rights Ombudsman, although their scope of activity is broader. It is uncertain whether sectoral supervisory authorities (the Financial Supervision Authority, the Civil Aviation Authority, the Railway Transport Office, the Office of Electronic Communications, and the Energy Regulatory Office), law enforcement agencies, the judiciary, and entities dealing with alternative dispute resolution can be considered elements of the system.

- In the past, priorities were set in the consumer policy developed by OCCP. The last document concerned the years 2014-2018. Currently, there is no such document.
- OCCP has withdrawn from the role of the superior institution and now positions itself as one of the equivalent elements of the system.
- The lack of coordination of actions means that each institution sets its own goals and priorities. Some areas of consumer protection remain unaddressed, and the emerging gaps allow for unreliable actions.
- The selection of competencies of individual institutions is random, and competencies often overlap.
- There is a lack of relationships between institutions, principles of cooperation, and coordination of actions. Problems are solved on a case-by-case basis rather than systematically, which weakens the market position of consumers.
- Consumers, faced with the multitude of institutions, cannot figure out where to seek help and are referred between institutions.

OCCP

- The President of OCCP is the central body of government administration operating under the supervision of the Prime Minister. In the area of consumer protection, it counteracts infringements of collective interests of consumers, monitors the application of abusive clauses, and product safety.

- There is a noticeable protraction of court proceedings initiated as a result of appeals against OCCP's decisions in cases concerning the protection of collective interests of consumers and the recognition of contract terms as abusive – sometimes the wait for a first-instance court judgement can take up to 4 years.
- A relatively high maintainability of OCCP's decisions in the Court of Competition and Consumer Protection (CCCCP) jurisprudence is recorded. In the years 2020-2024, out of 164 challenged decisions regarding practices violating collective interests of consumers, CCCC dismissed 101 complaints, changed 20 decisions, and overturned 10. In the case of abusive clauses, 22 complaints were dismissed, 12 were overturned, and 4 were amended from the 47 contested decisions.
- A full assessment of OCCP's actions is hampered by discrepancies between reports and the online decision catalogue.
- OCCP has a very broad scope of activities and is constantly gaining tasks from various sectors of the economy with limited resources. There are signs of institutional overload alongside an increase in market threats.

Consumer ombudsmen

- They play a fundamental role in the consumer protection system – they are on the front line, facing the daily problems of consumers and the system itself.
- Due to incomplete data, we speak of trends.
- The employment structure is very heterogeneous – from 0.175 full-time equivalents to full-time, with about half of the ombudsmen employed full-time. Only 30% of ombudsmen perform tasks with the help of an office. The employment structure is not everywhere adapted to the number of residents in the district and translates into the level of consumer protection.
- They assist consumers in a wide range of matters – mainly complaints about goods (footwear, furniture, electronic equipment) and services (telecommunications, tourism, insurance, energy). In the case of seniors, additionally so-called sales events.

- Forms of assistance include advice, interventions with entrepreneurs, and involvement in court cases.
- The number of consultations, interventions with entrepreneurs, and participation in court cases is gradually decreasing, while the difficulties of the cases being handled are increasing.
- The number of consultations remains high compared to Free Legal Aid Points – on average, an ombudsman provides about 790 consultations per year, while a point provides 341.
- They help consumers to a limited extent at the court stage due to the risk of incurring litigation costs in case of loss. They more often intervene in ongoing proceedings or provide substantive support to consumers acting independently.
- They declare the effectiveness of their actions in the range of 15%-90%, averaging about 60%.
- The cooperation of ombudsmen includes a wide spectrum of entities – from OCCP, the Trade Inspection, through sector regulators, to non-governmental organizations, but there are no formalized rules for this cooperation.
- The biggest obstacles in their work: part-time employment, combining substantive functions with other duties, lack of offices, inadequate equipment and training, non-standardized procedures, communication problems with entrepreneurs, and the absence of a central entity providing substantive support.
- They formulate proposals for changes in substantive and procedural law.
- The observations of the ombudsmen regarding the system are consistent with the conclusions of the report. They evaluate it very differently – from “terrible, chaotic and provisional” to positive, yet none rated it as “very good.” They notice the multitude of institutions when faced with problems in enforcing consumer rights.
- The main proposals for improving the system: splitting OCCP into two separate institutions (consumer protection and competition protection), mandatory consumer

education in schools, a broader scope of consumer law in the education of judges, and the creation of a platform for information exchange between institutions.

Voivodeship Trade Inspection Inspectorates (VTII)

- The VTII serves a dual role – it is a supervisory and administrative body and directly assists consumers in terms of consumer advice, conducting ADR proceedings, and managing arbitration courts.
- Mediation and arbitration cases:
 - a limited scale of activity – from 2020 to 2024, 21,409 cases were resolved (an average of 4,210 per year),
 - a high percentage of refusals from entrepreneurs
 - the effectiveness of ADR is 47.07%,
- The supervisory activity of VTII:
 - significant regional differences in the number and structure of inspections,
 - the largest number of inspections were conducted by the inspectorates: Mazovian, Lesser Poland, and Łódź, the smallest: Lubusz, Subcarpathian, and Pomeranian,
 - over 50% of inspections carried out at the request of OCCP,
 - significant differences in the workload of employees – from below 10 to over 25 inspections per employee per year,
 - the highest employment rate in Silesian (0.60) and Lesser Poland (0.51) provinces per 100,000 inhabitants, the lowest in Lubusz and Podlaskie (0.24),
 - the highest intensity of inspections per capita in Podlaskie, Świętokrzyskie, and Opole provinces, the lowest in Pomeranian, Greater Poland, and Mazovian.
- The potential of VTII is not fully utilized. The scope of independent actions should be greater.

- It is recommended to increase the standardization of reporting and to analyse the factors influencing regional discrepancies.

European Consumer Centre (ECC)

- ECC supports consumers in cross-border disputes and informs them of their rights.
- A noticeable systematic increase in the number of consultations provided and cross-border cases from 5,545 in 2020 to 7,456 in 2024.
- Clear changes in the structure of problems reported by consumers. The most problematic issues are related to passenger transport and purchases (legal and commercial guarantee, withdrawal from the contract).
- Lack of data to assess the effectiveness of the actions of ECC Poland.

Consumer non-governmental organizations

In the face of new market challenges (digitalisation, globalisation, disinformation), the role of consumer organisations should increase. Their independence, operational flexibility, and direct contact with consumers make them an essential element of an effective consumer protection system.

They have significant potential but remain largely underutilised due to systemic and financial barriers. Despite broad legal competencies and experience comparable to organisations from other EU countries, Polish consumer organisations struggle with chronic underfunding and a lack of strategic cooperation with public administration.

The main problems of the organisations are:

1. critical underfunding

- in Poland, 16 euros is allocated per 1,000 inhabitants, while in Western countries (Germany, Norway) it is over 1,000 euros,
- lack of specific grants – organisations receive only targeted funds,

- financial uncertainty prevents long-term planning and development,

2. dominance of public institutions

- the consumer protection system is dominated by consumer ombudsmen and state institutions,
- consumer organisations are treated as “supplements” to the system instead of its strategic partners.
- none of the organisations have registered in the representative actions register due to excessively high entry barriers,

3. no cooperation strategy

- the state administration does not utilise the potential of consumer organisations,
- competition is being strengthened (instead of cooperation) among organisations due to limited resources,
- grant competitions are not tailored to actual needs.

The potential of consumer organisations is not being utilised. They can effectively operate in at least five key areas:

- 1. consumer education** – flexible, practical educational programmes,
- 2. market monitoring** – early warning systems for unfair practices,
- 3. participation in law-making** – substantive contribution to legislative consultations,
- 4. individual assistance** – filling existing gaps in the consumer protection system,
- 5. representative actions** – representation of collective interests of consumers.

Despite the realities, positive initiatives regarding the cooperation of organisations

are noticeable. The Forkon Consumer Organizations Forum consists of 10 experienced organisations that have chosen to cooperate, abandoning “forced competition” in favour of joint actions. This is a sign that the sector is maturing towards consolidation.

Recommendations for the sector:

1. introduction of systemic funding – entity grants similar to those in Western countries,
2. strategic cooperation – inclusion of organisations as full partners in the consumer protection system,
3. support for sector consolidation – favouring cooperation over competition.

Chapter III. Level of legal awareness of consumers

The study reveals quite a good level of legal awareness among adult Poles regarding online shopping. Consumers also manage fairly well in terms of basic consumer rights. However, the knowledge of more detailed regulations and ways to enforce the law looks worryingly low. There are significant gaps in both the knowledge of institutions and practical knowledge of applying consumer rights.

Knowledge of institutions

- **525 out of 1,162 respondents (45%)** could not spontaneously name any consumer protection institution.
- **OCCP** was the most recognisable institution (349 mentions), while many respondents named non-existent entities.
- With assistance from a list, respondents correctly identified an average of only **2.26 out of 10 actual institutions**.

Subjective vs. objective knowledge

- **Self-assessment of knowledge averaged 3.08/5** – extremely modest compared to typical overconfidence in studies.

- **Results of the objective test: 13.61/25 correct answers** (54.4% effectiveness)
- A strong correlation between subjective confidence and actual results.

Factors influencing the level of awareness

- **Level of education** shows the strongest correlation with knowledge.
- **Income level** has a moderate relationship with consumer awareness.
- **Age** has minimal impact, except for seniors (65+) with slightly lower scores.
- **Gender and place of residence** do not show significant differences.
- **Legal education** provides an advantage, but less than expected.

Areas of consumer knowledge

Strengths:

- Good knowledge of rights when shopping online (right to return)
- Awareness of the seller's responsibility for defective products

Weaknesses:

- Incorrect beliefs about the necessity of a receipt for complaints
- Confusing commercial guarantee with non-compliance of goods with the contract
- Unfamiliarity with terms in the complaint procedure
- Difficulties in recognizing abusive clauses

Causes of low awareness

1. **Lack of an effective consumer education system** in Poland
2. **Dynamic changes in consumer law** – the complaint process has been

changed three times since 2000

3. Lack of systemic initiatives from state institutions

Recommendations

It is necessary to introduce a comprehensive, universal consumer education system that will be:

- Regular and systematic
- Tailored to different age groups
- Conducted by qualified educators
- Focused on practical skills, not just theory

Particular attention should be paid to:

- Education of people with lower incomes and education
- Updating consumer knowledge about legal changes
- Promotion of awareness of consumer protection institutions

Chapter IV. Consumers' experiences in applying consumer law in practice

- **69% of respondents (800 people)** experienced at least one problematic consumer situation in the last 2 years
- **On average 3.52 problematic situations** per person
- Most common problems:
 - False promotions with inflated initial prices (218 indications)
 - Misleading discounts (184 indications)
 - Problems with the availability of goods in online stores (181 indications)
 - Damaged shipments (171 indications)

Consumer reactivity

- **Only 60% of people** experiencing problems took any action
- **40% remained completely passive** regarding violations of their rights
- **7.9% of consumers** react consistently to all problems

Ways of responding (out of 487 active people)

1. **Contact with the seller** – the most common form of reaction (90% at least once)
2. **Opinions online** – about 50% of respondents
3. **Reports to public institutions** – only 20%
4. **Non-governmental organisations** – about 10%
5. **Legal assistance/court** – below 10%

Effectiveness of actions

- **Contact with the seller:** about 70% of effective cases
- **Public institutions:** about 50% effectiveness
- **Out-of-court dispute resolution:** about 50% effectiveness
- **Court proceedings:** the lowest effectiveness

Causes of passivity (40% of people)

1. **Lack of time** – the main reason
2. **Low value of goods** – the second most common reason
3. **Lack of faith in the effectiveness of actions**
4. **Lack of trust in institutions**

Familiarity with the assistance system

- **OCCP** – the most frequently indicated institution (70% of reports)
- **Frequent confusion of institution names** – consumers indicate non-existent entities
- **Poor orientation** in the differences between public institutions and non-governmental organisations

Trust in institutions

1. **Average level of trust: 6.15/10** – a moderate result
2. **Higher trust** among people who know more institutions
3. **Correlation** with the sense of one's own consumer effectiveness

Key predictors of activity

1. **Familiarity with institutions** – the strongest predictor of the number of responses
2. **Consumer efficacy** – crucial for taking action
3. **Objective knowledge** – important for identifying problems
4. **Synergistic effects** – a combination of knowledge and a sense of efficacy yields the best results

Chapter V. Summary and recommendations

Based on the conducted research and analyses, a number of problems and challenges regarding the consumer protection system in Poland have been identified. The results indicate an urgent need for systemic and legislative changes to enhance the effectiveness of consumer rights protection. The report may serve as a significant source of knowledge for decision-makers and a reference point in discussions on consumer claims in Poland.

Key recommendations:**1. Operation of the system**

- Clearly defining the entities that make up the institutional consumer protection system in Poland
- Reviewing and systematising the competencies of individual institutions and defining their mutual relationships
- Introducing ongoing coordination of the entire consumer protection system

2. Monitoring and management

- Defining precise performance indicators for individual institutions and their ongoing analysis by a designated entity
- Periodic assessment of the state and effectiveness of enforcing consumer rights in Poland
- Developing a uniform method for data collection across the entire system

3. Consumer policy

- Return to the cyclical preparation of consumer policy at the government level in cooperation with all stakeholders: central institutions, consumer ombudsmen, consumer organizations, and business representatives

4. Legislative changes

- Review of existing material law regulations based on practical experiences from their application
- Establishment of a team in the shape of a Codification Commission consisting of representatives from academia and practitioners
- Creation of a commission or subcommittee for consumer affairs in the Sejm to ensure efficient legislative work

5. Consumer education

- Introduction of universal consumer education aimed at the practical application of acquired knowledge
- Utilization of proven educational tools and moving away from the typical presentation of theoretical knowledge

I. THE LEGAL ENVIRONMENT REGARDING THE MOST IMPORTANT REGULATIONS CONCERNING CONSUMERS

I. 1. CONSUMER LAW SYSTEM

I.1.1. INTRODUCTION

Consumer rights concern every human being. They play an important role and are extremely significant in daily life – as they shape the terms on which consumers enter into contracts, as well as how their protection is structured. The European Union attaches great importance to protecting consumer rights and ensures common standards that apply in all member states. The goal of EU actions is to ensure a high level of consumer protection, regardless of which EU country consumers make purchases in.

In considerations about the consumer law system, it is worth focusing on a fairly basic and general issue, i.e., what is consumer law and what is its role? Why was it distinguished as a branch of law and why is it one of the fundamental rights guaranteed to citizens? At this point, it is worth briefly referring to history.

Consumer law derives from civil law, although it currently differs from it quite significantly. Civil law traditionally viewed the parties to a contract as equal. Both had similar rights and both were obligated to exercise the same care in performing their obligations. “No harm is done to the willing” (Latin: *volenti non fit iniuria*) – this Roman legal maxim perfectly illustrates this assumption. But does the buyer really “want”?

This “wanting” is based on the assumption that the customer makes a conscious purchasing decision. However, over time, this decision to enter into a contract became increasingly less conscious. The increasing complexity of goods and sophisticated marketing meant that the average buyer, later called a consumer, became more of an object than a subject. Social changes at the turn of the 19th and 20th

centuries caused a partial recovery of subjectivity for the buying masses. Above all, safety became crucial, which the state was unable to ensure under traditional market conditions. It became necessary to introduce restrictions, standards, and information frameworks. The second breakthrough was in the 1960s and 70s. Here too, it started with raising the level of safety – in a sense, the publication of Ralph Nader’s book *Unsafe at Any Speed*¹ (dealing with car construction methods) and US President John Kennedy’s declaration (“we are all consumers”) were crucial. The enormous advantage of entrepreneurs over consumers became obvious, including widespread manipulative practices used against buyers (e.g., advertising cigarettes as an attractive and healthy lifestyle).

For these reasons, it became necessary (and this was reflected in the developing legislation) to level the negotiating playing field or to ensure equivalence of performances for both parties to the contract. In the first case, this involves equipping the consumer with information allowing them to make a reasonable and conscious purchase decision. In the second, restoring the value of the performance if it proves inadequate for the consumer (e.g., the product stops working after purchase).

The complexity of goods and services met with a response of sometimes equally complicated regulations. Difficult to implement by smaller enterprises, non-intuitive and leaving wide room for interpretation. New threats to consumers cause reactive activity from the state (legislators). It is commonly believed that European consumers are the best protected, and the EU market is the most consumer-friendly in the world. Among other things, this sparked discussion about the need for deregulation.

Contemporary Polish consumer law is an immanent part of European Union consumer law. The goal of EU regulations is to realize the free movement of goods, services, and capital, among other things, through maximum harmonization of consumer protection rules. Hence, in the new approach, EU directives primarily assume complete harmonization², and in some areas, regulations are issued that

¹ *Unsafe at Any Speed: The Designed-In Dangers of the American Automobile*, Grossman, 1965.

² This is the harmonization of legal provisions in all member states in a specific area, in such a way that member states cannot adopt or maintain provisions more rigorous or lenient than those specified in Union law – they must exactly comply with the standards established by the European Union.

do not require national implementation and are applied directly.

I.1.2. REVIEW OF SELECTED CONSUMER LEGISLATION

The following review of legislation should be treated as an abbreviated summary of the legal status, primarily due to the extensiveness and interdisciplinary nature of consumer law. These are primarily civil law rules, but administrative law, and even criminal law (including misdemeanors), also find wide application.

Due to the scope of this report, we have selected the most important elements of consumer law, while remembering that essentially every market activity of a consumer has its legal norm.

Before we proceed to describe the elements we have selected, we should note that the Constitution of the Republic of Poland itself, in Art. 76, states that “Public authorities protect consumers, users and tenants against actions threatening their health, privacy and safety as well as against unfair market practices. The scope of this protection is determined by law.” In jurisprudence, the view dominates that this provision is not an independent source of subjective rights³. A similar declarative provision is Art. 12 of the Treaty on the Functioning of the European Union⁴, according to which “Consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities.” At the same time, subsequent provisions of the Treaty constitute the basis for EU legal acts in the field of consumer protection, especially Art. 169. The inclusion of consumer protection in acts of this rank indicates that the legislator considers this area to be one of the key ones.

Within the framework of the review of EU legislation, we want to pay special attention to the issues indicated below:

1. General rules of civil law in transactions involving consumers

Offering (including advertising) goods or services, their sale (conclusion of contract,

³ Daniel Dąbrowski (2023) Constitutional principle of consumer protection (Art. 76 of the Constitution of the Republic of Poland) in the jurisprudence of the Supreme Court. *Constitutional Law Review*, 3(73), 63-74.

⁴ Treaty on the Functioning of the European Union (Official Journal C 326, 26/10/2012 P. 0001 – 0390)

transfer of ownership) and liability for the good/service are primarily the domain of civil law. The Civil Code⁵ is the basic act determining the validity of the concluded contract and the obligations of the parties to the contract. In this sense, it has a horizontal position⁶ for all consumer contracts, as it refers to various types of contracts. Individual laws naturally regulate the specifics of some special contracts, such as telecommunications service contracts. However, in areas where regulation does not cover certain behaviors (e.g., concluding a contract under an error regarding the content of legal acts), the appropriate address for seeking applicable rules will be the civil code.

The mentioned action under an error (and the possibility of freeing oneself from the effects of this action) is one of the more important institutions of civil law. Among other important regulations regulated in the civil code, it is worth mentioning:

1. legal capacity and capacity for legal acts,
2. invalidity of contract,
3. acquisition and loss of ownership,
4. power of attorney,
5. exploitation,
6. liability for non-performance or improper performance of contract,
7. tort liability,
8. limitation of claims.

The Civil Code also contains the basic definition of a consumer from our point of view, applicable to almost all other acts of Polish law. In recent years, a definition of para-consumer has also appeared, i.e., an entity to whom we apply some provisions of consumer law due to the status of such entity. According to the code definition, a consumer is a natural person who performs a legal act with an entrepreneur that is

⁵ Act of April 23, 1964, Civil Code (consolidated text Journal of Laws of 2024, item 1061, 1237).

⁶ This means that this legal act affects many different areas of law or sectors, not just one specific field.

not directly related to their business or professional activity⁷. Translating this into everyday, more understandable language, we can say that a consumer is a person who enters into a contract with an entrepreneur (i.e., a professional entity) for their own private needs, unrelated to conducted business or professional activity. In turn, a para-consumer may be a person who, although they perform an act (conclude a contract) directly related to such activity, circumstances occur indicating that it is not related to the professional nature of the entrepreneur's functioning⁸.

The Civil Code is also a law containing special provisions concerning consumers, including those concerning:

1. unfair contract terms,
2. liability for damage caused by a dangerous product,
3. sales contract,
4. liability under legal guarantee and commercial guarantee,
5. contract for work,
6. mandate contract, and
7. other contracts that may have a consumer character.

We devote more attention to some of these solutions in the further part of this chapter.

We also refer somewhat later to the special obligation of an entrepreneur addressing their offer to a consumer, which is the information obligation. Most provisions concerning individual industries contain specific regulations for a given type of contract, and some legal acts only indicate the type and method of providing information to the consumer. The Civil Code itself emphasizes in the general provisions concerning obligations the necessity of loyal action and cooperation with the counterpart, emphasizing an increased degree of care for the entrepreneur⁹. As

⁷ Art. 22[1] of the Civil Code.

⁸ These definitions are indicated, for example, in Art. 385⁵ or 556⁴ of the Civil Code.

⁹ Art. 355 of the Civil Code.

a rule, the entrepreneur's information obligation boils down to providing the consumer with complete, clear, legible, and non-misleading information about most circumstances related to their activity and offer (complete information about the entrepreneur, good, service, payment method, delivery, liability).

2. Sales and liability for goods

Concluding sales contracts is the most common expression of consumer activity in the market. The contract itself is regulated in the Civil Code (Art. 535 and following) and obliges the seller to transfer ownership of the thing to the buyer and deliver it, while the buyer is obliged to receive the thing and pay the price. The provisions require the seller to provide the consumer with detailed information and ensure a place of sale with appropriate technical and organizational conditions, serving, among other things, to check the functioning of the thing. In this regard, the seller's obligations are supplemented by another legal act – the Consumer Rights Act¹⁰, which in Art. 8 lists the information obligations of the entrepreneur in contracts other than those concluded at a distance or off-premises.

The sale of things is associated with the seller's liability under legal guarantee – in Polish it is „rękojmia” or „niezgodność towaru z umową” (the conformity of goods with the contract). This is the state after the change of law from January 1, 2023. Both forms of liability are strict liability, and in the case of consumers, they are absolute (they are not dependent on the seller's fault, liability cannot be excluded or limited).

„Rękojmia”, defined in Art. 556 and following of the Civil Code, is related to liability for things being immovable property (liability lasts 5 years) or works not being movable items (liability lasts 2 years). The seller liable for physical defects may be obliged to replace the product or remove the defect, and under certain conditions also to return all or part of the money if the buyer reduces the price or withdraws from the contract.

In the case of goods, i.e., movable items, as well as water, gas, and electricity, when they are offered for sale in a specified volume or quantity, the seller will be liable

¹⁰ Act of May 30, 2014, on consumer rights (consolidated text Journal of Laws of 2024, item 1796).

for non-conformity with the contract („niezgodność towaru z umową”). This is a modified liability regime, which before January 1, 2023, was „rękojmia”, and which, as part of the implementation of Directive 2019/771¹¹, found itself in the Consumer Rights Act¹². The principles of liability are similar to those in the case of „rękojmia”. The consumer may demand (in various variants) repair, replacement, may reduce the price or withdraw from the contract. These are standard measures to restore the equivalence of the contract, disturbed by the occurrence of non-conformity of goods with the contract. It is also worth emphasizing that the defect from the Civil Code consists in non-conformity with the contract. It is therefore the same type of liability with the reservation that liability in the Consumer Rights Act is characterized by greater detail (e.g., in terms of describing what should be considered as non-conformity in the subjective¹³ and objective¹⁴ sense).

However, with non-conformity of goods with the contract („niezgodność towaru z umową”), the scope of liability for damage caused by non-conformity is reduced (Art. 566 of the Civil Code extends it also to circumstances not caused by fault). The term of the so-called presumption of non-conformity is also different – in the case of „rękojmia” it is one year, in the case of non-conformity („niezgodność”) 2 years. In both cases, the seller is obliged to respond to the complaint within 14 days under penalty of recognizing the complaint.

As part of the commentary on the above, it is worth emphasizing that the concept of placing similar liabilities in different legal acts was not accurate. The resignation from established terminology, the lack of effort to unify and establish liability for non-conformity in the Civil Code, hinders consumers in reading the scope of the seller’s liability. It also makes it difficult for entrepreneurs to function, for whom the new provisions are not clear and require new interpretations.

11 Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28 and OJ L 305, 26.11.2019, p. 63).

12 I.e., Journal of Laws 2024.1796; the principles of this liability are regulated by Art. 43a-43f of the Consumer Rights Act.

13 This is a situation when goods do not meet the expectations or requirements of a specific consumer that were previously established with the entrepreneur.

14 This is a situation when goods do not meet standard, commonly expected features, functions, and quality that this type of product should have according to the contract and generally accepted norms and consumer expectations – regardless of individual arrangements between the buyer and seller.

This is also visible in doubts when granting commercial guarantee. This is additional, voluntary liability of the entrepreneur (guarantor) for the thing, regulated primarily in the Civil Code (Art. 577 and following). This is also liability for goods within the meaning of the Consumer Rights Act, with the proviso that as a result of the change in provisions from January 1, 2023, a fragmentary regulation regarding commercial guarantee appeared in this act, with no reference to the provisions of the Civil Code, which contains the remaining regulations regarding commercial guarantee. Such action seems to be a major error.

It is worth adding at this point that the legislative technique itself applied in the implementation of EU directives may raise some doubts. Adding letters to editorial units (e.g., Art. 43d regulating liability for conformity of goods with the contract) additionally complicates the reception of already not always clear provisions. It is hard to resist the impression that these provisions were created in some haste, which should not take place in the case of regulations with such a wide scope.

3. Contract for work

The contract for work, regulated in the Civil Code, in the “consumer” approach will usually concern the performance of a movable thing or work not being a movable thing. This division seems unnecessary and did not exist from the time of the previous major amendment in 2014 until January 1, 2023. Consequently, the Civil Code applies to each work (in terms of its performance), and „rękojmia” (e.g., when it will be work consisting in painting a wall or washing things) or „niezgodność towaru z umową” (when the work will be a movable thing, e.g., a combination of service with transfer of ownership of things) applies to liability for work. The scattering of liability principles across different legal acts (Civil Code and Consumer Rights Act) definitely makes interpretation and application of appropriate provisions difficult.

4. Provision of services

In Polish provisions, the provision of many services is regulated by separate provisions (e.g., financial or telecommunications services). Others may have fragmentary regulations (e.g., in terms of the level or quality of provision, for example, various

contracts concerning education). However, what connects all these contracts is the requirement of care in performing obligations, not the result that characterizes contracts for work. The provisions on mandate (Art. 734 and following of the Civil Code) apply accordingly to unnamed contracts. The distinction between unnamed contracts for the provision of services and work is sometimes non-intuitive and difficult for consumers (e.g., cosmetic service). The consequence is disputes regarding the right to withdraw from the contract, which is differently regulated in the provisions for these two types.

5. Contracts for the supply of digital content or digital service

This is a new category of defined contracts. As a result of the amendment, these contracts “fell out” from under the provisions on code mandate, which caused a reduction in the level of consumer protection (lack of possibility to terminate the contract at any time). The regulation is a consequence of the implementation of Directive 2019/770¹⁵, which is a late response of EU legislation to the widespread provision of digital contracts.

Two types of contracts were introduced into the legal order: for the supply of digital content (e.g., e-book) and digital services (e.g., hosting services). The regulation covered definitions of these contracts, principles of supply (including consequences of non-supply) and special principles related to the consequence of withdrawal from the contract (e.g., return of content produced by the consumer).

An important *novum* is the inclusion of both these types of contracts under liability for non-conformity, i.e., strict liability. The supplier is currently burdened with a broad presumption of non-conformity, which facilitates the consumer’s pursuit of claims (e.g., exempts them from proving that the signal during transmission was of poor quality). The consumer may demand removal of non-conformity (if possible and purposeful), as well as reduce the price or withdraw from the contract.

It is difficult at this moment to properly assess the effectiveness of these provisions from the Polish perspective: a significant part of such contracts is cross-border and

¹⁵ Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1 and OJ L 305, 26.11.2019, p. 60).

the number of consumer complaints related to this is insignificant. The specific hermeticity of the provisions and difficult language used in the Polish implementation do not help. This was implemented in the Consumer Rights Act in Art. 43e-43q.

6. Concluding contracts at a distance and off-premises

Contracts concluded at a distance¹⁶ and off-premises¹⁷ constitute a separate, horizontal “overlay” on the entire system. This is related to the method of concluding the contract, not its type. The Consumer Rights Act implemented Directive 2011/83¹⁸ and several subsequent ones introducing changes in this regard.

The arrangement of these provisions boils down to ensuring consumers broad access to information about the contract and counterpart, principles of concluding the contract, and the right to withdraw from the contract (including exceptions to this right).

In the Polish system, the right to withdraw from the contract was introduced even based on previous directives in 2000 and constituted a revolution at that time in terms of the approach to the durability of civil law contracts (the right to withdraw from the contract without giving reasons). Currently, the possibility of withdrawal from a contract concluded at a distance (especially) or offpremises is one of the rights best known to consumers. Moreover, a significant part of e-shops emphasizes the existence of this right, extending its scope and making it an instrument of a marketing nature.

Nevertheless, it should be noted that in the area of contracts concluded off-premises (e.g., sales events), the right to withdraw from the contract was supposed to constitute a safety valve in the face of quite widespread pathology in relation to consumers, especially seniors. Here, however, the legislator did not avoid errors and the regulation intended to protect primarily elderly people turned out, as a

¹⁶ This is a contract concluded without simultaneous physical presence of both parties, using means of distance communication, e.g., via the internet, by telephone.

¹⁷ This is a contract concluded with simultaneous physical presence of parties in a place that is not the premises of the given entrepreneur's business, e.g., door-to-door selling, buying during sales events.

¹⁸ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, OJ L 304, 22.11.2011, p. 64–88.

result of careless legislation, to be easy to circumvent (more about this in Chapter 1.2.).

7. Financial services

The increase in society's wealth has caused increased interest in financial services since the beginning of this century, provided, among others, by banks, lending institutions, insurance companies, and recently also by fintechs.

The European Union notices this development, issuing subsequent legal acts regulating the sector. One of the most important is the latest Directive 2023/2225¹⁹ on consumer credit agreements (full harmonization with options²⁰). By November 20, 2025, Poland should adopt new statutory provisions, with the date of entry into force from November 20, 2026. The assumptions of the draft law adopted so far²¹ assume, among other things, the abolition of the upper credit limit, which will cover a larger market. A ban on advertising suggesting is also introduced, the rigor of creditworthiness assessment is increased, and "buy now pay later" services are covered by the provisions. The principle of limiting credit costs will become a Union principle. In Poland, such limitations have been functioning for many years, with the latest limitations raising doubts in the context of impact on increasing the gray area (lower creditworthiness causes seeking financing from entities outside the controlled system).

These provisions are supplemented by Directive 2015/236 on payment services²² implemented in the Payment Services Act²³. Here the most important element (as could result from the number of disputes) is the distribution of the burden of liability for unauthorized transactions. In the projected provisions of the so-called PSR and PSD3 (regulation on payment services within the internal market and draft

19 Directive (EU) 2023/2225 of the European Parliament and of the Council of 18 October 2023 on consumer credit agreements and repealing Directive 2008/48/EC, OJ L, 2023/2225, 30.10.2023.

20 This is a model of adapting national law to European Union law that combines full harmonization with the possibility for member states to introduce additional or alternative solutions, provided that the Union legal act provides for this.

21 <https://www.gov.pl/web/premier/projekt-ustawy-o-kredycie-konsumenckim-oraz-o-zmianie-ustawy-o-prawach-konsumenta>

22 Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC, 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, p. 35–127.

23 Act of August 19, 2011, on payment services, consolidated text Journal of Laws of 2024, item 30, 731, 1222, of 2025, item 146.

directive on payment services and electronic money services), this liability will most likely be maintained at a high “Polish” level (Polish banks accused Poland of too rigorous and non-compliant with EU law implementation), which should be considered a positive impact of our regulations on EU law. New solutions will also affect other aspects, especially open banking.

8. Tourist events

The Tourist Events Act²⁴, which implemented Directive 2015/2302²⁵, is one of the most durable legislative solutions. It provides (like most consumer regulations) a broad pre-contractual information obligation and solutions in case of withdrawal from a tourist event, also in crisis situations in the destination. In addition to the obvious principle of liability for contract performance in accordance with the content (e.g., prospectus, assurances on the website), it continues the “tradition” of specific liability for lost vacation (a type of compensation liability for non-material damages). The regulation also covered for the first time linked travel services, partially extending liability for these to the main organizer.

However, it is worth pointing out that the weakness of this act is the lack of sanctions in the form of recognizing the complaint as justified if the tourism organizer does not respond to the consumer’s complaint within the appropriate time.

9. Transport

The principles of domestic transport partly remained outside European legislation, with elements of transport punctuality, especially aviation²⁶ and rail²⁷, becoming the subject of its interest. The first regulation concerning air transport was created over 20 years ago. It provides for monetary compensation (from 250 to 600 euros) for delays and canceled flights, *de facto* civilizing this aspect of transport. The

²⁴ Act of November 24, 2017, on package travel and linked travel arrangements, consolidated text Journal of Laws of 2023, item 2211.

²⁵ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

²⁶ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EWG) No 295/91, OJ L 046, 17/02/2004 P. 0001–0008.

²⁷ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on the rights and obligations of passengers in rail transport, OJ L 172, 17.5.2021, p. 1–52.

second, from 4 years ago, introduces percentage compensation in rail traffic.

There is a high probability that the compensation system in air traffic will be modified soon, precisely due to the rigidity of the solutions, allegedly strongly affecting transport profitability.

10. Telecommunications services

In Poland, since November 2024, a new law has been in force – the Electronic Communications Law²⁸. This is a delayed implementation of several EU acts, especially the European Connectivity Code²⁹.

The Polish regulation comprehensively addresses the principles of providing telecommunications services, introducing, for example, shortened pre-contractual information (contract summary), principles of prepaid settlements, contract extensions, or one charger model (USB C standard). At the same time, telecommunications operators gained the possibility of making changes to contracts by introducing modification clauses. Previously, this was not possible, and the market pointed to the impossibility of simple modifications of old contracts with low rates.

11. Unfair commercial practices

Questioning unfair behavior of entrepreneurs in a broader context became possible only with the entry into force of the Act on Counteracting Unfair Market Practices³⁰ in 2007 (this is an implementation of the directive on unfair commercial practices³¹).

The use of unfair commercial practices was prohibited. The general definition of such practice indicates that it is the behavior of an entrepreneur contrary to good customs, potentially influencing the market behavior of the average consumer. Narrower definitions occurring in the act concern unfair practices misleading by action or omission, as well as aggressive practices. The act also enumeratively

28 Act of July 12, 2024, Electronic Communications Law, Journal of Laws 2024, item 1221

29 Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, as amended)

30 Act of August 23, 2007, on counteracting unfair market practices, consolidated text Journal of Laws of 2023, item 845.

31 Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Directive on unfair commercial practices') (OJ L 149, 11.06.2005, p. 22)

lists practices that are unfair in all circumstances (e.g., presenting rights belonging to consumers by law as a distinguishing feature of the entrepreneur's offer).

The provisions enable the consumer to demand invalidation of the contract due to unfair practices, demand compensation, price reduction, cessation of practice, removal of its effects, and demand payment of an appropriate amount for a purpose related to consumer protection (quasi punitive damages). Consumer organizations or consumer ombudsmen may also file some demands.

12. Infringements of collective interests of consumers

The illegality of unfair commercial practices is quite often the basis for the President of OCCP to conduct proceedings in matters of infringements of collective interests of consumers. Practices where the impact of behavior on the market is controlled, not on the interest of an individual consumer.

The institution of protection of collective consumer interests (so-called injunction) was introduced to the Act on Competition and Consumer Protection³². Currently, its basis is Directive 2019/1³³, also aimed at improving such proceedings in the context of practices occurring simultaneously in many EU countries.

It is worth noting that this competence of the President is not new – it has been functioning in Polish (and European) law for over 20 years, allowing the body to shape the market. This is a very important competence because, in addition to orders, the President can impose high penalties on entrepreneurs engaging in practices.

13. Unfair contract terms

Abusive clauses, as unfair contract terms are commonly called, were originally regulated in Directive 93/13³⁴. This is one of the first directives introduced to the Polish legal order, then to the Civil Code in Art. 385¹-385³. This is a regulation that had a significant impact on the Polish consumer law system, especially regarding

³² Act of February 16, 2007, on competition and consumer protection, consolidated text Journal of Laws of 2024, item 1616.

³³ Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (OJ L 11, 14.01.2019, p. 3)

³⁴ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993, p. 29–34.

abusive clauses in so-called Swiss franc credit contracts.

Moreover, extremely important was (until 2016) the possibility of filing lawsuits for recognition of abusive clause (this was so-called abstract control). The Register of Abusive Clauses³⁵ functioning to this day gives the possibility to verify the correctness of the entrepreneur's operation (the register contains nearly 8 000 entries). The currently functioning system assumes control carried out by the President of OCCP, with this system being less dynamic than the previous one. The change regarding lawsuits for recognition of abusive clause was introduced as a result of the use of the old system by entities defrauding money, although it must be admitted that thanks to the shape of the earlier system, a rich Register of clauses was created.

The system of eliminating abusive clauses from circulation is also incidental control³⁶ – and such occurred in Swiss franc cases. According to CJEU rulings, and earlier ECJ (European Court of Justice), courts should ex officio examine whether abusive clauses occur in consumer contracts³⁷.

Elimination of a clause causes the contract to remain without the questioned provision, but in some cases (precisely Swiss franc cases) this caused the collapse of the entire contract. With the values of Swiss franc contracts, such an approach raised controversies, but subsequent rulings of Polish courts and the CJEU usually maintained such application of law.

I.1.3. CONCLUSIONS

As we indicated at the beginning of this chapter, the presented regulations are only a small part of the provisions concerning consumers. Reading this chapter, within which we only signaled certain issues and briefly described them, shows that consumer law is a very large branch of law, quite extensively developed and covering a very wide spectrum of matters. This causes the practical application of these provisions to be very difficult. It is difficult for the average consumer and

35 <https://rejestr.uokik.gov.pl/>

36 This is control in an individual consumer case performed by a common court.

37 E.g., cases C-240/98-C-244/98, C-397/11.

entrepreneurs to find their way in this thicket of regulations. This problem is sometimes also experienced by the institutions protecting consumer rights themselves. Moreover, attention must be paid to situations where legislative technique additionally complicates smooth navigation through the provisions and their reception. The best example of this are the regulations introduced from January 1, 2023, concerning the entrepreneur's liability for lack of conformity of goods with the contract, i.e., Art. 43a – Art. 43q of the Consumer Rights Act.

For several years, legislative intensification within the EU has been noticeable. For obvious reasons, this affects the legislation of member states, including Poland. Such a high pace of changes in regulations unfortunately makes its application difficult and causes confusion among consumers as well as entrepreneurs themselves. Recently, however, quite intensified deregulatory postulates have appeared. More and more frequently, there is talk about the need to simplify existing regulations and introduce facilitations for entrepreneurs.

The currently functioning regulations in the field of consumer law comprehensively protect consumers and should generally be assessed positively, with the note that in some areas they would require certain supplements and/or clarifications (more about this in Chapter I.2.). One can also express doubt whether they create a clear, coherent, and transparent system.

Regardless of the above, it must be emphasized that for the consumer law system to be effective, there must be real and effective application of these provisions by all stakeholders, i.e., consumers themselves, entrepreneurs, and institutions. As the following chapters of this report show, there is still much to be done in this area and this issue should be treated as key and priority.

I.2. PUBLIC CONSULTATIONS OF LEGAL ACTS IN PRACTICE — SELECTED EXAMPLES

Creating law is a difficult and complex process. However, the functioning of the state as a whole and the daily life of citizens depends on the quality of the constructed provisions and adopted solutions.

Good law should be:

1. precise and clear — this is important because citizens should be able to independently interpret the applicable provisions in one specific way. Legal imprecision may result in interpretive leeway;
2. internally coherent and non-contradictory — provisions must complement each other and be consistent;
3. constructed in such a way that it is not possible to easily circumvent the applicable regulations;
4. enacted in an organized and coordinated manner to avoid duplication of specific legal act projects;
5. adopted taking into account the voice of citizens.

If law does not meet these characteristics, it translates into a lack of possibility for its effective application and enforcement. As a result, citizens' interests are not protected and legal chaos arises.

The voice of citizens in the legislative process takes place through public consultations. In this way, a democratic rule of law ensures that the created regulations respond as well as possible to the needs of society. It is precisely during consultations that citizens have the opportunity to submit comments and express opinions on drafted legal acts. Consultations allow obtaining the perspective of entities outside the sector of state bodies and institutions, making it possible to construct provisions in such a way that they work as well as possible in their practical application, and also eliminate certain risks that the proposed regulations carry. Additionally, consultations can reveal new groups of stakeholders of the proposed solution and eliminate or minimize the risk of conflicts of interest. It is also significant that the effect of consultations is often the removal of mistakes and errors, drawing attention to unclear and imprecise formulations, or to negative consequences of proposed solutions. Consultations can also become a source of new solutions and proposals. In the case of regulations concerning the promotion and

protection of consumer rights, experienced consumer organizations associated in the Consumer Organizations Forum Forkon participate in public consultations.

In recent years, public consultations have been quite often omitted, and if they took place, their effectiveness was highly questionable in reality³⁸. In the area of consumer law, one can also find many examples where the voice of experienced consumer organizations was ignored, which objectively brought negative consequences for citizens.

The most important legal act from the consumers' point of view that "fell victim" to ignoring the voice of practitioners is the Act of May 30, 2014, on consumer rights (Journal of Laws of 2024, item 1796, consolidated text). The amendment of this act was processed simultaneously within the framework of the draft act amending the act on consumer rights and the Civil Code (catalog number UC53) and the draft act amending the act on consumer rights and certain other acts (number UC86). The first of these projects was prepared by the Minister of Justice, the second by the President of the Office of Competition and Consumer Protection. The simultaneous processing of two projects was already negatively assessed by entities participating in consultations.

The Minister of Justice's project introduced far-reaching changes in consumer law, i.e., among others, it transferred issues of seller's liability to the consumer for sold goods from the civil code to the consumer rights act. The legislator's intention was to regulate all consumer issues in one act. This intention was not realized from the beginning, as part of the provisions concerning consumers still remained in the civil code. The project met with broad and widespread criticism from consumer organizations, business organizations, and representatives of science³⁹. Attention was drawn, among others, to:

1. lack of maximum harmonization with the directive on certain aspects of contracts for the sale of goods;

³⁸ An analysis of the legislative process in Poland was included in the report "Polish Legislative Chaos" by the Stefan Batory Foundation from 2023 (available at: https://www.batory.org.pl/wp-content/uploads/2023/10/Polski.BezLad.Legislacyjny_XV.Raport.OFL_.pdf).

³⁹ <https://legislacja.gov.pl/projekt/12341810/katalog/12752750#12752750>.

2. confusion that would be caused by transferring provisions from the civil code to the consumer rights act;
3. introduction of new, previously unknown concepts (e.g., goods);
4. unclear proposed provisions and difficulty in their interpretation causing problems in practical application of regulations;
5. replacement of the already widely known and understandable institution of “rękojmia” with the institution of “niezgodność towaru z umową”;
6. unclear relationship between the civil code and the consumer rights act;
7. a series of comments regarding individual provisions as completely detached from reality.

The project of the President of the Office of Competition and Consumer Protection, in turn, covered the implementation of Directive 2019/2161⁴⁰, commonly known as the Omnibus directive. This project also met with criticism from practitioners. Interestingly, similar comments were submitted by both representatives of entrepreneurs and consumers⁴¹. During consultations, attention was drawn, among others, to:

1. unclear provisions;
2. introduction of casuistic provisions leaving large possibilities for circumventing them;
3. simultaneously introducing evaluative provisions leaving interpretive leeway (which obviously gives rise to disputes);
4. designing provisions in a way detached from actual market conditions, and consequently no chance of fulfilling their purpose (especially provisions intended to protect senior consumers from unfair sales events, e.g., prohibiting the conclusion of contracts regarding financial services at sales

⁴⁰ Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules.

⁴¹ <https://legislacja.gov.pl/projekt/12348651/katalog/12800316#12800316>.

events, but already allowing the conclusion of such a contract at the consumer's home "at their express invitation");

5. provisions regarding price presentation (so-called omnibus prices), which raised serious interpretive doubts from the beginning.

What is worth emphasizing is that in the case of both projects, there was a lack of cooperation with practitioners at the stage of their creation. Taking into account the voice of entities applying law at the stage of its creation (e.g., consumer ombudsmen or consumer organizations, as well as business organizations) would have allowed avoiding many practical problems that currently exist. The effect of such legislation are provisions that raised interpretive doubts from the beginning, contain gaps, and to this day constitute a source of many disputes between consumers, entrepreneurs, and institutions protecting consumers. Examples illustrating the above are issues such as:

1. the method of presenting omnibus prices raising doubts in the first months of the act's validity. The response to this were guidelines issued by the President of UOKiK at the beginning of May 2023 (after four months of the act's validity). It is worth noting that requests for such guidelines came from entrepreneurs even before the provisions came into force. Despite issuing these guidelines, the problem with applying the provisions still exists⁴²;
2. the problem of sales events targeted at seniors and circumvention of the act's provisions by dishonest entrepreneurs. Already in the first month of the new regulations' validity, sellers began to slip seniors documents to sign declaring "express invitation" to the client's home. As a result, it is much more difficult to prove the application of unfair commercial practices, as the entrepreneur has a signed "invitation" from the consumer;
3. unclear provisions containing gaps regarding the seller's liability for conformity of goods with the contract. There are doubts regarding issues of making defective goods available such as:

⁴² This circumstance is confirmed by the results of research conducted for the purposes of this report. More information is contained in Chapter IV of this report.

- should this be at the consumer's home or at the entrepreneur's premises?
- who should pack the goods if the entrepreneur sends a courier for them?
- where should the goods be examined if the consumer made a declaration about price reduction?

Another legal act that, as a result of lack of real discussion with stakeholders, introduced a dead institution is the act amending the act on pursuing claims in group proceedings and certain other acts, which introduced the institution of representative actions to the act of December 17, 2009, on pursuing claims in group proceedings (Journal of Laws of 2024, item 1485). The EU legislator's goal was to "strengthen member states' capacity for law enforcement, increase product safety and tighten international cooperation, and increase new possibilities for pursuing claims, especially through representative actions brought by authorized entities⁴³."

Already at the stage of work on the project, consumer organizations associated in the Forkon Consumer Organizations Forum drew attention to problems in the real possibility of applying these provisions in practice. The effect is that as of the date of preparing this report (with the provisions having entered into force in August 2024), the only entity authorized to bring representative actions (and that by force of law) is the Financial Ombudsman⁴⁴. As of May 22, 2025, no representative action has been brought. No experienced consumer organization (nor any other) has decided to register in the registry of entities authorized to bring such actions⁴⁵. The problem is extremely complex, but one of the most important obstacles is the lack of systemic support for consumer organizations in Poland, making it impossible for them to have a real possibility of conducting such proceedings.

Regardless of the above examples, it is also worth noting the many years of

43 "Recital 48 of Regulation of the European Parliament and of the Council (EU) 2021/690 of 28 April 2021 establishing the Single Market Programme for the competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations of the European Parliament and of the Council (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014.

44 <https://uokik.gov.pl/bip/rejestr-podmiotow-upowaznionych-do-wytaczania-powodztw-grupowych>.

45 <https://www.prawo.pl/biznes/powodztwa-przedstawicielskie-brakuje-podmiotow-w-rejestrze-uokik,532217.html>.

activities of the Stop Banking Lawlessness Association, which repeatedly proposed statutory solutions to the problem of so-called Swiss franc loans. The moment when such statutory solutions could have been introduced completely escaped the legislator, resulting in the current situation of paralysis of common courts in which currency loan cases are being considered.

Bearing in mind the presented examples, it can be assumed that an element of an effective and functioning consumer protection system should therefore be real cooperation between the legislator and government entities with the social side and practitioners – already at the stage of preparing legal regulations.

II. INSTITUTIONAL CONSUMER PROTECTION SYSTEM

II.1. GENERAL REMARKS

When speaking about the institutional consumer protection system, it is worth asking what it should actually be. In Greek, σύστημα (sýstema) means a compound thing, something that constitutes both unity and multiplicity. According to the PWN Encyclopedia, a system is a team of mutually coupled elements, fulfilling a specific function and treated as separated from the environment for a specific purpose (descriptive, research, or other application). Therefore, to speak of a system, there must be a certain (1) set of elements that (2) coexist to serve a specific purpose, are governed by specific, common principles, and (3) between which there are ordered relationships.

With the above in mind, in this part of the report we will analyze the Polish consumer protection system, paying particular attention to these three elements that determine whether we can speak of a system at all. Without anticipating conclusions, we will consistently use the commonly accepted and established phrase “consumer protection system” in the rest of this chapter.

II.1.1. ENTITIES CREATING THE CONSUMER PROTECTION SYSTEM

II.1.1.1. ELEMENTS OF THE SYSTEM

It is difficult to definitively determine how many institutions in Poland co-create the consumer protection system. The first institution that comes to mind is obviously the Office of Competition and Consumer Protection (OCCP), which is evident from its very name. Following the same logic, we would classify district and municipal consumer ombudsmen, consumer organizations, and the European Consumer Centre into the system.

Undoubtedly, the Financial Ombudsman is also an element of the system, whose subject matter jurisdiction extends beyond consumer protection, including, among

others, persons conducting sole proprietorship businesses and those injured in insurance events, who are not consumers. Among the institutions whose purpose is broadly understood consumer protection, we would also include the Trade Inspection – which administratively supervises compliance with business activity regulations and product quality – and its counterpart in the food market, i.e., the Trade Quality Inspection of Agricultural and Food Products. The National Tax Administration performs extremely important tasks in controlling imported goods in terms of product safety, controlling imported products and goods that may pose a threat to consumers or the environment. A typically ombudsman institution is the Patient Rights Ombudsman (RzPP), which acts on behalf of yet another category of persons, namely patients – regardless of whether they have consumer status or not. A consumer who needs help in a dispute with an entrepreneur can theoretically still obtain it at free legal aid points.

This is where the obvious ends. It is no longer certain whether the supervisory bodies for individual industries can also be considered elements of the system, namely: the Financial Supervision Commission, the Civil Aviation Office, the Railway Transport Office, the Electronic Communications Office, and the Energy Regulation Office. Their role is primarily to regulate individual markets, authorize entities that want to operate on them, and supervise their activities. At the same time, however, within the structures of virtually every one of these regulatory bodies, there functions a unit responsible for protecting customers in a given market. Their scopes of activity differ both in subjective and objective aspects. They protect not only consumers but also other market participants who do not necessarily have to be consumers within the meaning of Art. 22¹ of the Civil Code Act, passengers in rail or air transport. They implement this protection using various tools, which we discuss in more detail later in this chapter, and whose scope also varies depending on which office is involved.

In the broadest sense, law enforcement agencies (after all, consumers are also protected by criminal law), judicial institutions (before which consumers pursue claims), and amicable claim resolution mechanisms – arbitration courts, entities dealing with alternative dispute resolution (ADR), the Banking Arbitrator – can also

be considered elements of the system.

In addition to institutions operating in Poland, there is also a common system for all EU countries for controlling the safety of products and services. The European Commission oversees it, supervising the so-called VLOPs and VLOSEs¹ within the framework of compliance with the provisions of the so-called DSA Regulation². The Commission also supervises the so-called gatekeepers, who under the DMA Regulation³ are obliged to counteract monopolistic practices and create a more balanced digital system.

II.1.1.2. COMMON PURPOSE, OPERATING PRINCIPLES AND ORDERED RELATIONSHIPS

A functioning system should have specific goals and implement them by setting priorities and defining tasks. Based on information from the environment, the system should also modify priorities and update tasks to achieve the set goals.

While the goals of the consumer protection system can be defined at a very general level (safety, protection, welfare of the weakest market participants), this is difficult at the level of specifics. Meanwhile, it is impossible to act simultaneously on all fields – therefore priorities must be set. In the consumer protection system in Poland, however, no one sets priorities and related specific tasks. One could say “anymore,” because this did take place in the past – every few years the government adopted and published a consumer policy. OCCP was responsible for its development, diagnosing the market situation and proposing solutions to problems. The last such document covered the years 2014–2018⁴. The document specified that it covers not only OCCP’s activities but also those of other bodies and institutions, and emphasized the benefits of exchanging experiences and knowledge between them⁵. The same document included a diagram that placed OCCP at the center of

¹ Very Large Online Platforms, i.e., very large internet platforms, and Very Large Online Search Engines, i.e., very large internet search engines, bearing responsibility for user protection and combating illegal content.

² Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ EU L 277 of 27.10.2022, p. 1).

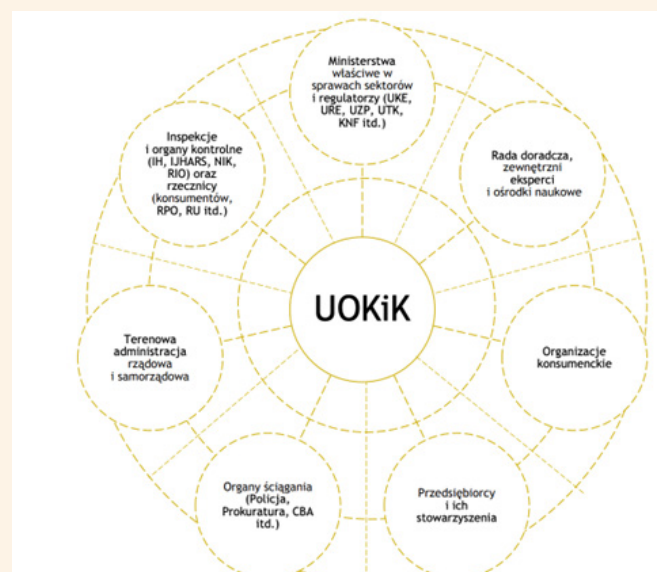
³ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

⁴ Competition and Consumer Protection Policy, Warsaw 2015, <https://uokik.gov.pl/download/16694>, p. 10.

⁵ Ibid., p. 10.

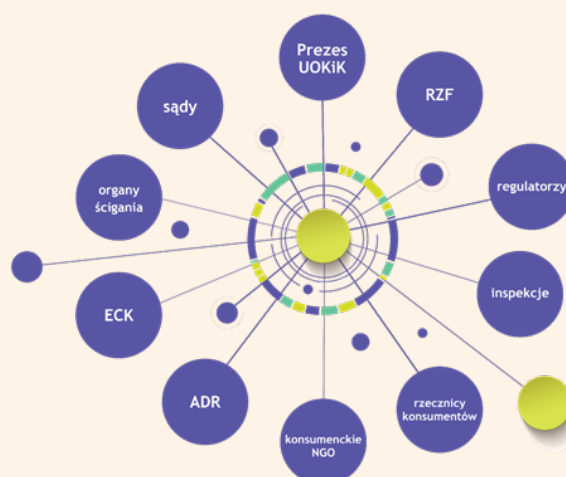
the consumer protection system⁶.

Figure 1. OCCP in the consumer protection system – 2015



At the end of the period covered by the *Policy*, work began at OCCP on a new policy, but to this day such a document has not been created. Around this time, it can be observed that OCCP itself withdrew from the role of a superior, managerial institution, although it was and still is perceived as such. This is well illustrated by the diagram that appeared in OCCP's presentation in 2019 during a conference on the occasion of the twentieth anniversary of consumer ombudsmen⁷.

Figure 2. OCCP in the consumer protection system – 2019



⁶ Ibid., p. 17.

⁷ Own archive.

Instead of a central role in the system, OCCP is on it only one of the planets orbiting around an unnamed and unidentified object. A telling sign of this process was the renaming of OCCP's Consumer Policy Department to the Department for Protection of Collective Consumer Interests, which clearly suggests a narrower scope of competence. Interestingly, the Consumer Policy Department operates instead in the Electronic Communications Office.

The result of the lack of coordination and supervision over the activities of individual elements of the consumer protection system is obvious. Every office and every institution sets its own goals, priorities, and ways of achieving them. What is the effect of this? Everyone acts according to their own judgment and intuition, not paying attention to the activities of other entities in the system. Unfortunately, the effect is that some areas of consumer protection remain unaddressed. Gaps are therefore created, which opens space for the gray or even black market. Various kinds of abuses and frauds develop and flourish in it, of which consumers fall victim. State institutions do not always react quickly enough – before any of them considers itself competent to take any action, quite a bit of time passes. It was in such unaddressed areas that the biggest scandals and abuses of the last two decades were born: Swiss franc loans, polydeposits, Amber Gold, Getback.

When talking about the system and the institutions that create it, it is worth analyzing the regulations under which individual institutions operate. One cannot help but feel that in the selection of their competencies there was a lack of a systemic approach. Some institutions act only *ex officio* and do not intervene in individual cases, while others very much undertake such actions. Moreover, some have the competence to independently resolve consumer disputes in a given market, while others act as impartial arbiters or mediators. The table below compares the tools available to supervisory bodies.

Table 1. Tools available to supervisory bodies⁸

	ECK	IH	KNF	RK	RF	ULC	UKE	UOKiK	URE	UTK
Intervention in individual consumer/client matters	+			+	+		+			
Resolution of individual disputes									+	
Individual opinion presented in court proceedings				+	+			+		
Filing a lawsuit/joining proceedings				+						
Supervisory proceedings						+				
ADR entity		+			+	+	+		+	+
Arbitration court		+	+							
Proceedings concerning infringement of collective consumer interests								+		+
Proceedings concerning Unfair contract terms								+		
Representative actions					+					

List of abbreviations: ECK – European Consumer Centre, IH – Trade Inspection, KNF – Financial Supervision Commission, RK – consumer ombudsman, RF – Financial Ombudsman, ULC – Civil Aviation Office, UKE – Electronic Communications Office, UOKiK – Office of Competition and Consumer Protection, URE – Energy Regulation Office, UTK – Railway Transport Office

Additionally, the competencies of some entities overlap. For example, both consumer ombudsmen and Voivodeship Trade Inspection Inspectorates, as well as some consumer organizations (e.g., Consumer Federation, Aquila Consumer Protection Association) deal with consumer counseling. Another example – although consumer ombudsmen have a statutory right to join ongoing proceedings in cases concerning the protection of consumer interests with the consent of consumers, as well as to file lawsuits on behalf of consumers, a small part of ombudsmen use this form of support. According to the report on ombudsmen's activities in 2018

⁸ The source for Tables and Charts is Authors' own elaboration, unless stated otherwise.

(unfortunately, there are no newer reports), the vast majority of ombudsmen (78% of all) do not conduct court cases at all⁹. The activity of ombudsmen in this area continues to remain at a similar level. Some consumer organizations (e.g., Aquila Consumer Protection Association, Consumer Federation) try to fill this gap, but the scale of this activity is far insufficient.

In view of the above, the fundamental question seems to be – how is a consumer supposed to navigate the existing network of institutions and their competencies? How are they supposed to know where to get help with their case? Especially since some institutions have horizontal jurisdiction (i.e., they cover all industries with their activities, not just a segment of the market), so their competencies may duplicate the competencies of supervisory bodies. Reality shows that this knowledge among consumers is not good (more about this in Chapter III). Moreover, individual institutions do not know the specifics of the activities and competencies of others, so consumers are often repeatedly referred between institutions. It is therefore hard to be surprised that many people feel defenseless against entrepreneurs and finally give up pursuing their rights, even if they are right (more about this in Chapter IV.2.5.).

To summarize, in Poland, in the context of consumer protection, we cannot speak of a system understood as a team of elements characterized by a common goal and operating principles as well as ordered relationships. A team of elements (institutions) actually exists. However, it is clear that there are no relationships or operating principles between them that would allow them to define common goals and paths that lead to them and coordinate actions. At best, one could speak of a spontaneous system, i.e., one functioning without external influence and in an unplanned manner. Without going into academic nuances, we are inclined toward the thesis that there is no consumer protection system in Poland.

The fundamental problem of the Polish consumer protection system is the lack of cooperation between institutions, and especially the lack of information flow. This makes it impossible to set goals for the whole and, consequently, coordinate actions

⁹ OCCP publication entitled "Activities of district and municipal consumer ombudsmen in 2018," p. 70; access: <https://www.uokik.gov.pl/download.php?id=19216>

within the system. Each institution collects knowledge about market problems on its own and tries to counteract them on its own. As a result, institutions waste their limited resources on diagnosing problems that others may already know about and searching for solutions that others may have found long ago. There is a lack of a holistic view of the market, and problems are solved on a case-by-case basis, not systemically.

The lack of a consumer protection system naturally translates into the weakening of consumers' market position, who are helpless and without chances of obtaining systemic support when problems arise. In the face of dysfunction or even paralysis of the judiciary, consumers have no real chance of pursuing their rights, however justified they may be. The most persistent obtain justice in European courts after years-long processes, but this rarely triggers an avalanche of systemic solutions. The problems with Swiss franc loans are an excellent example of this.

II.1.2. METHOD OF EXAMINING INDIVIDUAL INSTITUTIONS OF THE CONSUMER PROTECTION SYSTEM

As already indicated earlier, there are many entities in Poland dealing with consumer protection. The thematic scope of cases they handle and the catalog of their competencies are different. The scale of their activities looks similar.

Due to the limited scope of this publication, its initiators had to select institutions that would be examined in the context of the functioning of the consumer protection system in Poland. Finally, those entities were selected that represent individual institutional levels, as well as those whose scope of activity is the broadest and to which the largest number of consumers turn. The intention in creating the report was to verify the different levels at which assistance is provided to consumers. In connection with the above, the following were ultimately selected as representative entities:

1. Office of Competition and Consumer Protection (OCCP) – The President of the Office is a central government administration body competent in

matters of competition and consumer protection, appointed and supervised by the Prime Minister. The President of the Office performs his tasks with the help of the Office of Competition and Consumer Protection. However, OCCP does not act in individual consumer cases – its activity focuses on the collective interest of consumers;

2. consumer ombudsmen – district (municipal) consumer ombudsmen carry out tasks of district self-government in the field of consumer rights protection. The catalog of ombudsmen's powers is broad. It is they who provide direct support to consumers in their individual cases;
3. Voivodeship Trade Inspection Inspectorates – The Trade Inspection is a specialized control body established to protect the interests and rights of consumers and the economic interests of the state. It has a very broad catalog of control competencies. Its tasks are performed by the President of OCCP and the voivode with the help of the voivodeship trade inspection inspector. The voivodeship inspector manages the activities of the voivodeship trade inspection inspectorate;
4. European Consumer Centre – The European Consumer Centres Network (ECC-Net) is a network of 30 centres in 27 European Union member states, Great Britain, Norway, and Iceland. European Consumer Centres are co-financed by the European Commission and national governments as part of European policy aimed at helping every citizen in Europe use the single market. The network's goal is to provide free assistance and advice to consumers regarding cross-border purchases in 30 countries;
5. Consumer non-governmental organizations – consumer organizations represent consumer interests before government and self-government administration bodies and may participate in implementing government consumer policy. They have been granted a fairly broad catalog of powers.

Analysis of specific institutions that have the most contact with consumers on a daily basis gives a certain general and realistic picture of what the current condition

of the institutional consumer protection system in Poland looks like.

Taking into account the specificity of each selected entity's activities, the method of examining individual institutions and adopted indicators are different, as they depend on the competencies and scope of their activity:

1. in the case of OCCP, the basis were decisions issued by the President of the Office against entrepreneurs in the area of protecting collective interests of consumers, as well as regarding abusive clauses. Additionally, we examine what is the effectiveness of decisions regarding protection of collective interests of consumers, i.e., how many of them are upheld before common courts;
2. regarding consumer ombudsmen, due to the limited number of available sources and data, we examine trends. We verify whether the overall number of advice provided and interventions against entrepreneurs is increasing or decreasing, as well as how active ombudsmen are in providing assistance at the court stage. Additionally, we examine the working conditions of consumer ombudsmen – to what extent they are employed, whether they work alone or with the help of an ombudsman's office, and what kind of deficits they encounter;
3. in Voivodeship Trade Inspection Inspectorates, data concerning the following areas were examined: (i) what is consumers' interest in out-of-court resolution of consumer disputes, (ii) how willingly consumers use the arbitration court institution, (iii) on what scale are controls conducted at entrepreneurs regarding control of legality and reliability within the meaning of separate provisions regarding production, trade, and services (Art. 3 para. 1 point 1 of the Trade Inspection Act);
4. in ECC we examined the scale of counseling provided to consumers, including the thematic scope of incoming inquiries and conducted cases;
5. consumer organizations were examined based on publicly available data, primarily from the OCCP website, inquiries under the public information

access procedure to the National Institute of Freedom – Civil Society Development Center, and based on own data of organizations creating this report.

In each of the examined institutions, except for consumer organizations, the source of data is information obtained under the public information access procedure or data available on these institutions' websites. Data obtained in this way guarantee objectivity, quality, and reliability of received content and are the best basis for conducting a substantive assessment of reality. After receiving answers to questions asked to individual institutions, data were aggregated in such a way that their interpretation could be made.

The study of institutions took into account the period from January 1, 2020, to December 31, 2024. The selected time period allows for a broader view of data collected during this time and drawing conclusions about certain phenomena and trends. The last five years was also a very difficult and dynamic period from the consumers' point of view due to:

1. COVID-19 pandemic – during this time many previously unprecedented dilemmas appeared, many problems arose regarding interpreting and applying law, and demand for consumer assistance (at least in the first period of the pandemic) increased;
2. outbreak of war as a result of Russia's military aggression against Ukraine, which caused a sudden influx of refugees to Poland, who became full-fledged consumers in Poland;
3. entry into force from January 1, 2023, of new legal regulations resulting from delayed implementation of EU directives. Existing provisions underwent quite significant changes, which naturally also caused greater demand for consumer support.

In some cases, we additionally reached for even older data to best illustrate specific phenomena and trends.

Taking the above into account, the period 2020–2024 constituted a serious test for the entire consumer protection system and a kind of examination of how effectively and efficiently the state apparatus is able to cope with emerging challenges, as well as how it responds to sudden and difficult situations.

II.2 OFFICE OF COMPETITION AND CONSUMER PROTECTION

II.2.1. LEGAL BASIS OF OPERATION AND RATIO LEGIS OF THE INSTITUTION

II.2.1.1. Development of Consumer Protection in Poland

The history of the Office of Competition and Consumer Protection dates back to the 1980s. When Poland was developing a free market system, the legislator entrusted tasks related to combating unfair competition to the Minister of Finance¹⁰. At the turn of the 1980s and 1990s, when Poland was still a people's republic, emphasis was placed on competition protection law and there were no institutionalized consumer protection tools. With the progressive transformation of the economy, on April 13, 1990, the Antimonopoly Office¹¹ was established—a central state administration body subordinate to the Council of Ministers, headed by a President¹². At the same time, foundations were created for establishing future regional offices of the Office, competences for issuing administrative decisions, and an appeal to the Voivodeship Court in Warsaw (antimonopoly court)¹³ was introduced, thus creating the foundations for OCCP's functioning.

The beginning of today's institutional consumer protection system can be marked by Poland's signing of the European Agreement¹⁴ between the European Communities and their Member States and the Republic of Poland on December 16, 1991. The agreement's purpose was, among others, to adapt regulations in

¹⁰ Act of January 28, 1987 on counteracting monopolistic practices in the national economy (Journal of Laws of 1987 No. 3, item 18).

¹¹ Act of February 24, 1990 on counteracting monopolistic practices (Journal of Laws No. 14, item 88 as amended).

¹² J. Borkowski, Legal foundations of structure and properties of bodies [in:] System of Private Law. Volume 15, ed. M. Kępiński, Warsaw 2013.

¹³ *Ibidem*.

¹⁴ European Agreement establishing an association between the Republic of Poland, on the one hand, and the European Communities and their Member States, on the other hand, drawn up in Brussels on December 16, 1991 (Journal of Laws 1994 No. 11 item 38).

the field of competition law, health and life protection, and consumer protection¹⁵. Under the Agreement, the Polish government was obligated to ensure citizens an adequate level of consumer protection. Thus, in 1996, with the transformation of the Antimonopoly Office into the Office of Competition and Consumer Protection, consumer protection was officially included in the institution's statutory tasks¹⁶.

On December 15, 2000, the Act on Competition and Consumer Protection¹⁷ was issued, which, along with ongoing accession work, was amended to implement Community directives. The 2000 Act was repealed and currently the basis for the Office's functioning is the Act of February 16, 2007 on Competition and Consumer Protection¹⁸.

II.2.1.2. Competences of the President of OCCP

The President of OCCP is a central government administration body operating under the supervision of the Prime Minister and performing competition protection tasks in accordance with EU law. The President of the Office performs his tasks with the assistance of the Office of Competition and Consumer Protection. The Office structure includes the Headquarters in Warsaw and eight regional offices managed by directors. The basic scope of the President of OCCP's activities in the area of consumer protection includes counteracting infringing collective interests of consumers, monitoring the use of abusive clauses by entrepreneurs and the safety of products intended for individual use¹⁹.

II.2.1.2.1 Infringements of Collective Interests of Consumers

According to Article 24 of the Act on Competition and Consumer Protection, control regarding infringements of collective consumer interests covers such practices as infringing the obligation to provide consumers with reliable, truthful and

15 M. Malczyńska-Biały, *Consumer policy in the process of accession of the Republic of Poland to the European Union*. European Integration Yearbook 12/2019, p. 335.

16 P. Sikora, 30 years of consumer protection. Do we finally have more rights than entrepreneurs? <https://serwis.gazetaprawna.pl/poradnik-konsumenta/artykuly/1410329,30latwolnosci-30-lat-ochrony-konsumenta-konsumenci-a-przedsiębiorcy.html> (accessed: April 9, 2025).

17 Act of December 15, 2000 on competition and consumer protection (Journal of Laws 2000 No. 122 item 1319 as subsequently amended).

18 Act of February 16, 2007 on competition and consumer protection (Journal of Laws 2007 No. 50 item 331 as subsequently amended).

19 *Protection of collective consumer interests* [in:] *Economic law. Public law aspects*, ed. H. Gronkiewicz-Waltz, M. Wierzbowski, Warsaw 2013, p. 439.

complete information; unfair commercial practices or acts of unfair competition; proposing that consumers purchase financial services that do not meet the needs of those consumers established taking into account information available to the entrepreneur regarding the characteristics of those consumers, or proposing the purchase of these services in a manner inadequate to their nature. However, the President may initiate proceedings in the case of any other practice that he considers to infringement collective interests. It is worth emphasizing that the President's powers do not cover situations where individual consumer rights are violated, but only collective violations, e.g., the President of OCCP may issue a decision in the case of an entrepreneur using dishonest advertising, but not when an individual consumer's complaint has not been considered²⁰.

II.2.1.2.2 Control of Abusive Clauses

According to Article 23a of the Act on Competition and Consumer Protection, the use of unfair contract terms in standard contracts concluded with consumers is prohibited. A clause used by an entrepreneur is called unfair contract term when it has not been individually agreed with the consumer and at the same time shapes his rights and obligations in a manner contrary to good customs, grossly violating his interests²¹. The President of OCCP conducts abstract control (i.e., does not consider individual consumer cases and does not protect their particular interests) based on notifications submitted, for example, by the Financial Ombudsman, consumer organizations or consumers themselves²². However, the President of OCCP does not have competence to recognize cases regarding unfair contract terms in contracts between entrepreneurs (B2B contracts) or between consumers (C2C), but only in consumer-entrepreneur relations (B2C contracts).

II.2.1.2.3 Proceedings Before the President of OCCP and Issuing Decisions

Usually, the first stage of proceedings before the President of OCCP, before formal proceedings are initiated against a specific entity, is the initiation of explanatory

²⁰ *Ibidem*, p. 453.

²¹ The definition of a abusive clause is contained in Article 385¹ of the Act of April 23, 1964—Civil Code (Journal of Laws of 2024 item 106).

²² *Protection of collective...*, p. 457.

proceedings. Its purpose is to determine whether there are grounds to suspect a infringing of regulations. As part of non-binding activities, the President of OCCP may address a so-called soft intervention to the entrepreneur, calling on him to provide explanations, change behavior or cease unfair practices. Soft intervention gives the addressee the opportunity to change the existing practice and thus avoid initiating proceedings. At the same time, it gives the entrepreneur an opportunity to present arguments in favor of the compliance of his conduct with the law, which may persuade the President of OCCP to consider this practice legal.

If the President finds a violation of applicable regulations during explanatory proceedings, he may—depending on the entrepreneur’s attitude—undertake proper proceedings in which he issues a decision. By virtue of it, he recognizes the practice as infringing collective interests of consumers and orders cessation of its application. He may also impose so-called remedial measures aimed at eliminating the effects of the infringement and ensuring the effectiveness of the prohibition on continuing the given practice. Such measures consist, for example, of imposing an obligation on the entrepreneur to make a specific statement or publish the content of the decision. Furthermore, the content of such decisions may also include imposing a financial penalty, the amount of which may reach a maximum of 10% of the turnover achieved by the entrepreneur in the previous business year. Penalties may also apply to management personnel²³. However, if the entrepreneur ceased applying the practice infringing collective interests of consumers during the proper proceedings, the President of the Office issues a decision recognizing the practice as infringing collective interests of consumers and stating the cessation of its application.

Appeals against decisions of the President of OCCP may be filed by the party or parties to the proceedings to the Court of Competition and Consumer Protection (this is the XVII Division of the District Court in Warsaw), and then appeals may be filed against the judgment of Court of Competition and Consumer Protection to the Court of Appeal in Warsaw and a cassation complaint to the Supreme Court²⁴.

²³ *Ibidem*, p. 460.

²⁴ *Protection of collective...*, p. 457.

Appeals against decisions of the President of OCCP in matters of general product safety, market surveillance and requirements for non-food products are subject to administrative appeal procedures and the possibility of filing a complaint to the administrative court—the Voivodeship Administrative Court in Warsaw. In addition, a complaint to the Voivodeship Administrative Court is available in case of inactivity or prolonged conduct of proceedings by the President of OCCP.

II.2.1.2.4 Product Safety

The President of OCCP supervises general product safety. He is responsible, among others, for planning and supervising controls, conducting proceedings, maintaining a register of dangerous products, and collecting information about threats. He also decides whether a given product—including one controlled by the Trade Inspection—is dangerous. After completing evidentiary proceedings, the President of OCCP issues a decision. It may, among others, impose an obligation to mark the product with warnings, inform consumers about the threat or—if the product does not meet safety requirements—prohibit its introduction to the market, order its withdrawal, warn consumers and destroy products already in circulation (when other measures are insufficient). Such products are entered into the register of dangerous products²⁵. For violating regulations, the President of OCCP may also impose a monetary penalty of up to PLN 100 000.

II.2.1.2.5 Other Competences

Other tasks of the President include, among others, managing the system for monitoring and controlling the quality of fuels and solid fuels (in this matter he also issues decisions from which appeals by parties are possible) and monitoring the system of amicable resolution of consumer disputes. He may also present important views on consumer protection in cases pending before common courts²⁶.

According to the draft act of March 14, 2025 on amending the Act on the provision of services by electronic means and certain other acts²⁷, which is to implement the

²⁵ *Ibidem*, p. 467.

²⁶ *Ibidem*, p. 28.

²⁷ Draft act of March 15, 2024 on amending the act on the provision of services by electronic means and certain other acts <https://legislacja.rcl.gov.pl/projekt/12383101> (accessed: April 14, 2025).

EU Digital Services Act²⁸ into Polish law, the President of OCCP is to be the competent authority in consumer matters under the Digital Services Act in the future, as well as cooperate with the digital services coordinator, the President of the Office of Electronic Communications, in performing his tasks.

II.2.2. ASSESSMENT OF THE INSTITUTION'S OPERATION AND EFFECTIVENESS BASED ON COLLECTED DATA

II.2.2.1. DATA FROM OCCP ACTIVITY REPORTS FROM 2020-2024

II.2.2.1.1. General Information

At the end of April 2025, OCCP published an activity report for 2024, which presented much data important from the perspective of assessing the operation and effectiveness of work undertaken by the Office in the field of consumer protection. This data can be compared with that presented in OCCP activity reports from previous years (2020, 2021, 2022 and 2023) to observe trends of changes over the last year.

In 2024, the President issued 398 decisions in the area of consumer protection²⁹. This means that the number of decisions in this area decreased by 42% compared to 2023 (685)³⁰, by 31% compared to 2022 (577)³¹, by 38% compared to 2021 (645)³² and by 52% compared to 2020 (814)³³. In 2024, the President of the Office initiated 128 explanatory proceedings, including 36 proceedings in cases of practices infringing collective interests of consumers; 5 proceedings in cases of recognizing contract template provisions as unfair contract terms; 43 proceedings regarding control of decision implementation and 14 proceedings regarding imposing penalties for lack of cooperation³⁴. This represents a significant decrease

28 Regulation of the European Parliament and of the Council (EU) 2022/2065 of October 19, 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance) (OJ L 277, 27.10.2022, p. 1–102).

29 OCCP, *Report on OCCP activities for 2024...*, p. 8

30 OCCP, *Report on OCCP activities for 2023*, Warsaw 2024, p. 8

31 OCCP, *Report on OCCP activities for 2022*, Warsaw 2023, p. 8.

32 OCCP, *Report on OCCP activities for 2021*, Warsaw 2022, p. 8.

33 OCCP, *Report on OCCP activities for 2020*, Warsaw 2021, p. 7.

34 OCCP, *Report on OCCP activities for 2024...*, p. 28

compared to the number of explanatory proceedings in 2021-2023³⁵ (respectively 171 explanatory proceedings in 2021, 203 in 2022 and as many as 209 in 2023)³⁶. In 2023, almost twice as many proceedings were initiated in cases of practices infringing collective interests of consumers and in cases of recognizing contract template provisions as unfair contract terms than in 2024.

Based on available data, it is difficult to unambiguously indicate the reasons for the decline in the Office's activity in the area of consumer protection. It should be remembered that during the analyzed period we dealt with consumer problems arising during the COVID-19 pandemic. In addition, OCCP also dealt with foreign currency loan cases. These factors could influence the intensity of the President of OCCP's activities. This issue would require in-depth research.

II.2.2.1.2. Decisions in Cases of Practices Infringing Collective Interests of Consumers and Recognition of Contract Template Provisions as Unfair Contract Terms

In 2024, the President issued 64 decisions in cases of practices infringing collective interests of consumers, 6 decisions in cases of recognizing contract template provisions as unfair contract terms and 18 decisions on imposing penalties for lack of cooperation³⁷. At the same time, the President of OCCP directed 267 soft interventions to entrepreneurs in 2024. Comparing data with reports from previous years, one can notice a similar number of decisions in cases of practices infringing collective interests of consumers (66 in 2023, 79 in 2022, 59 in 2021, 60 in 2020) and a reduced number of decisions in cases of recognizing contract template provisions as unfair contract terms (19 in 2023, 18 in 2022, 10 in 2021, 16 in 2020), as well as a twofold increase in the number of decisions on imposing penalties for lack of cooperation compared to the previous year (9 in 2023, 6 in 2022, 15 in 2021, 9 in 2020)³⁸.

In 2024, the President of OCCP imposed total penalties of PLN 937,6 million, of which

³⁵ In 2020, only 88 explanatory proceedings were initiated—this could result from organizational difficulties related to the COVID-19 epidemic.

³⁶ OCCP, *Report on OCCP activities for 2023...*, p. 38.

³⁷ OCCP, *Report on OCCP activities for 2024...*, p. 28.

³⁸ OCCP, *Report on OCCP activities for 2023...*, p. 39. OCCP, *Report on OCCP activities for 2022...*, p. 38; OCCP, *Report on OCCP activities for 2021...*, p. 50; OCCP, *Report on OCCP activities for 2020...*, p. 67.

PLN 84,1 million for practices infringing collective interests of consumers, PLN 178,8 million in connection with recognizing contract template provisions as unfair contract terms and PLN 0,8 million in the area of general product safety³⁹. In 2024, the President of OCCP imposed monetary penalties on entrepreneurs with a total value of PLN 84,1 million for applying practices infringing collective interests of consumers⁴⁰. In the same year, penalties for using unfair contract terms were even higher and amounted to PLN 178,8 million⁴¹. For comparison—in 2023, the total value of all penalties imposed by OCCP was lower and amounted to PLN 612,3 million, but more than half of this amount (PLN 384,5 million)⁴² concerned only practices infringing collective interests of consumers. In the case of abusive clauses, the sum of penalties in 2023 was significantly lower—it amounted to PLN 37,9 million, i.e., more than four times less than in 2024⁴³. In 2024, there was a clear increase in financial penalties in the area of unfair contract terms, while in the previous year, similarly to 2020-2022, penalties for infringing collective interests of consumers dominated⁴⁴. In 2024, proceedings were completed against some of the largest entrepreneurs in the Polish market, including against the electronic payments giant PayPal (Europe), cable television operator Vectra S.A. and the company Polska Energia Grupa Kapitałowa sp. z o.o. sp. k.⁴⁵. Although the number of initiated proceedings was lower than in previous years, the amount of imposed penalties was large. This is influenced by the completion in 2024 of cases conducted against large entities, with proceedings initiated as early as 2022 (e.g., against PayPal) or in 2023 (e.g., against Polska Energia Grupa Kapitałowa).

39 OCCP, *Report on OCCP activities for 2024...*, p. 8.

40 See OCCP, *Report on OCCP activities for 2024...*, p. 30: PLN 31,8 million penalty imposed by decision DO-ZIK-5/2024 on Amazon EU Sarl; PLN 12 million penalty imposed by decision RKT-4/2024 on Profi Credit Polska S.A.; PLN 20,6 million penalty imposed by decision RKT-3/2024 on Profi Exim S.A.; other penalties amounting to PLN 19,7 million.

41 See *Ibidem*: PLN 106,7 million penalty imposed by decision DOZIK-7/2024 on PayPal (Europe); PLN 68,5 million penalty imposed by decision DOZIK-9/2024 on Vectra S.A.; PLN 2,8 million penalty imposed by decision RtO-8/2024 on Polska Energia Grupa Kapitałowa sp. z o.o. sp. k.; other penalties amounting to PLN 0,8 million.

42 OCCP, *Report on OCCP activities for 2023...*, p. 8.

43 *Ibidem*, p. 39.

44 PLN 80 million penalty in connection with applying practices infringing collective interests of consumers and PLN 22,1 million in connection with recognizing contract template provisions as unfair contract terms in 2022, PLN 150 million in connection with practices infringing collective interests (...) and PLN 3,3 million in connection with recognizing provisions (...), PLN 315 million in connection with practices infringing collective interests (...) and PLN 129,3 million in connection with recognizing provisions (...) in 2020.—See respectively OCCP, *Report on OCCP activities for 2022...*, p. 39–40; OCCP, *Report on OCCP activities for 2021...*, p. 51; OCCP, *Report on OCCP activities for 2020...*, p. 7.

45 See decision of the President of OCCP of July 9, 2024 DOZIK-7/2024, PayPal (Europe); decision of the President of OCCP of December 30, 2024 DOZIK-9/2024 Vectra S.A.; decision of the President of OCCP of November 8, 2024 RŁO-8/2024 Polska Energia Grupa Kapitałowa sp. z o.o. sp. k.

II.2.2.1.3. ADR/ODR Contact Point

As part of support for consumers and entrepreneurs in matters of out-of-court dispute resolution (ADR—Alternative Dispute Resolution, ODR—Online Dispute Resolution), the contact point operating at OCCP provided 1463 consultations in 2024⁴⁶. The most frequently reported categories of cases are airlines, clothing and footwear, and household appliances. In 2023 it provided 1480 consultations, in 2022 1271 consultations, in 2021 1147 consultations, and in 2020 1081 consultations⁴⁷. While this growth should be assessed positively, against the background of growing consumer challenges in market circulation, the number of consultations still seems insufficient. This suggests the need for further strengthening of the advisory system, both in terms of availability and scale of support. This is all the more important as the European online dispute resolution platform (ODR) will be withdrawn from use on July 20, 2025 in connection with the adoption of Regulation of the European Parliament and of the Council (EU) 2024/3228 of December 19, 2024 on the repeal of Regulation (EU) No 524/2013 and amending Regulations (EU) 2017/2394 and (EU) 2018/1724 regarding the liquidation of the European online dispute resolution platform⁴⁸.

II.2.2.1.4 Other Areas of Consumer Protection

In 2024, the President of OCCP issued 88 important opinions in cases concerning consumer interests, i.e., presented written positions in the course of court cases. In turn, in 2023, the President of OCCP issued 132 important opinions in cases concerning consumer interests. In the years 2020-2024, a clear decrease in the number of important opinions issued by the President of OCCP in cases concerning consumer interests is noticeable. While in 2020, as many as 561 were issued, in subsequent years this number systematically decreased: 443 in 2021, 251 in 2022, 132 in 2023 and 88 in 2024⁴⁹. Most likely, this trend is the result of ceasing to issue important opinions in foreign currency loan cases.

⁴⁶ OCCP, *Report on OCCP activities for 2024...*, p. 39.

⁴⁷ OCCP, *Report on OCCP activities for 2023...*, p. 64. OCCP, *Report on OCCP activities for 2020...*, p.100; OCCP, *Report on OCCP activities for 2021...*, p. 79; OCCP, *Report on OCCP activities for 2022...*, p. 56.

⁴⁸ OJ EU L 2024.3228; complaints could be submitted through the platform until March 20, 2025

⁴⁹ OCCP, *Report on OCCP activities for 2020...*, p. 66; OCCP, *Report on OCCP activities for 2021...*, p. 50; OCCP, *Report on OCCP activities for 2022...*, p. 39; OCCP, *Report on OCCP activities for 2023...*, p. 50*; OCCP, *Report on OCCP activities for 2024...*, p. 29.

II.2.2.2. DATA REGARDING DECISIONS OF THE PRESIDENT OF OCCP

II.2.2.2.1. Review of President of OCCP's Decisions in Consumer Protection

In the period from January 1, 2020 to May 1, 2025, the President of OCCP issued a total of 337 decisions in two key areas: in cases concerning practices infringing collective interests of consumers and in cases of recognizing contract template provisions as unfair contract terms. Of these, 269 decisions concerned the protection of collective interests of consumers, while 68 related to abusive clauses. The dynamics of activities in this area broken down by individual years is as follows:

Table 2. Number of decisions issued by the President of OCCP in the area of protection of collective consumer interests and clause control in the period from January 1, 2020 to May 1, 2025

Year	Protection of collective interests of consumers	Recognizing contract template provisions as unfair contract terms
2020	63	16
2021	50	11
2022	43	15
2023	58	18
2024	55	8
2025	0	0
TOTAL	269	68

The most decisions in clause cases were issued in 2023 (18), while in the area of collective interests of consumers, 2020 was the most active in this regard, when 63 decisions were issued.

From the analysis of decisions issued in the examined period, it appears that in the case of decisions regarding protection of collective interests of consumers and recognition of contract template provisions as unfair contract terms, the President of OCCP imposed a monetary penalty in approximately 60% of all decisions in the

analyzed areas. At the time of preparing the report, more than 150 decisions from both mentioned areas had been appealed. At the time of preparing this publication, about 60 proceedings are still ongoing, with the oldest unresolved case initiated as early as 2022⁵⁰. Moreover, attention is drawn to the duration of court proceedings initiated as a result of appeals against decisions of the President of OCCP. In some cases, the waiting time for a first instance court judgment reaches even four years⁵¹, which significantly affects the pace and predictability of judicial control of the President of OCCP's activities.

II.2.2.2.2. Jurisprudence of the Court of Competition and Consumer Protection

For the purposes of this report, statistics of complaints against decisions of the President of OCCP considered by the Court of Competition and Consumer Protection in the period January 1, 2020–March 28, 2025 were analyzed. Detailed information is contained in the table below:

Table 3. Complaints against decisions of the President of OCCP that were submitted to Court of Competition and Consumer Protection in the period January 1, 2020–March 28, 2025

Code	Number of appealed decisions						Dismissal of appeal						Changed						Overturned					
	2020	2021	2022	2023	2024	2025	2020	2021	2022	2023	2024	2025	2020	2021	2022	2023	2024	2025	2020	2021	2022	2023	2024	2025
713 ¹	46	22	29	21	36	7	12	26	22	25	14	2	1	6	3	4	4	2	4	1	2	1	2	0
709 ²	10	10	7	9	10	1	2	4	4	5	6	1	0	1	1	2	0	0	1	1	5	4	1	0
712 ³	2	2	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
711 ⁴	1	0	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
710 ⁵	9	8	8	8	7	3	5	1	8	11	7	1	3	1	1	1	2	0	0	1	0	3	0	1
714 ⁶	7	12	6	8	16	0	2	2	5	7	8	0	0	0	0	3	1	0	0	0	6	1	1	0
bs ⁷	0	2	4	1	0	1	0	0	1	0	1	0	0	0	0	0	1	0	0	0	0	1	2	0

⁵⁰ Decision of the President of OCCP of December 5, 2022 No. RWR-3/2022, *BREWE Leasing Sp. z o. o. with headquarters in Warsaw*.

⁵¹ Decision of the President of OCCP of October 23, 2020 No. RLU-2/2020, *Getin Noble Bank S.A. with headquarters in Warsaw*.

¹ 713—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding practices infringing collective interests of consumers

² 709—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding contract template provisions recognized as unfair contract terms

³ 712—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding concentration

⁴ 711—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding abuse of dominant position

⁵ 710—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding agreements restricting competition

⁶ 714—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding imposition of penalties

⁷ 715—cases concerning appeals from decisions of the President of the Office of Competition and Consumer Protection regarding contractual advantage

Source: District Court in Warsaw

One of the most frequently appealed types of decisions of the President of OCCP were those concerning practices infringing collective interests of consumers. A total of 164 complaints against decisions were filed, with the most (46) in 2020. The vast majority of cases ended with the court dismissing the complaint (101). 20 decisions were changed, and 10 were overturned. This data indicates that in the area of protection of collective interests of consumers, the jurisprudence of the President of OCCP is relatively stable and Court of Competition and Consumer Protection confirms the correctness of issued decisions in the vast majority.

A slightly different situation emerges in cases concerning recognition of contract template provisions as unfair contract terms. In this case, 47 decisions were appealed. Court of Competition and Consumer Protection dismissed complaints in the vast majority (22), but more often than in the case of decisions concerning practices

infringementing collective interests of consumers, it overturned decisions of the President of OCCP. A total of 12 decisions were overturned, and 4 were changed. This means that as many as one-third of complaints ended with court interference in the content of the authority's decision.

For the purposes of this report, the jurisprudence of the Court of Appeal in Warsaw was not analyzed in terms of final upholding of Court of Competition and Consumer Protection judgments. The Court of Appeal does not maintain such statistics, and providing such information would require the court to carry out an information processing process.

II.2.3. CONCLUSIONS

The Office of Competition and Consumer Protection is an entity that has a very broad scope of activity. This is associated with the necessity to fulfill many highly diversified obligations—not only those analyzed for the purposes of this report, but also many others, e.g., in the field of competition protection. Moreover, new tasks for OCCP from various areas of the economy are constantly being added, e.g., in 2024 in the area of maintaining a register of entities authorized to bring class actions, or in the near future in the area of enforcing new obligations arising from the Digital Services Act. Meanwhile, OCCP's financial and human resources remain limited, which may affect its operational capacity. For this reason, it seems reasonable to analyze the internal structure of the Office and the effectiveness of the way this institution organizes its work. Already now, signals can be observed that may indicate institutional overload, including a decrease in the number of proceedings. If the scope of OCCP's obligations continues to be expanded without proportional increase in resources and optimization of the institution's functioning method, this may in the future result in weakened effectiveness and limited ability to respond to consumer and market needs.

These observations are confirmed by data analysis. It shows that the overall number of decisions of the President of OCCP is declining. A similar trend applies to the number of explanatory proceedings in cases of practices infringementing

collective interests of consumers and abusive clauses. Unfortunately, this decline is not the result of improved market conditions, but takes place despite an increase in the number of threats, including the dynamic development of dishonest financial systems or the use of dark patterns by sellers.

A full assessment of OCCP's activities is hindered due to discrepancies between data contained in OCCP reports and information from the online decision catalog⁵². For example: according to the catalog, 56 decisions concerning collective interests and 8 concerning prohibited clauses were issued in 2024, while the OCCP report states 64 and 6 decisions respectively. This discrepancy may indicate methodological inconsistency or delays in data publication. Moreover, there is no information in the available materials about the effectiveness of so-called soft interventions, as well as the thematic areas they concerned.

Analysis of Court of Competition and Consumer Protection jurisprudence shows that in the case of decisions concerning infringing collective interests of consumers (which were most frequently appealed), more than 60% of complaints were dismissed. This confirms the high effectiveness of the President of OCCP's actions. The percentage of overturned and changed decisions is relatively low (6% and 11% respectively), suggesting that any procedural errors are incidental. In turn, in cases concerning abusive clauses, half of the complaints were dismissed, as many as 26% of decisions were overturned—which indicates a greater degree of complexity and susceptibility of this area to judicial corrections. This means that the President of OCCP's actions in the area of protecting collective interests are more predictable and consistent with applicable law.

II.3. CONSUMER OMBUDSMEN

II.3.1. LEGAL BASIS OF OPERATION AND RATIO LEGIS OF THE INSTITUTION

The institution of the district (municipal) consumer ombudsman was introduced into the Polish legal order on January 1, 1999, by the Act of July 24, 1998 on

⁵² https://decyzje.uokik.gov.pl/bp/dec_prez.nsf

amending certain acts defining the competences of public administration bodies – in connection with the constitutional reform of the state⁵³. This Act in Article 61 introduced changes to the Act of February 24, 1990 on counteracting monopolistic practices⁵⁴, consisting, among others, of adding Chapter 5a, which established the institution of consumer ombudsman.

Currently, this institution is regulated by the provisions of the Act of February 16, 2007 on competition and consumer protection. The task of the consumer ombudsman is to implement the tasks of district self-government in the field of consumer rights protection. The Act does not specify whether the ombudsman holding an independent position should be employed full-time or may be employed part-time.

The consumer ombudsman is an entity that implements independently, in its own name, the tasks of district self-government. Therefore, it does not act on behalf of the district governor (city president) or district board – all its powers are its own competences and no other entity can exercise them independently⁵⁵.

The consumer ombudsman is organizationally separated within the structure of the district office or city hall. In districts with more than 100 000 inhabitants and in cities with district rights, the consumer ombudsman may perform its tasks with the help of a separate office. Unfortunately, current regulations do not allow in practice for the ombudsman to delegate tasks to subordinate employees or other persons⁵⁶⁵⁷.

From the very beginning of the establishment of the ombudsman institution, its legal status was not fully established⁵⁸ and there is still conceptual confusion in

53 Journal of Laws of 1998 No. 106 item 668.

54 Journal of Laws of 1997 No. 49 item 318, No. 118 item 754 and No. 121 item 770.

55 Młostoń-Olszewska 2025.

56 Młostoń-Olszewska 2025.

57 The only exception is the possibility for the ombudsman to appoint a procedural representative in a civil dispute. However, such a representative will never act as the ombudsman and perform their tasks – they are merely a procedural representative.

58 It is characteristic that the legislator himself, when introducing the institution of consumer ombudsman into the legal order, did not know how to fit it into the conceptual framework of administrative law. In the government justification of the draft act of July 24, 1998 on amending certain acts defining the competences of public administration bodies – in connection with the constitutional reform of the state, it was indicated: “since it is envisaged that consumer protection should belong to the own tasks of territorial self-government, it seems appropriate that the President of the Office of Competition and Consumer Protection should cooperate with its bodies in this regard, based on a statutory provision. In connection with the fact that the aim of the changes is to extend consumer protection, it is also necessary to equip another person, i.e., in this case the district consumer ombudsman, with the power to demand the initiation of antimonopoly proceedings” (justification – parliamentary document no. 273, <https://orka.sejm.gov.pl/RejestrD.nsf/0/>

this regard. Divergent positions are presented in the literature on this issue⁵⁹. It is indicated that:

1. the consumer ombudsman is a district body (E. Łętowska, *Protection of certain consumer rights*, p. 169; E. Łętowska, *Consumer contract law*, p. 606; D. Bunikowski, *District consumer ombudsman*, p. 8; OCCP, Consumer Policy Project for 2014–2018, Warsaw 2014, p. 17, <https://uokik.gov.pl/download/14692> – accessed: July 2, 2024);
2. the consumer ombudsman is not a district body (S. Kania, *Legal status*, p. 7; S. Koroluk, A. Powałowski, in: Skoczny, *CompProtU. Commentary*, 2014, p. 863);
3. the consumer ombudsman is not a district body *stricte*, but is a public administration body (M. Radwański, in: Stawicki, Stawicki, *CompProtU. Commentary*, 2016, p. 781);
4. the ombudsman is not a public administration body (Banasiński, Piontek, *CompProtU. Commentary*, p. 578);
5. the consumer ombudsman is not a public administration body nor a district body, but a self-government employee (M. Sieradzka, in: Kohutek, Sieradzka, *CompProtU. Commentary*, 2014, p. 741);
6. the consumer ombudsman is a special entity (*sui generis* body) (M. Stefaniuk, in: Jurkowska, Miąsik, Skoczny, *CompProtU. Commentary*, 2009, p. 1098);
7. the consumer ombudsman is a legal protection body (legal aid body) (J. Bodio, G. Borkowski, T. Demendecki, *System of legal protection bodies*, p. 24, 492; W. Lis, *District consumer ombudsman*, ed. M. Zdyb, E. Kruk, G. Lubeńczuk, p. 142).

Regardless of which of the above-mentioned views is correct, it should be stated

99105CA9268452A1C12565E70036869C/\$file/273.pdf, accessed: April 15, 2025). So on one hand, it indicated that the ombudsman could be considered a body of territorial self-government, but on the other hand, it called them merely a "person".

⁵⁹ Młostóń-Olszewska 2025.

that the ombudsman is an autonomous entity within the district structure, whose statutory task is to protect consumer rights and interests, and in this regard the ombudsman handles matters within the scope of public administration.

The tasks of the consumer ombudsman include:

1. providing free consumer advice and legal information in the field of consumer interest protection

The ombudsman performs this task primarily towards consumers. However, it is not excluded that an entrepreneur may seek advice in consumer matters. The ombudsman should not *a priori* reject such a request, but should possibly determine whether the entrepreneur seeking advice is not currently in dispute with a consumer from their district. Only in such a situation, due to a potential, specific conflict of interest, should they refuse to help the entrepreneur.

2. submitting proposals regarding the establishment and amendment of local law provisions in the field of consumer interest protection

Within this task, the ombudsman has competences to submit appropriate proposals not only to district bodies adopting local law, but also to municipal or provincial bodies. They may also submit them to regional government administration bodies and directors of maritime offices⁶⁰. However, the ombudsman's proposal for these entities is not binding. It is only an attempt to draw the attention of these bodies to certain consumer problems that the ombudsman notices in their work.

3. approaching entrepreneurs in matters of consumer rights and interest protection

The ombudsman performs this task, and it does not matter whether the entrepreneur to whom the ombudsman appeals has not registered in the Central Register and Information on Economic Activity or has suspended the performance of economic activity. Only when an entrepreneur has been removed from Central Register and Information on Economic Activity, the ombudsman

⁶⁰ Młostoń-Olszewska 2025.

cannot approach such entity⁶¹. However, the ombudsman still has the possibility to support such a consumer by using their procedural powers⁶².

The ombudsman may approach an entrepreneur both at the request of a consumer (submitted independently or through a representative) or independently ex officio. The ombudsman has no formalized procedures when acting in this mode. In particular, they do not apply the provisions of the Act of June 14, 1960—Code of Administrative Procedure⁶³⁶⁴.

The ombudsman may and should set a specific deadline for the entrepreneur to provide a response. For violating the obligation to provide the ombudsman with explanations and information that are the subject of the ombudsman's intervention or the obligation to respond to the ombudsman's comments and opinions, a fine of up to PLN 2 000 is threatened.

4. cooperation with the President of the OCCP, Trade Inspection bodies and consumer organizations

Cooperation between individual elements of the consumer protection system is intended to improve the activities of these entities, accelerate response to current problems faced by consumers, or finally eliminate possible duplication of activities undertaken by these entities. The Act does not specify the principles and forms of this cooperation.

5. performing other tasks specified in the Act or in separate provisions

Within the broad catalog of such tasks, attention is drawn to the possibility of the ombudsman filing lawsuits on behalf of consumers and joining, with their consent, ongoing proceedings in cases for the protection of consumer interests. This is a very important power of the ombudsman. Given that most cases with which consumers turn to the ombudsman are civil matters – while the ombudsman has no authority powers to handle such cases. The only real way to help a consumer in a situation where an entrepreneur does not want to

61 Młostoń-Olszewska 2025.

62 Młostoń-Olszewska 2025.

63 Radwański 2016.

64 I.e., Journal of Laws 2024.572.

resolve the matter amicably through settlement, or when an amicable way of settling the matter (for various reasons) does not interest the consumer, is the court route. The provisions on prosecutors apply accordingly to the ombudsman's participation in proceedings. However, the ombudsman cannot, like a prosecutor, sue all parties to a legal relationship, on the contrary – they are bound to the consumer.

When filing a lawsuit on behalf of a consumer, the ombudsman does not need to obtain anyone's consent for this procedural action. When joining ongoing proceedings – the ombudsman must obtain the consumer's consent. The ombudsman may participate in court proceedings regardless of whether the consumer is represented in the dispute by a professional representative (legal counsel or lawyer). At this point, it should be emphasized that the consumer cannot effectively "force" the ombudsman to use this power, and "the ombudsman institution is not a free substitute for a lawyer's or legal counsel's office"⁶⁵. Thus, the ombudsman, when undertaking activities in civil proceedings, does not act as the consumer's representative. They act in their own name⁶⁶, on behalf of the consumer, and are not a side intervener.

The second type of extremely important power is the possibility of filing lawsuits in the public interest based on the provisions of the Act of August 23, 2007 on counteracting unfair commercial practices⁶⁷. Based on this Act, in case of unfair market practice, the consumer ombudsman may file claims such as:

1. cessation of the practice,
2. making a single or multiple statement of appropriate content and in appropriate form,
3. awarding an appropriate sum of money for a specific social purpose related to supporting Polish culture, protecting national heritage or protecting consumers.

⁶⁵ Radwański 2016.

⁶⁶ And not on behalf of the district whose tasks they perform (Młostoń-Olszewska 2025).

⁶⁷ Journal of Laws of 2023 item 845.

When filing a lawsuit under the above-mentioned Act, the ombudsman is not bound to an individually identified consumer – that is, they do not act on behalf of consumers who could have been or were affected by the consequences of the prohibited practice. They act in their own name.

An important element of the ombudsman's activity is educational activity. This task can be implemented in various forms, e.g., through publishing educational materials (brochures, leaflets, posters), cooperation with local media in disseminating information concerning consumer regulations and undesirable phenomena in the market, cooperation with educational institutions (e.g., Universities of the Third Age, Student Legal Clinics), organizing conferences, training (also for entrepreneurs, teachers), talks (e.g., in senior clubs), consumer knowledge competitions, or maintaining websites. The task can also be implemented by introducing elements of consumer knowledge into school curricula⁶⁸.

Additionally, the National Council of Consumer Ombudsmen operates under the President of the Office of Competition and Consumer Protection (it consists of 16 ombudsmen, one from each province), which is a permanent advisory-consultative body of the President in matters related to consumer rights protection at the district self-government level. The Council's tasks include, among others, presenting proposals regarding directions of legislative changes in provisions concerning consumer rights protection, expressing opinions on draft legal acts or directions of government consumer policy, expressing opinions on other matters in the field of consumer protection submitted to the Council by the President of the Office, or providing information concerning consumer protection, as indicated by the President of the Office.

As follows from the above – the ombudsman's powers combined with their legal position in the district structure indicate the high rank of this institution in the system of consumer rights and interest protection in Poland.

68 Młostóń-Olszewska 2025.

II.3.2. ASSESSMENT OF THE INSTITUTION'S OPERATION AND EFFECTIVENESS BASED ON COLLECTED DATA

Consumer ombudsmen play a fundamental role in the consumer protection system – they constitute the first point of contact for consumers and deal with their everyday problems. Their activity covers relatively many fields. In order to assess how they function, within the framework of access to public information, we collected information on the following areas:

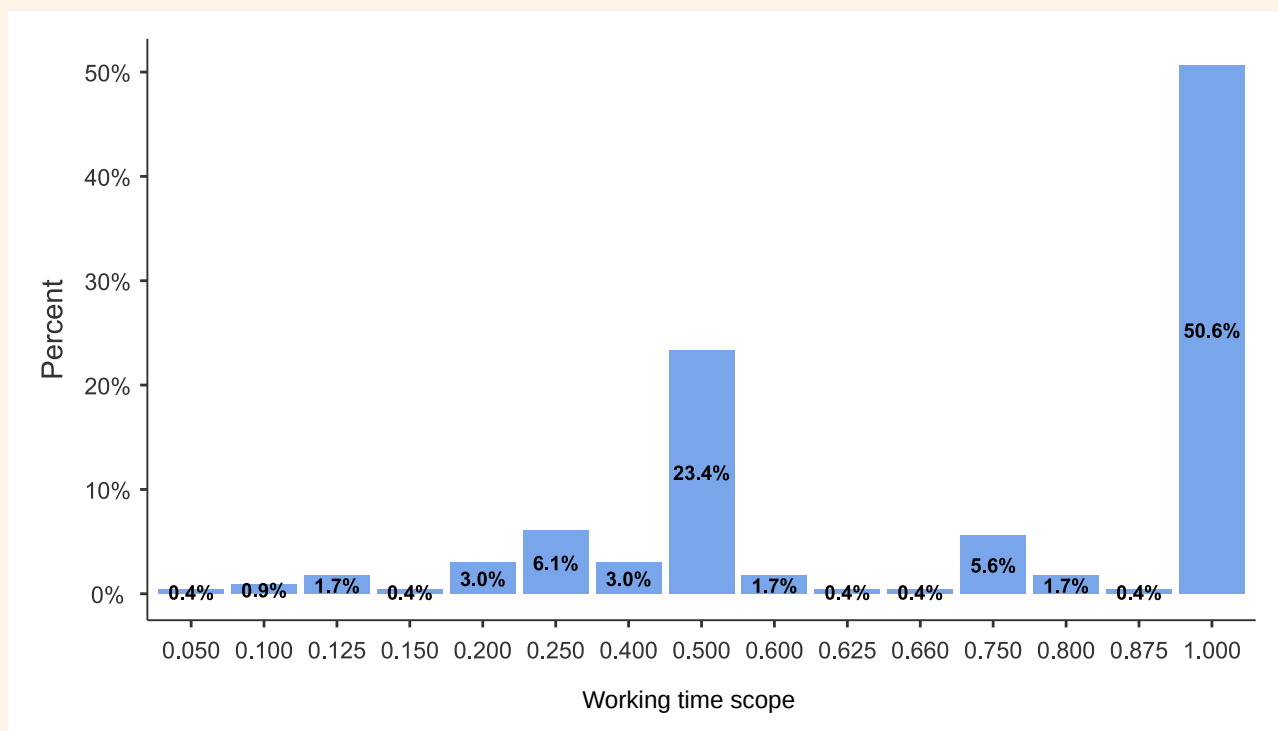
- information on employment and organization of ombudsmen's work,
- forms of assistance provided to consumers and case processing time,
- types of problems with which consumers report,
- effectiveness of undertaken actions,
- participation of ombudsmen in court cases,
- conducting educational activities,
- cooperation with other institutions of the consumer protection system,
- referring cases in connection with failure to provide consumer ombudsmen with information and explanations or failure to respond to their comments and opinions,
- submitting proposals regarding the establishment and amendment of local law provisions in the field of consumer interest protection.

In Poland, there are 372 districts and cities with district rights. It happens that one ombudsman serves residents of more than one district. It also happens, though rarely, that a district lacks an ombudsman for various reasons. It can be assumed that approximately 370 consumer ombudsmen operate in Poland (unfortunately, there is no complete data on this subject). Ultimately, we received over 250 responses to inquiries sent to all ombudsmen. Unfortunately, some of them were incomplete

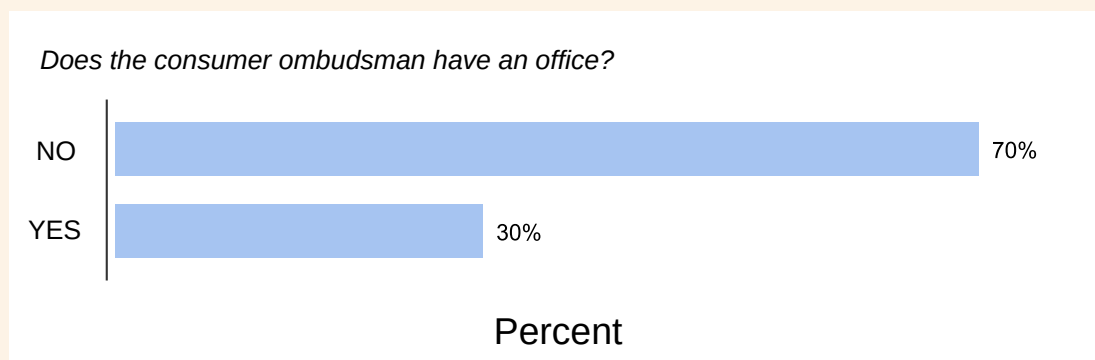
and we were able to analyze a sample of 230 messages from ombudsmen. Due to the limited amount of information available, when formulating observations about consumer ombudsmen, we can essentially speak of certain trends. This does not change the fact that the conclusions drawn constitute an important voice in the discussion about the activities of consumer ombudsmen, and the data shows that ombudsmen are an extremely active and socially important professional group – although relatively small in number.

The employment structure of ombudsmen is not uniform. In some districts (cities with district rights), the ombudsman is employed at 1/8 of a full-time position. There are also people employed in this position at 0,1875, 0,45 or 0,175 of a full-time position. About half of the ombudsmen we studied are employed full-time⁶⁹. Only 30% of ombudsmen perform their tasks with the help of an office (i.e., with the assistance of employees).

Chart 1. Working time scope of Consumer Ombudsman



⁶⁹ According to the latest available OCCP data from 2018, it was less than 50%—OCCP publication entitled “Activities of district and municipal consumer ombudsmen in 2018”, p. 12; access: <https://www.uokik.gov.pl/download.php?id=19216>.

Chart 2. Consumer Ombudsman having an office?

As our research shows, in most cases, the larger the district/city served by the ombudsman, the more often they have an office and employees working there, and the more often they are employed full-time. However, this is not a rule, and there are ombudsmen who care for over 130 000 residents while working part-time (despite the fact that in districts/cities with more than 100 000 inhabitants there should already be an ombudsman's office). There are also those who work full-time or with the help of an office while serving fewer than 100 000 citizens. There is no consistency here and there are large disproportions between individual districts/cities.

The conducted research also confirms obvious dependencies. Ombudsmen employed full-time, as well as those with offices, provide on average more advice, prepare more interventions to entrepreneurs, and more often help consumers at the court stage. This undeniably translates into a higher level of consumer protection in districts/cities where such an ombudsman operates. At the other extreme, it is worth pointing to those districts/cities where the ombudsman is employed for a fraction of full-time. There, the amount of assistance provided is very small, which obviously affects the level of consumer protection.

Consumers approach ombudsmen with very different problems. The type and degree of complexity of cases varies – from issues concerning complaints about goods of relatively low value to contracts for amounts in the order of several hundred thousand zloty (such as in the case of contracts concluded with developers). As the most frequently occurring cases, ombudsmen report complaints about goods

(mainly footwear, furniture, electronic equipment) and complaints about services (mainly telecommunications, tourist, insurance services and matters from the energy sector). In the case of seniors, a frequent problem are demonstrations during which participants are persuaded to conclude a contract for goods or services for an amount many times exceeding their market value. Consumer cases are handled on an ongoing basis, but due to many factors (e.g., whether the entrepreneur responds to the ombudsman's letters and how long the correspondence exchange is), this time varies greatly. It happens that the ombudsman deals with a case for several or even more than ten months.

Ombudsmen help consumers in various ways. These are both advice (provided in various forms depending on the decision of a specific ombudsman – directly, by phone or email) as well as slightly more complicated and complex actions, i.e., interventions to entrepreneurs and involvement in helping consumers at the court stage. To better illustrate the scale of this engagement by ombudsmen, it is worth citing a handful of data concerning the assistance they provide and what trends can be observed over recent years.

Table 3. Consultations, interventions, and court cases by year

	Number of consultations	Number of interventions	Number of court cases
2015	500 798,00	71 798,00	4 132,00
2018	477 845,00	52 685,00	613,00
2019	436 365,00	50 307,00	439,00
2020	403 338,00	40 025,00	459,00
2021	395 581,00	38 403,00	472,00
2022	286 688,00	32 155,00	303,00
2023	292 321,00	36 804,00	250,00

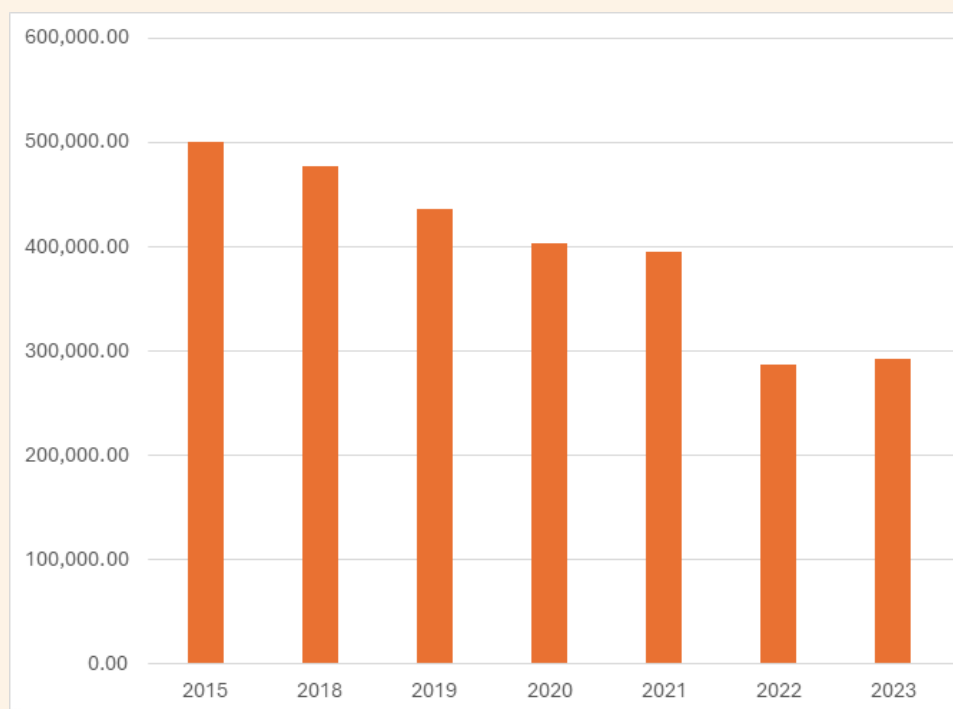
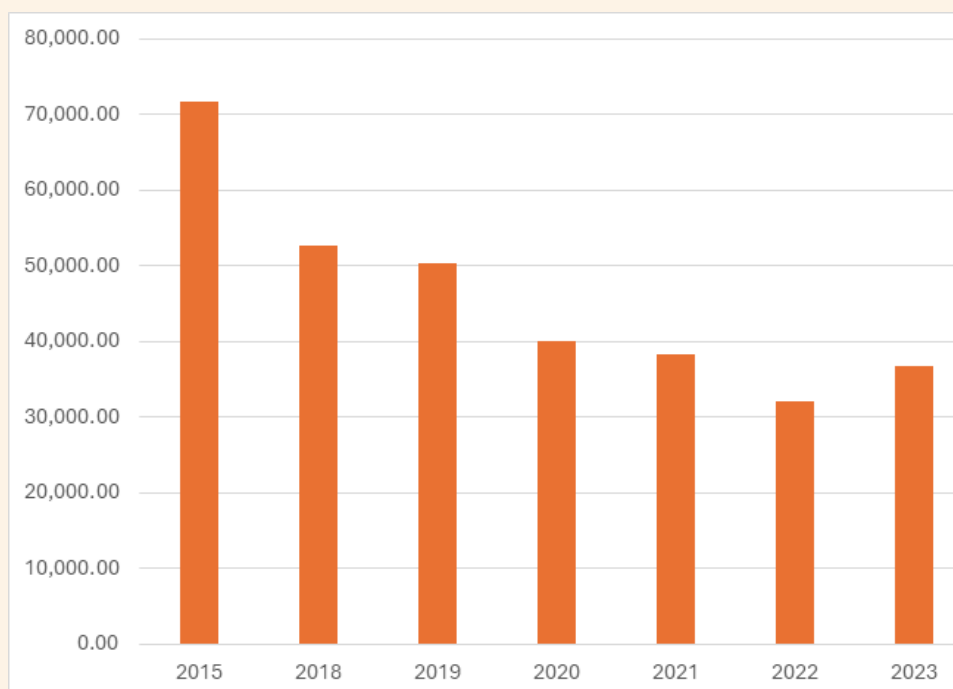
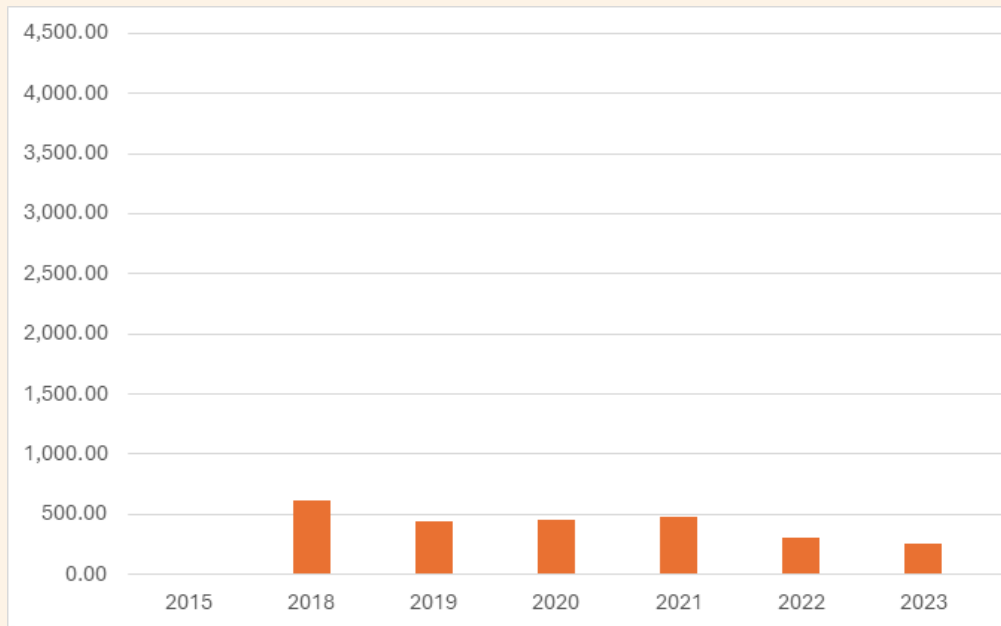
Chart 3. Number of consultations provided by ombudsmen in a given year**Chart 4. Number of interventions to entrepreneurs**

Chart 5. Number of court cases in which ombudsmen participated

What stands out when analyzing the charts is the decline in the number of consultations, interventions, and court cases involving consumer ombudsmen over recent years. After several years of a downward trend (2015–2021), there is a significant drop in 2022, followed by a slight recovery in 2023.

The causes of the decline in the number of cases would require further in-depth research, and it is impossible to answer the question about the cause of this decline based on available data. What is worth emphasizing – this certainly does not result from a small number of consumer problems (see Chapter IV.2.). We can only hypothetically point to several potential causes of this state of affairs:

- consumers have problems navigating the consumer protection system;
- the system is not internally coherent, there are no clear rules about who consumers can turn to and in what matters;
- consumers are reluctant to pursue their rights;
- there is a lack of trust in state institutions.

It should also be noted what the ombudsmen themselves say and what the authors of studies on ombudsmen's work emphasize – as the number of cases decreases, their degree of complexity increases. Ombudsmen increasingly deal with financial, real estate development, or digital services market cases. These cases require much greater work effort and often last for many months or even years.

On a side note, it is worth pointing out that despite the decline in the number of cases, ombudsmen remain a very active group engaged in the advisory system in Poland. For comparison, in 2023, 1 493 Free Legal Aid Points provided a total of 509 165 consultations, i.e., an average of 341 consultations per 1 point⁷⁰. At the same time, 370 ombudsmen provided 292 321 consultations, i.e., an average of 790 consultations per 1 ombudsman. To this, let us add interventions to entrepreneurs, court cases, preparing documents for consumers and education – and all this most often on less than full-time employment.

The activity of ombudsmen at the court stage rarely takes the form of filing a lawsuit on behalf of a consumer, because in case of a potential loss, the district office/city hall is obligated to cover the costs of the process. Ombudsmen participate personally in processes rather by joining ongoing proceedings on the consumer's side, thus obtaining the status of an entity with party rights. What is worth emphasizing, the vast majority of ombudsmen do not engage in court proceedings. Ombudsmen also support consumers in courts in such a way that they prepare lawsuits or other procedural documents, but the consumer files them independently. The ombudsman thus provides legal assistance throughout the proceedings, but does not participate in them formally.

For the purposes of this report, we also asked ombudsmen about the effectiveness of their actions (interventions to entrepreneurs). Here we received an answer from only some ombudsmen and in many cases it was estimated (such statistics are not commonly kept), hence it is impossible to determine what the actual effectiveness of their actions is. It ranged from 15% to 90%. Based on averaged results, it can be assumed that the effectiveness of consumer ombudsman interventions to entrepreneurs is about 60%, reserving however that these are very estimated data.

⁷⁰ <https://www.gov.pl/web/nieodplatna-pomoc/ocena-ministra-sprawiedliwosci-z-realizacji-zadan-za-2023-r>

The currently applicable regulations regarding responsibility for failure to provide consumer ombudsmen with information and explanations or failure to respond to their comments and opinions certainly do not favor the effectiveness of ombudsmen⁷¹. Ombudsmen use this solution to a small extent (individual reports on an annual scale – if at all), reporting problems in cooperation with police, which dismiss such cases. Even if a request to punish an entrepreneur is directed to court, it is not uncommon for the entrepreneur to ultimately not be fined or for the fine to be symbolic.

II.3.3. CONSUMER PROTECTION SYSTEM THROUGH THE EYES OF OMBUDSMEN

We drew the above conclusions about what the situation of consumer ombudsmen looks like based on data made available to us by consumer ombudsmen under access to public information. However, in addition to the information itself, we also asked ombudsmen to answer several questions we posed regarding the consumer protection system. These questions did not fall within the scope of access to public information and answering them was voluntary. However, we considered that the perspective of ombudsmen – who among all institutions are closest to consumers in the system – is invaluable. Moreover, we have 372 ombudsmen in the country, so the multitude of responses received from different people from different parts of the country constitutes a very reliable source of knowledge.

Ombudsmen answered: how they assess the functioning of the consumer protection system itself in Poland, what problems this system has, what requires improvement or correction, they indicated their role in this system, problems they encounter, as well as how they see cooperation with other institutions co-creating the system. Below we present individual questions and collective summaries of answers given by ombudsmen.

⁷¹ This matter is regulated by Article 114 of the Competition and Consumer Protection Act. Failure to provide the consumer ombudsman with explanations and information that are the subject of the ombudsman's intervention or the obligation to respond to the ombudsman's comments and opinions is subject to a fine of not less than PLN 2,000.

Question 1. How do you assess the current state of the consumer protection system in Poland?

Ombudsmen assess this system very differently. From assessments that it is terrible, chaotic and makeshift – to positive assessments. However, none of the ombudsmen assessed it as “very good.”

In the ombudsmen’s perception, the regulations themselves are basically correctly constructed, but a frequent problem is pursuing claims in court and the enforcement of rights itself. The most problematic is the duration of court proceedings and the circumstance that when a case lasts too long, executing a judgment issued after many years of process may prove impossible.

Ombudsmen see the multitude of institutions making up this system. They indicate as its participants primarily the President of OCCP, who protects collective interests of consumers, as well as other entities, such as: sector regulators (who have activities for consumers within their competences to a lesser or greater extent), Trade Inspection, themselves, as well as non-governmental organizations (which – as they note – struggle with permanent lack of funding). They also notice that entrepreneurs themselves are increasingly trying to protect consumers by subjecting themselves to self-regulation – a significant example of this is the role of the Banking Arbitrator at the Polish Bank Association. They also point out that consumers themselves want to be aware – they increasingly use their rights and possibilities to pursue claims.

Ombudsmen also notice that the system cannot be considered in isolation from the provisions of substantive consumer law (which – incidentally – they basically assess positively). However, some point out that particularly the regulations concerning tourist services are unclear and cause interpretive difficulties. They also point to unclear regulations in their opinion regarding courier services, as well as contracts concluded at a distance and off-premises. Specific postulates for regulatory changes also appear. In tourism, this is the restoration of silent recognition of complaints submitted to the tour operator, and in off-premises contracts, the direct introduction of a ban on selling in this form to senior consumers, who are

most exposed to the actions of dishonest entrepreneurs during sales events and door-to-door selling..

Question 2. With which institutions from this system do you cooperate, what is the nature of this cooperation?

Ombudsmen, quite broadly understanding the subjective scope of this system, cooperate with many bodies and institutions, and the principles of this cooperation look different. Ombudsmen cooperate with:

1. The President of OCCP most often by notifying this body about the possibility of infringing collective interests of consumers by an entrepreneur;
2. Trade Inspection, e.g., asking for inspection of an entrepreneur or directing consumers there when the case falls within the scope of Inspection's control competences;
3. Energy Regulation Office, Office of Electronic Communications, Financial Ombudsman, Civil Aviation Authority, Agricultural and Food Quality Inspection, Sanitary Inspection, Personal Data Protection Office, Marshal of the Voivodeship and the Consumer Protection Advisory Council at the Board of the Lesser Poland Voivodeship and the Poviats Labor Office. Moreover, they direct consumers to the Passenger Rights Ombudsman at the President of the Civil Aviation Authority or to the Railway Passenger Rights Ombudsman of the European Consumer Centre. Cooperation with these entities often consists of using publications, conferences, webinars or other forms of knowledge transfer;
4. Police;
5. other consumer ombudsmen – this cooperation consists of exchanging experiences and transferring cases if another consumer ombudsman is competent to act;
6. non-governmental organizations, pointing to two of them: Consumer Federation and Aquila Consumer Protection Association;

7. Banking Arbitrator at the Polish Bank Association.

Moreover, one of the ombudsmen indicated that they continuously provide information about irregularities in entrepreneurs' entries to the Central Register and Information on Economic Activity to the Ministry of Infrastructure or to district courts – economic departments, if the case concerns an entry in the National Court Register.

Ombudsmen reported postulates regarding the functioning of a central entity/institution that could provide substantive support for ombudsmen. Also important is creating a fast and efficient channel for signaling and transmitting information about justified, irregular actions of entrepreneurs reported by consumers.

Question 3. Which elements of this system require improvement and in what way?

Ombudsmen have very different ideas on how the system could be improved. Among their proposals were:

- division of OCCP into two separate institutions dealing independently with competition protection and consumer protection. The current model, in which the President of the Office combines both these functions, in the ombudsmen's assessment causes consumer protection to often give way to entrepreneur protection due to a conflict of interest, which undoubtedly weakens the position of consumers. According to ombudsmen, this is a good idea *de lege ferenda*;
- introduction of additional entities representing consumer interests – however, without specifying what these entities should be;
- introduction of mandatory consumer education in schools;
- placing greater emphasis on consumer law in judge education.

Among postulates regarding substantive and procedural law provisions were:

- restoration of silent recognition of complaints submitted to tour operators;

- introduction of a ban on sales to senior consumers under off-premises contracts;
- introduction of a mandatory uniform complaint form with the obligation to indicate the legal basis of the complaint (legal guarantee or commercial guarantee) – or determining in regulations what data a complaint should contain;
- introduction of mandatory complaint procedure in all cases so that using the court route would be possible only after exhausting the complaint route;
- introduction in certain categories of cases (e.g., telecommunications service contracts) of the right to withdraw from a contract concluded also in the entrepreneur's premises within, e.g., 14 days;
- introduction of mandatory entrepreneur consent to amicable proceedings for minor cases with a dispute value up to PLN 500 or PLN 1 000;
- repeal of civil procedure provisions regarding bailiff delivery of documents to an entrepreneur conducting sole proprietorship. This will eliminate situations when the defendant entrepreneur obstructs the process by not collecting any documents from court (Article 131¹ CCP).

Question 4. What are the biggest obstacles in performing your duties?

Ombudsmen precisely indicated problems that prevent them from working effectively. They considered the most important to be:

- employing the ombudsman part-time;
- lack of offices for consumer ombudsmen in most districts;
- combining substantive and other duties by the ombudsman, e.g., performing additional functions in the office;
- large amount of time-consuming and deadline-driven non-substantive tasks;
- low quality of office equipment (including hardware);

- referring people to the ombudsman in non-consumer matters or after previously providing them with legal advice inconsistent with the factual state of the case by consumer organizations operating within counseling financed by OCCP;
- low salaries;
- lack of training for ombudsmen, particularly in civil procedure;
- lack of unified procedure for ombudsmen, each ombudsman acts according to their own rules;
- problems with correspondence reception by entrepreneurs;
- refusal to provide explanations to ombudsmen by banks and insurers citing confidentiality provisions;
- lack of deputy ombudsman institution;
- improper subjective scope of Article 114 of the Competition and Consumer Protection Act (misdemeanor liability for lack of response to the ombudsman), which essentially covers only entrepreneurs – natural persons, and de facto omits legal persons (e.g., companies).

Question 5. What could be done to make your work as ombudsmen easier?

Ombudsmen also indicated postulates regarding ways to improve their work:

- creating an information exchange platform, jurisprudence and good practices database, through which experiences could be exchanged; alternatively, a registry of interventions with marking of the entrepreneur and case topic, to enable consultations between ombudsmen in more complex, similar cases. OCCP and other consumer protection institutions could use this platform in their current work. Such a mechanism would limit duplication of actions by various institutions in the same case and would allow proper addressing of the problem to a specific institution;

- preparation of document templates for use in daily work, e.g., complaint template to energy entrepreneurs or complaint path or more broadly – access to well-developed current educational materials for consumers;
- greater number of free thematic training from OCCP dedicated to ombudsmen. Additionally, a postulate appeared to record such training to enable their playback later;
- faster response by OCCP and other offices to signals from ombudsmen regarding market irregularities;
- mandatory increase in ombudsman employment to full-time and prohibition of combining ombudsman work in the district office (city hall) with other functions;
- increase in ombudsmen salaries;
- introduction of more precise regulation regarding the ombudsman's office, i.e., making the number of office employees dependent on the number of inhabitants in the district;
- clarification of the ombudsman's local jurisdiction so that it is known which consumers can turn to them;
- regulation of the ombudsman's substitute institution;
- regulation of the ombudsman's status in district structures;
- introduction of action procedure for ombudsmen, including presumption of delivery of correspondence from consumer ombudsman to entrepreneur at their registered address (visible in Central Register and Information on Economic Activity, National Court Register) with clear indication that administrative procedure code provisions do not apply to ombudsman proceedings;
- introduction of legal regulation that the consumer ombudsman is not obligated to undertake activities in very minor cases, e.g., where the dispute value does not exceed PLN 50–100;

- introduction of legal regulation enabling the ombudsman to refuse action in case of ongoing or completed proceedings by another institution operating in the area of consumer protection;
- introduction of obligation to exhaust the complaint route preceding the ombudsman's intervention;
- statutory regulation of the issue of personal data administration by the ombudsman (currently these regulations contain guidelines of the President of the Personal Data Protection Office);
- expanding the scope of entities with which the ombudsman cooperates, e.g., by adding in Article 42 paragraph 1 point 4 of the Competition and Consumer Protection Act the phrase: "and with other bodies and entities whose tasks include consumer protection," which will sanction the already existing practice of ombudsmen's actions;
- introduction of regulation indicating directly that the ombudsman may demand that the entrepreneur also make available copies of documents, conversation recordings, films, etc. evidentiary means;
- clear regulation in civil procedure of the issue of statutory exemption of the ombudsman from court and procedural costs, also in case of losing a case that the ombudsman filed or joined;
- clarification of the issue whether the consumer ombudsman can play any role in cases of so-called consumer bankruptcy (this issue remains constantly unclear);
- in Article 114 of the Competition and Consumer Protection Act, direct indication that not only a sole proprietor is responsible for the misdemeanor, but also an entrepreneur operating in another form – e.g., companies and here the holder of such organizational unit's body should bear responsibility;
- introduction of regulation imposing on the ombudsman the obligation to have civil liability insurance for damages caused when performing activities, with the

premium paid by the district self-government;

- clarification of the position and tasks of the National Council of Consumer Ombudsmen in such a way that in addition to being an advisory body to the President of OCCP, it would primarily be a professional self-government body of ombudsmen.

II.3.4. CONCLUSIONS

Consumer ombudsmen constitute the foundation of the individual consumer protection system in Poland. They are on the front line of contact with consumers struggling with everyday market problems, and the burden of practical implementation of consumer protection rests on their shoulders. The consumer protection system in Poland is largely based on the work of ombudsmen, who annually provide hundreds of thousands of consultations and conduct thousands of interventions on behalf of consumers.

However, paradoxically – despite the key role they play in the system – ombudsmen remain largely left to their own devices. There is no systemic support for this professional group – there is no central institution that would provide them with substantive support, unified operating procedures, or systematic training. As a result, ombudsmen are forced to self-organize and mutually support each other, consulting among themselves in difficult cases and exchanging experiences within informal cooperation networks.

Significant disproportions in the quality of consumer protection in different regions of the country are also noticeable. The employment structure of ombudsmen is very uneven – from 0,175 of a full-time position to full-time employment, with only about half working full-time. Moreover – only 30% of ombudsmen have access to an office employing staff. These differences in resources translate directly into the level of consumer protection in a given area.

The analysis shows a clear need for systemic strengthening of the consumer ombudsman institution at many levels. The ombudsmen themselves recognize

these shortcomings and formulate specific postulates for changes covering both improvement of working conditions (full-time positions, proper equipment, regular training) and creation of an information exchange platform and a central institution providing substantive support. Without these changes, the consumer protection system in Poland will continue to be characterized by significant unevenness and will not be able to effectively respond to the growing challenges of the modern market.

II.4. VOIVODESHIP TRADE INSPECTION INSPECTORATES

II.4.1. LEGAL BASIS OF OPERATION AND RATIO LEGIS OF THE INSTITUTION

Voivodeship Trade Inspection Inspectorates (VTII) are offices serving the Voivodeship Trade Inspection Inspector, who is a body of integrated administration in the voivodeship. The Inspectorates operate in all voivodeships in Poland under the supervision of the President of the Office of Competition and Consumer Protection and the relevant voivode.

The Trade Inspection was established in 1950, and already then one of its tasks was to secure consumer interests and the efficiency of their service. Currently, the legal basis for the operation of VTII is the Act of December 15, 2000 on Trade Inspection⁷², which defines the structure, principles of operation, principles of conducting inspections, and main tasks of the Trade Inspection. The detailed scope of tasks and competences of VTII is also defined by provisions of many acts that concern various areas and aspects of the functioning of individual categories of entrepreneurs.

According to Article 1 of the Act on Trade Inspection, VTII is a specialized control body established to protect consumer interests and rights as well as economic interests of the state. In this way, an institution was established which is unique among other bodies in Poland because its activities have a dual character. On one

⁷² Journal of Laws 2001, No. 4, item 25.

hand, it is a control and administrative body, possessing authoritative powers and ensuring compliance by entrepreneurs with EU and national law provisions. On the other hand, VTII provides assistance to consumers in a way unique for government administration, applying on a broader scale out-of-court resolution of consumer disputes through conducting mediation and arbitration courts, as well as providing legal advice to consumers.

In their control activities, VTII focus on enforcing EU and national law provisions in the field of market surveillance and general product safety, as well as protecting consumers against unauthorized actions of entrepreneurs in the area of trade and services. These activities protect consumers in a broader and non-individualized sense, as they ensure, among others, the elimination from commercial circulation of products that do not meet safety requirements, quality or standards requirements appropriate for a given segment of goods. By conducting laboratory tests on a wide scale, they do not allow products that could threaten consumers' life and health to enter the common European market.

A similar role is played by inspections of commercial establishments, among others, in terms of legality and reliability of conducted activities and the manner of price display⁷³ or inspections of pawnshop activities. These activities are intended to ensure consumers' right to make purchasing decisions based on reliable and truthful information and protect them against unfair practices of entrepreneurs.

In the context of the activities described above, VTII serve as control and administrative bodies. By conducting inspections based, among others, on the Act of March 6, 2018—Entrepreneurs Law⁷⁴, the Inspectorates determine whether a given entity complies with legal provisions. In case irregularities are found, administrative proceedings are initiated, the purpose of which is to impose a monetary penalty that, as a repressive-preventive measure, will remove the identified irregularities and eliminate threats to consumers.

⁷³ Including, among others, in terms of meeting requirements introduced by the so-called Omnibus Directive, i.e., Directive of the European Parliament and of the Council (EU) 2019/2161 of November 27, 2019 amending Council Directive 93/13/EEC and Directives of the European Parliament and of the Council 98/6/EC, 2005/29/EC and 2011/83/EU as regards better enforcement and modernisation of Union consumer protection rules

⁷⁴ Journal of Laws of 2024 item 236, Consolidated text.

Based on the Act on Trade Inspection, VTII conduct, among others, the following inspections:

1. inspection of legality and reliability of entrepreneurs' activities, including: price control⁷⁵ or possession of permits to perform specific activities;
2. control of quality of liquid fuels, solid fuels, and LPG gas⁷⁶;
3. control of compliance by products with requirements specified in the provisions of the act on general product safety⁷⁷;
4. control of compliance by products with requirements specified in the provisions of the act on conformity assessment system and market surveillance⁷⁸;
5. control of products in terms of meeting general safety requirements;
6. control of chemical substances and detergents;
7. control of electrical equipment in terms of energy efficiency labels;
8. control of products in terms of marking and counterfeiting (excluding agricultural and food articles), including: footwear, clothing;
9. control of services;
10. control of proper circulation of batteries and accumulators;
11. control of compliance with provisions on waste electrical and electronic equipment⁷⁹;
12. control of compliance with provisions concerning packaging and packaging waste⁸⁰;

⁷⁵ Act of May 9, 2014 on informing about prices of goods and services, consolidated text Journal of Laws of 2023 item 168.

⁷⁶ Act of August 25 on the system of monitoring and controlling fuel quality, consolidated text Journal of Laws of 2024 item 1209.

⁷⁷ Act of December 12, 2003 on general product safety, consolidated text Journal of Laws of 2021 item 222.

⁷⁸ Act of April 13, 2016 on conformity assessment systems and market surveillance, consolidated text Journal of Laws of 2025 item 568.

⁷⁹ Act of September 11, 2015 on waste electrical and electronic equipment, consolidated text Journal of Laws of 2024 item 573.

⁸⁰ Act of June 13, 2013 on packaging and packaging waste management, consolidated text Journal of Laws of 2024 item 927.

13. control of cosmetic products;

14. control of pawnshop activities⁸¹.

In addition to control activities, VTII also protect consumer interests in a narrower and individualized sense. Based on the Act on Trade Inspection, the tasks of VTII include:

1. Conducting proceedings on out-of-court resolution of consumer disputes:

VTII is an entity authorized to conduct proceedings on out-of-court resolution of consumer disputes within the meaning of the Act of September 23, 2016 on out-of-court resolution of consumer disputes⁸².

If the nature of the case justifies it, VTII undertakes actions aimed at out-of-court resolution of a civil law dispute between a consumer and an entrepreneur by enabling the parties to bring their positions closer together in order to resolve the dispute by its parties (mediation) or presenting the parties with a proposal for dispute resolution (conciliation).

VTII are also entities authorized to conduct proceedings through the Online Dispute Resolution: ODR platform⁸³. In Poland, out of 25 bodies entered in the ODR register, 16 are VTII⁸⁴.

2. Organizing and conducting permanent arbitration courts:

Permanent Arbitration Courts operate at VTII, which can consider disputes over property rights arising from contracts concluded between consumers and entrepreneurs. According to Article 1212 § 1 of the Act of November 17, 1964—Code of Civil Procedure⁸⁵, an arbitration court judgment or settlement concluded before it have legal force equal to a court judgment or settlement concluded before a court after their recognition by the court or after the court

81 Act of April 14, 2023 on consumer pawnshop loans, Journal of Laws of 2024 item 1111.

82 Journal of Laws of 2016 item 1823.

83 This is an interactive website constituting a single access point for consumers and entrepreneurs wishing to resolve disputes out of court, created on the basis of Regulation of the European Parliament and of the Council (EU) No 524/2013 of May 21, 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on ODR in consumer disputes), (OJ EU L No 165, p.1).

84 <https://ec.europa.eu/consumers/odr/main/?event=main.adr.show2>.

85 Journal of Laws of 2024 item 1568, consolidated text.

determines their enforceability.

3. Conducting consumer counseling:

VTII employees provide legal advice in the area of consumer law. This advice is provided: in writing, by telephone, or directly at the Inspectorates' headquarters. Providing legal advice by VTII employees complements similar activities conducted by consumer ombudsmen.

4. Maintaining a list of experts:

According to Article 11 paragraph 2 of the Act on Trade Inspection, the voivodeship inspector maintains a list of experts on product or service quality matters. Experts entered on the list may be appointed to issue opinions on product or service quality commissioned by a consumer, entrepreneur, permanent arbitration court, voivodeship inspector, district (municipal) consumer ombudsman, or social organization whose statutory tasks include consumer protection.

As follows from the above, individual consumer protection conducted by VTII has a broad and diversified character, but is always based on voluntary participation by the dispute parties.

Analysis of VTII competences, forms of action, and their addressees leads to the conclusion that this is a horizontal body with a broad scope of action, protecting not only individual consumer interests, but also acting to secure collective consumer interests and economic interests of the state.

II.4.2. ASSESSMENT OF THE INSTITUTION'S OPERATION AND EFFECTIVENESS BASED ON COLLECTED DATA

Within the framework of access to public information, we requested data for the period from January 1, 2020 to December 31, 2024. The requests concerned:

1. the number of submitted applications for conducting actions aimed at

out-of-court resolution of consumer disputes and the effect of undertaking these actions;

2. the number of submitted applications to the Permanent Arbitration Court and the number of rulings that were issued;
3. the number of inspections conducted by VTII in the scope of controlling legality and reliability of entrepreneurs' activities conducting economic activity within the meaning of separate provisions in the scope of production, trade, and services;
4. indication of how many inspections mentioned in point 3 were the result of VTII's own activity (so-called own inspections), the result of reporting irregularities by consumers (so-called intervention inspections), and the result of inspection orders from OCCP.

Based on the collected data and their analysis, several key observations regarding the functioning of VTII can be formulated.

II.4.2.1. MEDIATION AND ARBITRATION CASES

In the years 2020-2024, a total of 18,001 ADR (Alternative Dispute Resolution) applications were registered, of which 8 473 cases were concluded positively for the consumer. This represents an effectiveness rate of 47,07%. In the case of arbitration courts, 3048 applications were submitted, of which 858 rulings were issued. Unfortunately, there is no data on how many of these rulings were in favor of the consumer.

As follows from the presented information, despite ADR effectiveness exceeding 47%, interest in this type of support is small in relation to the number of consumer problems (details in Chapter IV.2). The total number of cases resolved within ADR proceedings and before arbitration courts amounted to only 21 409 over 5 years, which gives an average of only 4 210 cases annually in the examined period. Taking into account the population of Poland (approximately 37,5 million), it can be seen that amicable methods of dispute resolution do not enjoy great interest among

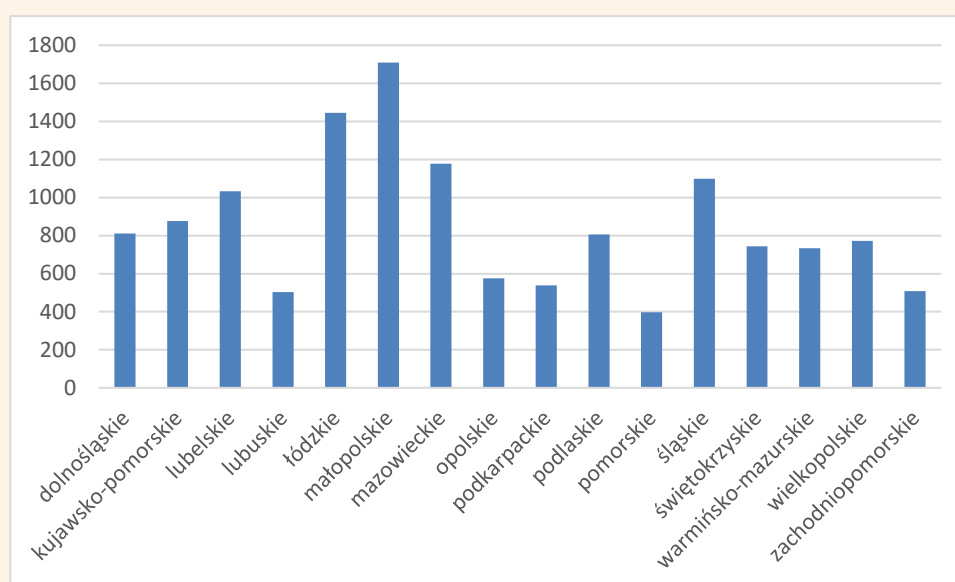
citizens. This may result from low social awareness regarding the existence of alternative dispute resolution methods and mediation possibilities. Analyzing the number of applications submitted to VTII and the number of proceedings undertaken, one can also observe a high percentage of refusals on the part of entrepreneurs who do not participate in amicable proceedings.

II.4.2.2. SCALE OF VTII CONTROL ACTIVITIES

In the period 2020-2024, Voivodeship Trade Inspection Inspectorates conducted 68 656 inspections⁸⁶ nationwide, which gives an average of slightly over 13 731 inspections annually. Analysis of data at the voivodeship level allows observation of significant differences both in the total number of conducted inspections and in their structure according to source.

The highest average annual number of inspections in the examined period were conducted by the inspectorates: mazowiecki, małopolski and łódzki, while the smallest: lubuski, podkarpacki i pomorski.

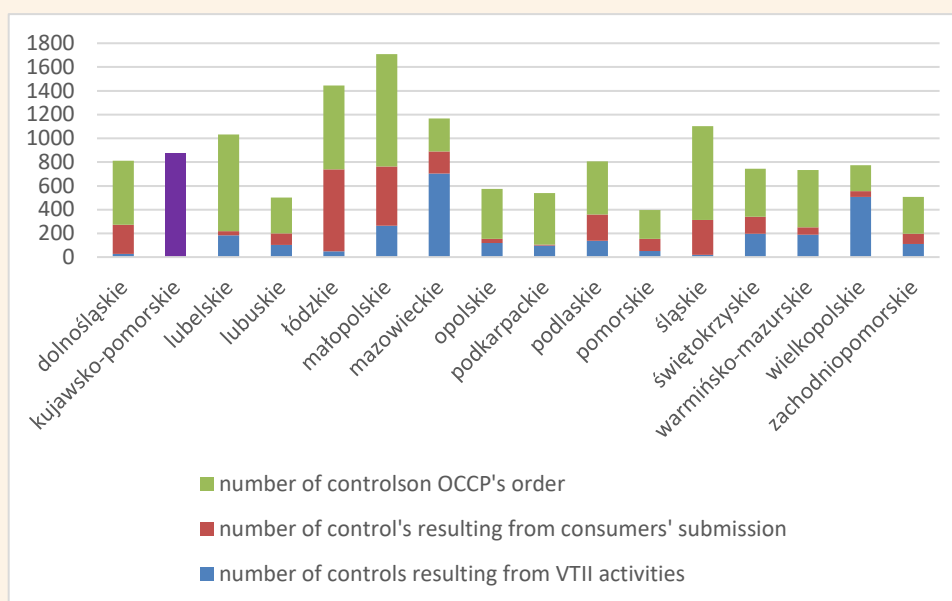
Chart 6. Number of inspections in the voivodeship annually on average



⁸⁶ In the scope of legality and reliability of entrepreneurs' activities conducting economic activity within the meaning of separate provisions in the scope of production, trade and services (Article 3 paragraph 1 point 1 of the Act on Trade Inspection)

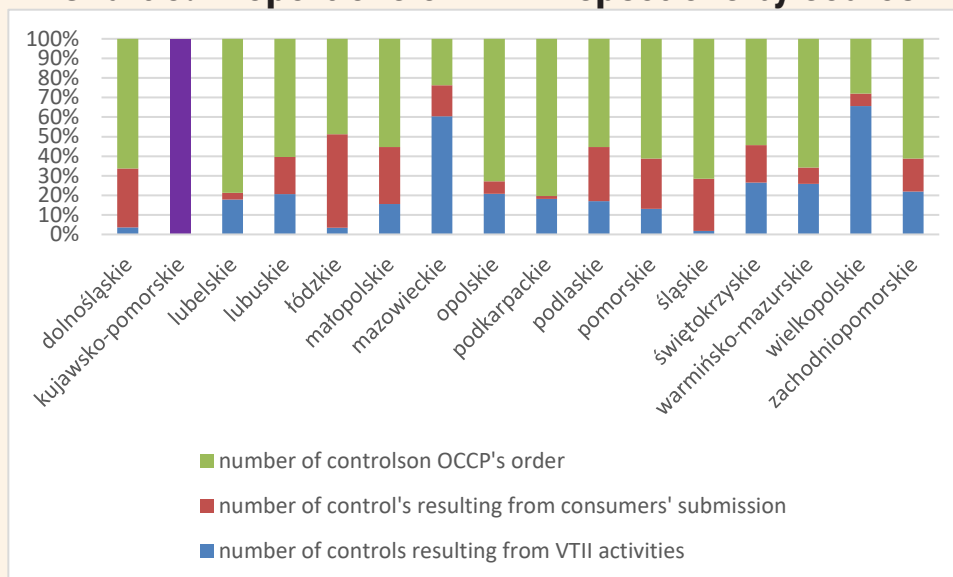
Very large diversification in the nature of activities of individual VTII is also noticeable. Significant discrepancies are visible in the proportion between the amount of own control activities of individual inspectorates and the number of reactions to signals received from the market (from consumers and OCCP). Exact statistics are shown in the chart below:

Chart 7. Number of VTII inspections by source



Kujawsko-pomorskie voivodeship lacks data on the source of control

The most own initiative in the area of control was shown by inspectorates in Mazowsze and Wielkopolska. On the other hand, actions that were a response to information from consumers were undertaken relatively most often by the Łódź inspectorate. In other cases, it was primarily on OCCP's order that inspections were carried out and they constituted as much as 53% of all activities in this area. The above summary does not include information about kujawsko – pomorskie voivodeships, as this inspectorate does not maintain statistics on inspection sources.

Chart 8. Proportions of VTII inspections by source

Kujawsko-pomorskie voivodeship lacks data on the source of control

Analysis of data concerning staff and intensity of control activities of individual Voivodeship Trade Inspection Inspectorates per number of inhabitants and employees allows us to notice significant regional differences in terms of workload and efficiency of inspectorates' work.

The highest coefficient of the number of VTII employees per 100 000 inhabitants was recorded in śląskie (0,60) and małopolskie (0,51) voivodeships, while the lowest—in lubuskie (0,24) and podlaskie (0,24) voivodeships. In the obtained data, clear differences in the number of inspections per office employee are visible. The most tasks in this area were carried out by inspectorates in the łódzkie (over 21,8 inspections per employee annually on average), małopolskie (over 25,3), and lubelskie (18,4) voivodeships. On the other side of the scale, we have the pomorskie, wielkopolskie and podkarpackie voivodeships, where less than 10 inspections per employee fell on average per year.

From the point of view of inspections per inhabitant, the highest intensity of control activities was shown in podlaskie, świętokrzyskie i opolskie voivodeships, where the indicator of the number of inspections relative to the population exceeded the level of 0,0006. The lowest intensity of control activities per inhabitant took place in the pomorskie (0,000168), wielkopolskie (0.000222), and paradoxically—mazowieckie (0.000214) voivodeships, despite the fact that mazowieckie had one of

the largest teams in the country.

Summarizing, the data compilation allows indication of voivodeships where VTII activities were conducted with the greatest intensity (including łódzkie, małopolskie, lubelskie voivodeships), as well as those where the number of inspections in relation to the number of inhabitants and staff was relatively low (including pomorskie, podkarpackie, mazowieckie voivodeships). This data can be a starting point for assessing the effectiveness of human resource utilization and needs for supporting selected inspectorates.

II.4.3. CONCLUSIONS

The conducted analysis revealed significant diversification between voivodeships both in terms of the number of conducted inspections and the manner of their initiation as well as the effectiveness of human resource utilization. Particularly visible are differences in the structure of inspection sources—some inspectorates base mainly on own activities, others respond to a greater extent to consumer signals or carry out inspections ordered by OCCP. Attention is drawn to the fact that over half of all inspections were carried out on OCCP's order, which confirms the central role of the Office in determining the directions of VTII activities. At the same time, the relatively low share of activities resulting from the own initiative of some inspectorates may indicate limited proactivity or lack of resources to carry out inspections other than those centrally ordered. The noticed differences between individual voivodeships may indicate that at least in some regions, the independent activity of inspectorates should be significantly strengthened. VTII are entities operating in specific local conditions and have definitely better recognition of needs issues concerning their areas of activity. It is natural, after all, that individual regions differ on a national scale. Limiting VTII activities, at least in some cases, almost exclusively to executing orders from the central body (i.e., OCCP) does not allow for utilizing the potential that lies in the inspectorates. This issue should become the subject of substantive discussion about the directions of VTII activities.

The lack of data from the kujawsko-pomorskie voivodeship does not allow for a full

assessment of the activity of the local VTII, which limits the possibility of comparisons and may indicate deficiencies in terms of reporting transparency.

The małopolskie, łódzkie and mazowieckie voivodeships were distinguished by the highest average annual number of conducted inspections. However, their high results in absolute numbers did not always translate into equally high inspection indicators per inhabitant. For example, the mazowieckie voivodeship—despite one of the largest employee teams—was characterized by one of the lowest indicators of the number of inspections per 100 000 population, which may indicate relatively lower intensity of activities in relation to potential needs or other inspection priorities.

Voivodeships such as świętokrzyskie, podlaskie and opolskie showed very high intensity of control activities relative to the number of inhabitants despite more modest human resources. This testifies to above-average activity of local VTII structures and effective utilization of available resources.

The data compilation also allows indication of correlations between employment structure and inspectorate effectiveness. In voivodeships with lower employment, such as lubuskie or warmińsko-mazurskie, indicators of the number of inspections per employee were close to the levels of voivodeships with significantly larger staff, which may indicate high task burden of these units.

Summarizing, the available data allow not only to identify the most and least active units but also to outline areas requiring further organizational or analytical support. Recommended is increased standardization of reporting and in-depth analysis of factors influencing regional discrepancies in terms of VTII activity effectiveness.

Attention is also drawn to the fact of very limited use by consumers of the possibility of out-of-court dispute resolution offered by VTII. It seems reasonable to conduct broad educational activities encouraging and educating both consumers and entrepreneurs that out-of-court methods of dispute resolution are an attractive alternative and provide many benefits to both parties to the dispute.

II.5. ECC—LEGAL BASIS OF OPERATION AND RATIO LEGIS OF THE INSTITUTION

II.5.1. LEGAL BASIS OF OPERATION AND RATIO LEGIS OF THE INSTITUTION

The European Consumer Centre in Poland (ECC Poland) was established in 2005 based on an agreement concluded between the European Commission and OCCP. The Centre operates within the pan-European ECC-Net (European Consumer Centres Network), whose purpose is to support consumers in cross-border disputes and inform them about their rights. This network covers all European Union member states, as well as Norway, Iceland, and the United Kingdom. Funding for the activities of ECC Poland is jointly provided by the European Commission and OCCP. The legal basis for the Centre's functioning is Regulation of the European Parliament and of the Council (EU) 2021/690 of 28 April 2021 establishing the Single Market Programme for the competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics⁸⁷.

ECC's activities are informational and mediatory in nature. The Centre is not an authoritative or judicial body and does not have powers to impose sanctions on entrepreneurs or issue binding decisions⁸⁸. Proceedings conducted by ECC are amicable in nature and are based on the strength of legal arguments and the entrepreneur's good will. The Centre's effectiveness therefore depends largely on the cooperation of the other party and on the quality of evidence presented by the consumer. Importantly, initiating proceedings by ECC does not stop the limitation period nor exclude the possibility of pursuing claims through court proceedings.

ECC Poland accepts cases reported by consumers residing in Poland who have concluded contracts with entrepreneurs registered in another EU country, Norway,

⁸⁷ Regulation of the European Parliament and of the Council (EU) 2021/690 of 28 April 2021 establishing the Single Market Programme for the competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (OJ L 153, 3.5.2021, p. 1–47).

⁸⁸ European Consumer Centre <https://konsument.gov.pl/> (accessed: May 1, 2025).

Iceland, or the United Kingdom. Disputes must be cross-border and consumer-related—excluded are, among others, complaints between two natural persons, between entrepreneurs, as well as those concerning entities outside the geographical scope of the ECC-Net network (e.g., USA, China, Russia, Switzerland). The Centre does not handle cases where the entrepreneur has refused cooperation, nor those that have already been referred to court proceedings. Also excluded from ECC's scope of activity are cases in the field of financial and insurance law. Consumer complaints may only concern situations related to the purchase of goods or services. In particular, the Centre does not deal with cases documented by invoices issued to company data or concerning transactions made within the framework of business activity. The Centre provides support both in dispute resolution and in understanding consumer law provisions applicable in a cross-border context⁸⁹. Assistance provided by ECC Poland is free of charge.

The Centre also conducts activities promoting European consumer rights, supporting the European Commission's information activities. It cooperates with consumer protection institutions and organizations of entrepreneurs and consumers. At the same time, ECC's role is to provide OCCP with information about potential violations in the field of consumer law⁹⁰.

II.5.2. ASSESSMENT OF THE INSTITUTION'S OPERATION AND EFFECTIVENESS BASED ON COLLECTED DATA

Statistics regarding ECC's activities in the period 2020-2024 are presented in the table below:

Table 4. ECC Poland consultations and assistance in cross-border cases in 2020-2024

Year	Number of consultations provided	Assistance (PL – EU)	Assistance (EU – PL)
2020	5545	1 421	595
2021	4293	1 365	557

⁸⁹ J. Mucha, *Alternative methods of resolving consumer disputes in the European Union*, Warsaw 2020.
⁹⁰ OCCP, *Report on OCCP activities for 2023...*, p. 67.

Year	Number of consultations provided	Assistance (PL – EU)	Assistance (EU – PL)
2022	5186	1 664	639
2023	6192	1 734	585
2024	7456	1 768	669

In the analyzed period, ECC Poland recorded a systematic increase in the number of consultations provided and cross-border cases handled. In 2020, the number of consultations was 5 545, while in 2024 it reached 7 456, representing an increase of over 34% over five years. The increase in the number of consultations was particularly pronounced in 2022-2024, which may indicate growing awareness of ECC Poland's activities among consumers and greater interest in assistance offered by this institution.

An equally clear increase was recorded in the number of cases concerning consumers from Poland who concluded contracts with entrepreneurs from other EU countries, Norway, Iceland, or the United Kingdom. In 2020, ECC Poland provided assistance in 1 421 such cases, while in 2024 this number increased to 1 768. This is the highest result in the analyzed period and at the same time confirmation of the intensification of cross-border consumer relations and greater engagement in pursuing rights against foreign entrepreneurs.

The number of cases concerning foreign consumers filing complaints against Polish entrepreneurs remained relatively stable (though somewhat more variable). It ranged from 557 cases in 2021 to 669 in 2024. It should be noted that although these numbers are lower than in the case of cases initiated by Polish consumers, an upward trend is also visible. This shows the growing scale of international trade involving Polish entities.

In the area of topics of inquiries and proceedings conducted by ECC Poland, clear changes in the structure of problems reported by Polish consumers in cross-border relations are evident.

Table 5: Thematic categories of inquiries and proceedings handled by ECC Poland (consumers from Poland) in 2020–2024

Category					
Passenger transport	1965	1375	2641	2687	2853
Car rental	124	70	99	151	296
Delivery problems	435	558	587		578
Contract terms	427	468	870	771	809
Legal guarantee and commercial guarantee	821	1156	1034	1577	2045
Contract withdrawal	1413	2590	829	697	1220
Product prices and payments	262	399	418	693	1056
Discrimination	43	63	163	50	65
Fraud	71	115	65	63	52
Other	84	87	38	51	113
Information inquiry	1341	307	226	179	158

Throughout the analyzed period, complaints related to passenger transport remained consistently the most frequent—their number systematically grew from 1,965 in 2020 to 2,853 in 2024. There is also a clear increase in interest in issues related to car rental, especially in the last year, where the number of reports almost doubled compared to the previous year (296 reports in 2024 versus 151 in 2023).

Some fluctuations can be observed in the number of cases concerning goods delivery. In 2020, 435 such problems were reported, in 2021—558, and in 2023 there was a clear jump to 1 010 reports. In 2024, this number fell again to 578. Similar fluctuations concern inquiries related to contract terms—in 2022, as many as 870 were reported, while in 2023 there was a decrease to 771.

Legal guarantee and commercial guarantee remain a significant and consistently maintained problem category. The number of reports in this category increased from 821 in 2020 to as many as 2 045 in 2024. This thematic area, right after passenger transport, enjoys the greatest popularity among consumers. This shows that issues related to consumers' daily functioning are among the most problematic.

The dynamic growth of inquiries concerning product prices and payments also draws attention. In 2020 there were only 262, and in 2024 already 1,056, representing more than a fourfold increase. It can be assumed that this is the effect of a

growing number of online transactions, but also the introduction of the Omnibus directive⁹¹ and new rules regarding price reduction presentation, which since 2023 obliges entrepreneurs to indicate, next to the current price, the lowest price of the product that was in effect during the last 30 days. In the case of matters concerning contract withdrawal, after a sharp increase in the number of reports in 2021 (2 590), the number of cases systematically decreased until 2024, reaching the level of 1 220.

Consumer problems quite rarely concern issues such as discrimination and fraud and remain at a relatively low and stable level. In turn, in the case of information inquiries, their initially very high number (1 341 in 2020) recorded a constant downward trend, reaching only 158 in 2024.

II.5.3. CONCLUSIONS

Data for 2020–2024 clearly indicate the growing role of ECC Poland as a support point for consumers in cross-border commercial relations. Both the number of consultations and mediation cases systematically grew. The increase in the number of reports can also be read as a positive signal of strengthening trust in amicable dispute resolution mechanisms and developing consumer awareness in Poland and other countries belonging to ECC-Net. Certainly not without significance remains the effect caused by the COVID-19 pandemic, when the number of contracts concluded via the internet increased very rapidly.

Among the problems that consumers most frequently face in cross-border transactions are issues concerning passenger transport and issues concerning purchases (legal guarantee and commercial guarantee as well as exercising the right to withdraw from a contract). Unfortunately, there is no data confirming what the actual effectiveness of actions implemented by ECC Poland is, which makes it difficult to comprehensively assess the activities of this institution.

⁹¹ Directive of the European Parliament and of the Council (EU) 2019/2161 of 27 November 2019 amending Council Directive 93/13/EEC and Directives of the European Parliament and of the Council 98/6/EC, 2005/29/EC and 2011/83/EU as regards the better enforcement and modernisation of Union consumer protection rules (Text with EEA relevance).

II.6. CONSUMER NON-GOVERNMENTAL ORGANIZATIONS

II.6.1. DEFINITION AND STATUS OF CONSUMER ORGANIZATIONS

Consumer organizations are non-governmental organizations that are independent from entrepreneurs and their associations, and whose statutory tasks include protecting consumer interests. This definition—included in the Act on Competition and Consumer Protection—has a very broad scope and theoretically allows any entity that has “promotion and protection of consumer rights” written in its statute to be considered a consumer organization.

However, attention should be paid to the common practice of non-governmental organizations including all possible areas of public benefit activities in their statutes to avoid the need to make subsequent changes to them. Taking this fact into account as well as actual engagement in the area of promoting and protecting consumer rights, in reality there are few organizations operating actively on the Polish market that can be classified as consumer organizations *sensu stricto*—that is, those that:

- have been actively operating nationwide for consumers for years;
- possess appropriate experience and their own specialized staff;
- operate independently from granted funding;
- actively create innovative solutions in the consumer area.

II.6.2. ROLE OF CONSUMER ORGANIZATIONS IN THE CONSUMER PROTECTION SYSTEM

Civil society institutions play a significant role in properly shaping consumer policy of EU countries and modifying market behaviors of entrepreneurs and consumers. The strength of these institutions results from the grassroots creation of

organizations in the third sector and constitutes an emanation of society's needs.

It is worth noting that a significant part of non-governmental organizations "touching" market functioning influences consumer policy and the market itself—this is the effect of the wide scope of citizens' functioning as consumers. After all, we are all consumers.

The mass nature of circulation and the growing level of complexity of goods and services has caused some organizations to specialize precisely in the field of broadly understood consumer law, but not only law. Consumer organizations also deal with testing products and services, promoting consumer behaviors and attitudes in the area of sustainable development, health, education and consumer goods design, as well as influencing civilizational development (e.g., in terms of permitted mechanisms of so-called artificial intelligence). In a broad sense, this is also influence even on tax and customs policy (national and EU), security and social policy (e.g., senior policy).

Operating in the market in the form of a grassroots-created social organization enables close contact with current consumer problems. This allows organizations to react almost immediately and flexibly to consumer needs. They are not bound by the principle of administration functioning within the law (only what is permitted), but are based on civil foundations (what is not prohibited is permitted).

The beginnings of consumer organizations date back to the 1960s, with most of them originating from human rights movements. Rights recognized as an imminent element attributed to humans allowed for the defense of weaker citizens in relation to the state with its apparatus of violence. A similar disproportion appeared on the entrepreneur-consumer line, primarily at the economic level.

Some well-developed Western states understood the beneficial impact of consumer organizations, adopting permanent financing mechanisms for such organizations (e.g., Germany, Denmark). In others, a strongly developed civil society actively participates in the activities of such organizations—some are based on mass membership, which enhances their market influence (e.g., the Dutch Consumentenbond

has nearly half a million members). Where strong consumer organizations emerged and developed thanks to public funding, consumers are more aware and recover due compensation from unfair practices by companies. The effect of such actions was visible in the case of scandals such as Dieselgate (Volkswagen).

Consumer organizations operating in the public interest on a non-profit basis are independent entities. Their activities are decidedly less formalized than public institutions, where applicable procedures extend the time needed to take necessary steps. Additionally, the scope of consumer organizations' activities is nowhere rigidly defined. This provides the possibility of undertaking flexible forms of activity best suited to a given issue. Thanks to the fact that consumer organizations have their "specializations" and operate in various thematic areas, the scope of activities they conduct, their knowledge and experience are much broader than in the case of public institutions.

Taking the above into account, consumer organizations are an important element in the consumer protection system that can excellently support existing activities or complement those areas that remain unaddressed by other institutions.

II.6.3. COMPETENCES AND STRATEGIC FUNCTIONS OF CONSUMER ORGANIZATIONS

The competences of consumer organizations in Polish law are defined broadly in the provisions—in the form of an open catalog. According to Article 45 paragraph 2 of the Act on Competition and Consumer Protection, consumer organizations have, in particular, the right to:

- express opinions on draft legal acts and other documents concerning consumer rights and interests;
- develop and disseminate consumer educational programs;
- perform product and service tests and publish their results;
- publish magazines, research studies, brochures and leaflets;

- provide free consumer counseling and provide free assistance to consumers in pursuing their claims;
- participate in standardization work;
- implement state tasks in the field of consumer protection, commissioned by government and self-government administration bodies;
- apply for subsidies from public funds for the implementation of tasks in the area of competition and consumer protection.

However, the broad scope of competences granted to organizations does not go hand in hand with systematic utilization of their potential, as detailed below.

As already indicated earlier, the scope of consumer organizations' activities is extremely broad. However, taking into account the realities in which organizations function, several key areas of activity can be indicated within which their knowledge, experience and activity, as well as functions performed so far, could be particularly well utilized.

1. Consumer Education

The effectiveness of consumer law depends largely on the level of consumer awareness. Consumer organizations, thanks to their experience and independence, are a natural partner for public institutions in implementing educational programs. Although the Act on Competition and Consumer Protection assigns the obligation of consumer education to local government units, in practice it is non-governmental organizations that perform these tasks. Local governments and central institutions outsource the performance of a large part of tasks, including to consumer organizations. Usually within competitions that—due to the broad definition of consumer organization—do not stimulate the development of potential of actual consumer organizations.

Organizations also perform educational activities within cooperation with the market and other organizations, and sometimes also voluntarily as implementation of the statutory tasks of the institution. In this mechanism, activities

can be much more effective as they are free from top-down administrative guidelines about consumer needs and the specifics of such education.

2. Market Monitoring

Thanks to direct contact with consumers, consumer organizations serve as early warning systems about unfair commercial practices or infringing collective interests of consumers. An example of such activities in European conditions was the joint action of 17 European consumer organizations grouped in BEUC (including the Consumer Federation) consisting of filing notifications to national consumer protection authorities about illegal activities of TEMU and SHEIN platforms.

3. Participation in the Law-Making Process

Consumer organizations are key participants in public consultations regarding legislative projects. They provide knowledge in this process about mechanisms requiring correction or leaving areas unregulated. This seems particularly important in a situation where the lion's share of consumer regulations is derived from European regulations (directive implementation), requiring the application of national options. On the other hand, organizations contribute to legislators' positions in the EU law-making process. This is a two-track action: on one hand through central administration, on the other through umbrella associations operating with EU legislatures (mainly BEUC).

On Polish grounds, one can observe active participation of consumer organizations grouped in the Forkon Consumer Organizations Forum in the law-making process and initiating discussions about existing regulations. Unfortunately, in current realities, the voice of consumer organizations is not sufficiently taken into account, which we write about in more detail in Chapter I.2.

4. Assistance in Individual Consumer Cases

Consumer organizations support consumers in disputes with entrepreneurs, providing legal assistance, preparing complaint letters and helping consumers

at the court stage. This assistance is invaluable for people excluded in various ways or having difficulties obtaining help in other elements of the system. Organizations' activities in this area complement the existing gap in the consumer protection system. For example, the vast majority of ombudsmen do not help consumers at the court stage. Hence, the activities of an organization such as the Aquila Consumer Protection Association, which supports consumers in court, constitute a significant contribution to strengthening the scope of assistance offered to consumers in court.

Legal assistance in the case of consumer organizations is effective in that it is based on knowledge of the practical functioning of the market, often local markets, where influence on entrepreneurs' behavior takes the form of permanent bilateral contacts. The more effective is also intervention and mediation assistance, ultimately allowing avoidance of court disputes.

5. Representative Actions

Directive of the European Parliament and of the Council (EU) 2020/1828 of 25 November 2020 on representative actions⁹² introduced the institution of entities authorized to bring representative actions. Qualified consumer organizations can represent the interests of many consumers affected by the same practice. This mechanism is particularly important in the context of globalization and digitization of the market.

Consumer organizations in Western Europe have been using similar mechanisms for several decades (Germany, Netherlands, Italy, Norway).

In Poland, the regulation on group proceedings that has been in force so far was not successful. Lawsuits are complicated and last for many years. New regulations (implemented provisions of the above-mentioned directive) did not bring improvement. Only the Financial Ombudsman is entered in the register of entities authorized to bring representative actions (by law).

The potential of consumer organizations was not utilized in the representative

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action system introduced in 2022. This new way of pursuing consumer claims in collective proceedings, combined with public law elements previously reserved for the Office of Competition and Consumer Protection (OCCP), could have become an area of activity for non-governmental organizations. In such proceedings, the court can not only find a infringements of collective interests of consumers but also award compensation to injured consumers. Unfortunately, such high entry criteria to the register of entities authorized to conduct these proceedings were established that no organization in Poland decided to join it.

II.6.4. PROBLEMS OF CONSUMER ORGANIZATIONS IN POLAND

In Poland, the sphere of individual consumer assistance has been mainly occupied by consumer ombudsmen and specialized public institutions such as the Financial Ombudsman. Despite the enormous potential that lies dormant in consumer organizations, in Polish realities their possibilities remain far underutilized, although in terms of possessed competences they do not differ significantly from organizations from other EU countries. The overall picture consists of several factors.

1. It seems that both the Office of Competition and Consumer Protection and the administration (represented by individual ministries, e.g., Ministry of Justice) do not have a strategy for cooperation and stimulating the potential of consumer organizations. Moreover, some organizations signal a desire for a kind of competition for representing consumers. Thus, one can venture to say that the administration does not accept diversity of views on the shape of consumer policy, somewhat fighting the independence presented by consumer organizations. This is independence *per se*, based on the civic origin of these institutions.
2. Some central offices treat consumer organizations as public service providers, and competitions conducted for these organizations are essentially tenders where more weight is attached to price than to quality and reliability of the task performed. Such action contradicts the idea of consumer

organizations' existence.

3. The above results in offering organizations subsidies that barely allow for task completion, while simultaneously stimulating competition with organizations whose activities marginally focus on consumers.
4. Lack of financing at an appropriate level, without more permanent temporal security of such financing, causes pauperization, fragmentation and task-orientation among organizations, preventing the building of potential in the longer term, also making it difficult for organizations to survive in periods where grants could not be obtained. Organizations do not create extensive structures (symptomatic is the preference for the legal form of foundation instead of association, which requires the involvement of at least 15 people), do not invest in developing their own potential, nor plan long-term. Additionally, competition for limited financial resources leads to tensions and animosities between organizations operating in the same area.
5. A peculiar problem is also recognizing as a consumer organization an entity that has such a task written in its statute. In such terms, several hundred consumer organizations function in Poland, which is difficult to consider reliable and consistent with reality.
6. A litmus test of the actual potential of Polish consumer organizations is the lack of interest on their part in obtaining the status of an entity authorized to conduct representative proceedings (we wrote about this in more detail in Chapter I.2.). In essence, such status requires significant resources both personal and organizational, and especially financial. In Western organizations, problems on such a scale do not occur.

Consumer organizations in Poland receive funds mainly through targeted subsidies and these funds are allocated to performing specific activities. Currently, these are primarily subsidies granted by:

1. President of OCCP (consumer counseling within helplines and consumer e-advice center and educational projects):
 - Year 2020: subsidy amount PLN 1 550 000 – 126 977 consultations (including 38504 email consultations and 88,473 telephone consultations)
 - Year 2021: subsidy amount PLN 1 550 000 – 105 975 consultations (including 31047 email consultations and 74 928 telephone consultations)
 - Year 2022: subsidy amount PLN 1 400 000 – 116 404 consultations (including 27054 email consultations and 89 350 telephone consultations)
 - Year 2023: subsidy amount PLN 1 400 000 – 134 660 consultations (including 30500 email consultations and 103 756 telephone consultations)
 - Year 2024: subsidy amount PLN 1 600 000 – 112 447 consultations (including 27858 email consultations and 84 589 telephone consultations)
2. National Institute of Freedom (funds within the Advisory Organizations Development Program):
 - In 2022, 4 subsidies were granted for supporting consumer (and legal) counseling in the total amount of PLN 1 551 280. Organizations that received grants conduct various activities on a daily basis, and consumer protection is only one of them. They also do not belong to the Forkon Consumer Organizations Forum. It is impossible to determine how the received funds translated into improved consumer protection in Poland.
3. local government units (sporadic and limited activities, most often educational in nature):
 - The issue of cooperation in the area of promoting and protecting consumer rights is illustrated by the report entitled *Implementation by county and voivodeship local government units of tasks in the area of promoting and protecting consumer rights in 2019-2021*⁹³.

⁹³ *Implementation by county and voivodeship local government units of tasks in the area of promoting and protecting consumer rights in 2019-2021*, <https://prawo-konsumentki.pl/wp-content/uploads/2022/12/Publikacja-dot.-wspolpracy-JST-z-organizacjami-konsumentkami.pdf>

According to data contained in Consumer Conditions Scoreboard 2017 (there is no newer data), the level of financing consumer organization activities in Poland amounts to only 16 euros per 1 000 inhabitants—this is one of the lowest in Europe. For comparison, in countries such as Norway it is 2 526 euros per 1 000 inhabitants, Luxembourg – 1 771 euros, United Kingdom – 1 253 euros or Germany – 1 020 euros, which constitutes financing over 100 times higher.

Despite difficult realities, ten experienced organizations have joined permanent cooperation within the informal group Forkon Consumer Organizations Forum⁹⁴. Cooperation at the substantive and formal level has been successful so far and to such an extent that some of these organizations decided to give up exhausting forced competition and submit joint grant applications in competitions or undertake joint initiatives and cooperation. Moreover, organizations grouped in Forkon jointly tried to act for improving the situation of consumer organizations in Poland since 2020. Then the Consumer Foundation and Aquila Consumer Protection Association (current Forkon members) approached the President of OCCP with a proposal to create a Consumer Protection Fund financed from penalties imposed by the President of OCCP and subject financing of reliable and verified consumer organizations. This idea was not favorably received. In the President of OCCP's assessment, a better system is competition between organizations for subject subsidies for specific projects. There is also no point in supporting the institutional development of organizations because they have too small membership capital. The President also indicated that "the more entities providing a given service on the market, the greater the chance of improving the quality of service provided at an optimal price"⁹⁵.

Further attempts to introduce solutions strengthening consumer organizations were presented by the entire Forkon at the Chancellery of the President of the Republic of Poland in 2022. Despite interest in the problem of underfunding consumer organizations, work in this area was ultimately not undertaken.

⁹⁴ <http://for-kon.pl>

⁹⁵ Letter from the President of OCCP to Aquila Consumer Protection Association and Consumer Foundation dated December 20, 2020, reference: BP.070.1.2020.

Organizations grouped in Forkon continue to take active steps to strengthen consumer organizations in Poland.

Naturally, the above description of the actual situation of consumer organizations is summary in nature. However, it gives a general view of the situation and dilemmas that consumer NGOs in Poland face daily.

II.6.5. SUMMARY

The intention of the EU legislator is to make consumer organizations strategic partners in the consumer protection system. They perform educational, advisory, control and representative functions. The evolution of legal regulations in the EU confirms growing trust in these organizations while implementing mechanisms guaranteeing their independence and responsibility.

In Poland, however, consumer organizations encounter significant barriers, particularly in terms of financing and lack of systematic cooperation with public institutions. Lack of subject financial support and highly set entry barriers to some areas of activity (such as representative actions) significantly limit their potential.

In the face of new challenges in the consumer market—digitization, globalization (unfair competition from Asian platforms) or disinformation—the role of consumer organizations should grow provided appropriate institutional and financial frameworks for their operation are created. Consumer organizations could more intensively deal with such areas as product testing, support in court processes, consumer education and providing substantive support for consumer ombudsmen.

III. LEVEL OF CONSUMER LEGAL AWARENESS

III.1. DESCRIPTION OF THE STUDY AND METHODOLOGY USED

A description of the consumer protection system in Poland would be incomplete without considering the perspective of those most affected – the consumers. To this end, in cooperation with the SWPS University, we conducted a survey on a representative group of adult Poles, aimed at assessing the level of consumer knowledge, familiarity with consumer institutions and consumer experiences with problematic situations. We analysed both subjective¹ and objective² knowledge of consumer rights and knowledge of institutions dealing with consumer rights protection.

Consumer research – basic information	
Institutions conducting the survey	SWPS University, Aquila Consumer Protection Association, Consumer Federation, Euro-Concret Association
Research designer	Prof. Agata Gąsiorowska, SWPS University
Cooperation on the research project	Małgorzata Miś, president of Aquila Consumer Protection Association Grzegorz Miś, district consumer ombudsman in Wrocław
Size of the representative group	1,162 adult residents of Poland
Test method	CAWI
The platform on which the survey was conducted	Qualtrics
The representative group was recruited by	Pollster Research Institute
Date of the survey	2–12 February 2025

¹ Subjective knowledge is based on personal opinions, interpretations and feelings. The survey verified respondents' self-assessment of their knowledge of consumer rights, complaint procedures and options for pursuing their claims. It included both general confidence in this area and personal belief in knowledge of specific regulations (e.g. the difference between returning goods and making a complaint).

² Objective knowledge is based on measurable and observable criteria. In the study, it was assessed using a test verifying knowledge of consumer rights and institutions involved in their protection.

III.2. LEVEL OF CONSUMER LEGAL AWARENESS

III.2.1 AWARENESS OF CONSUMER INSTITUTIONS

III.2.1.1 SPONTANEOUS AWARENESS OF CONSUMER INSTITUTIONS

We began our survey of consumer awareness of consumer institutions by verifying which institutions and entities the respondents were able to identify on their own. We asked about this first, checking the actual level of knowledge. This way, we avoided a situation where we would have provided our respondents with knowledge through previous questions. The results are shown in the table/chart below:

Table 6. Spontaneous awareness of consumer organisations

Spontaneous acquaintance – first and foremost	Number of indications
I don't know	525
OCCP	349
Consumer Ombudsman	89
Consumer Protection Office	35
(State/Provincial) Trade Inspection Authority	29
Consumer Federation	12
(District/municipal) consumer ombudsman	11
Consumer Protection Agency	10
Consumer protection/defence office	8
Ombudsman	8
Sanitary Inspection	7
State labour inspectorate	6
Supreme Audit Office of Poland (NIK)	5
(District) Customer/Consumer protection officer	5
Consumer rights/consumer rights	4
Consumer protection	3
Consumer rights protection	3
Police	3
Consumer rights ombudsman	3
Children's rights advocate	3
Consumer Association (Polish)	3
Polish Credit Bureau (BIK)	2
Consumer Foundation	2
District Consumer Ombudsman	2
Patient rights advocate	2
Conscious consumer	2
Consumer rights office	2

Consumer protection agency	1
Bank Guarantee Fund (BFG)	1
Europe	1
European shopping centre	1
European Consumer Centre	1
Polish Data Protection Authority (GIODO)	1
Main Office for Consumer Protection	1
Labour inspection	1
Consumer Rights Inspection	1
consumer protection inspectorate	1
Polish Financial Supervision Authority (KNF)	1
National Debt Register (KRD)	1
Quality leader	1
International consumer organisation	1
Polish Social Welfare Centre (Mops)	1
Consumer protection	1
Office of Competition and Consumer Protection (OKIK)	1
Polish Red Cross (PCK)	1
Polish Chamber of Books (PIK)	1
Competition and consumer protection law	1
Right of return	1
PZU	1
Consumer protection council	1
Various	1
Human rights ombudsman	1
court	1
Labour court	1
Consumer rights association	1
consumer assistance office	1

According to the survey, most respondents (as many as 525 people, or 49.4% of those surveyed) **were unable to name any specific institution**. The most frequently mentioned institution was the Office of Competition and Consumer Protection (OCCP), which was indicated by 349 people – almost 32.8% of respondents. The Consumer Ombudsman came second (89 responses – 8.4%), followed by the Consumer Protection Office (35 responses – 3.2%), although it should be noted that **both names are incorrect**. Other institutions that appeared in the responses included (State/Provincial) Trade Inspection Authority (29 responses), Consumer Federation (12 responses) and (District/Municipal) Consumer Ombudsman (11 responses).

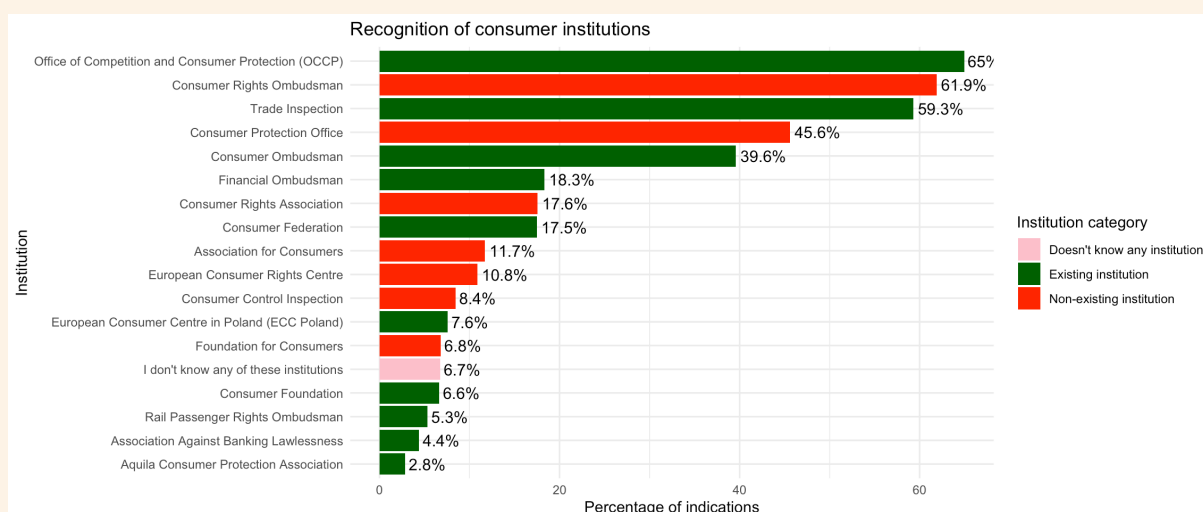
The responses also included less precise terms such as “consumer protection”, “consumer rights” and “consumer rights office”, which may indicate a low level of awareness of specific institutions dealing with consumer rights protection.

It is also worth noting that some respondents pointed to organisations and institutions that are not directly related to consumer protection, such as: The Ombudsman (8 mentions), Sanepid (7 mentions), the National Labour Inspectorate (6 mentions) and the Supreme Audit Office (NIK) (5 mentions).

III.2.1.2 ASSISTED KNOWLEDGE OF CONSUMER INSTITUTIONS

Then, immediately after spontaneous awareness of the institution, we examined awareness of the institution in an assisted manner. To this end, we presented respondents with a list of institutions that assist consumers and asked them to indicate those they were familiar with. However, the list we prepared did not contain only real institutions and their correct names. Of the 17 institutions listed, 7 were not real or the name given was incorrect (marked in red in the chart), and 10 institutions were real (marked in green in the chart).

Chart 9. Assisted knowledge of consumer institutions



Respondents relatively often indicated incorrect names such as Consumer Ombudsman (61%) or Consumer Protection Office (45.6%). Interestingly, as many as 6.7% of respondents indicated that they were not familiar with any of the institutions mentioned.

In summary, the results of the study clearly suggest that awareness of consumer institutions in society is not high. As many as 49.4% of respondents were unable to name any institution on their own. Respondents also indicated institutions that do not exist or do not deal with consumer issues, such as the National Labour Inspectorate, the Supreme Audit Office or the Ombudsman.

Awareness of consumer institutions is significantly higher when names are provided, but even then, non-existent names are mentioned, suggesting that consumers are not always able to independently identify which institutions and organisations are responsible for consumer protection. The average number of correctly identified institutions (out of 10 possible) was 2.26, which indicates a relatively low level of awareness. At the same time, respondents also indicated that they were familiar with “fictitious” institutions that do not exist. Out of 7 fictitious institutions, they identified 1.63 as familiar to them on average. Although the participants in the study gave significantly more correct than incorrect answers regarding institutions, the level of recognition of consumer institutions remains at an alarmingly low level.

III.2.1.3 FACTORS DIFFERENTIATING KNOWLEDGE OF INSTITUTIONS

The level of recognition of institutions is similar for women and men. Gender is therefore not a factor that differentiates knowledge in this area of consumer knowledge.

In terms of age, all groups indicated a similar number of false institutions. However, in the case of correct answers, people aged 56–65 were more likely to correctly identify institutions than people aged 18–25 and 25–35. This state of affairs is most likely due to the so-called cohort effect. Today’s 60-year-olds were active consumers around 30 years ago, at a time when consumer protection institutions such as the Office of Competition and Consumer Protection and consumer ombudsmen

were being established. The 1990s were also a time of free market economic development and growing consumerism. The life experience gained by the 56–65 age group plays a significant role in the ability to correctly identify institutions. No significant differences in the level of recognition of institutions were observed in other age groups.

The study reveals a certain correlation between the level of awareness of institutions and the level of education. People with secondary and higher education were less likely to identify the wrong institutions than those with vocational or basic education. The stage of education completion has a significant impact on the results achieved. People with secondary and higher education were less likely to identify the wrong institutions than those with vocational or basic education. Among people with secondary education, awareness of institutions is higher than among those with vocational education. In turn, in the case of people with higher education, respondents at the postgraduate level showed significantly greater awareness than those with a master's degree.

The respondents also included individuals who had studied law in the past, as well as those currently practising law. These individuals demonstrated better knowledge of consumer institutions compared to other groups. The differences between this group and the others were very clear, confirming the assumption that legal education and the practice of law significantly increase awareness in this area. Unfortunately, even in this group, the level of awareness of institutions was far from complete knowledge of all available entities dealing with consumer rights protection.

Chart 10. Indications of genuine and fake consumer protection institutions depending on previous legal studies

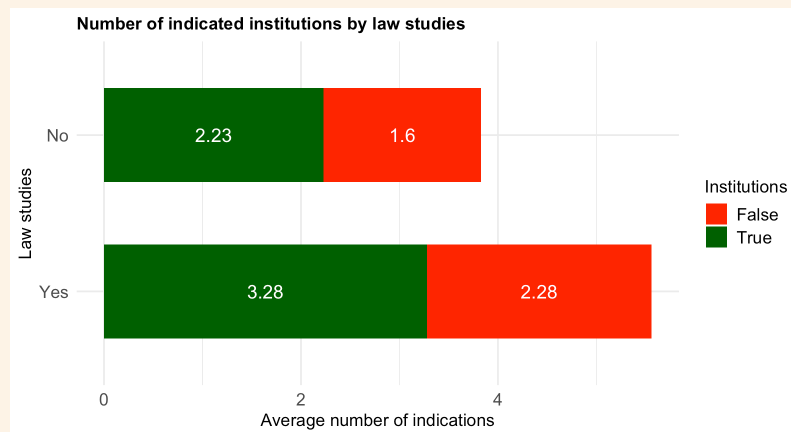


Chart 11. Indications of genuine and fake consumer protection institutions depending on the legal profession



The results of the study showed that the level of knowledge about institutions is not related to the place of residence (large city, town, village or province).

Furthermore, the level of income earned does not translate into the ability of respondents to identify real and fake institutions. However, it is worth noting that in the case of correct answers, their number steadily increases with income level, although there are no clear jumps between individual income groups. This can be interpreted as the result of greater consumer experience. People with higher incomes tend to make more purchases due to the amount of financial resources they

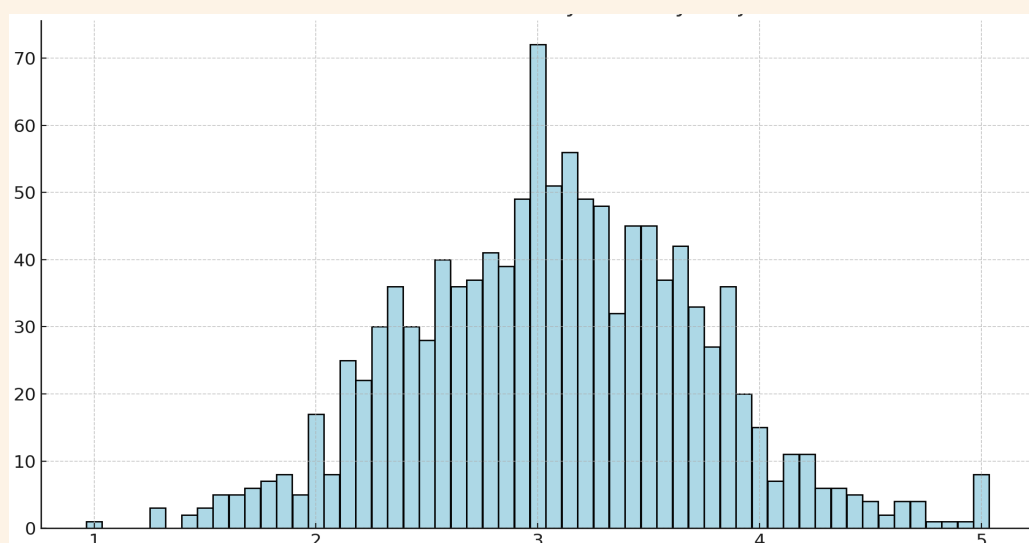
have, which means they have more contact with consumer protection institutions. Indirectly, this may also be related to the level of education, as people with higher education tend to earn higher incomes. Both factors – education and income – had a similar, albeit relatively weak, correlation with the number of correctly identified institutions. Thus, higher education and higher income are independently associated with awareness of consumer protection institutions.

Finally, it should be noted that OCCP remains the most recognisable institution in both spontaneous and aided awareness, and the high awareness of the Consumer Ombudsman and Trade Inspection Authority, as well as the Consumer Ombudsman (incorrect name, but similar), indicates their important role in consumer awareness.

III.2.2 LEVEL OF SUBJECTIVE CONSUMER KNOWLEDGE

Subjective knowledge is based on a person's opinion or beliefs about their own knowledge. Respondents in various studies on self-assessment of knowledge tend to overestimate their own competences. High scores (on average around 3.5–4 on a scale of 1–5) usually dominate in large samples. However, in our study, we observed a different trend. Respondents rate their level of consumer knowledge at an average of 3.078 points out of a possible 5, as shown in the chart below:

Chart 12. Distribution of subjective knowledge assessments



As can be seen, this indicator is much closer to the middle of the scale³. This is a clear indication that Poles' confidence in consumer rights is relatively low.

We did not find a significant association between demographic factors and scores on the subjective knowledge scale. Furthermore, people with legal education or working in the legal profession rated their knowledge higher than other respondents, but these differences, although noticeable, were not as strong as we expected. This means that even people who have studied law in the past and who have experience working in this field do not rate their knowledge very highly.

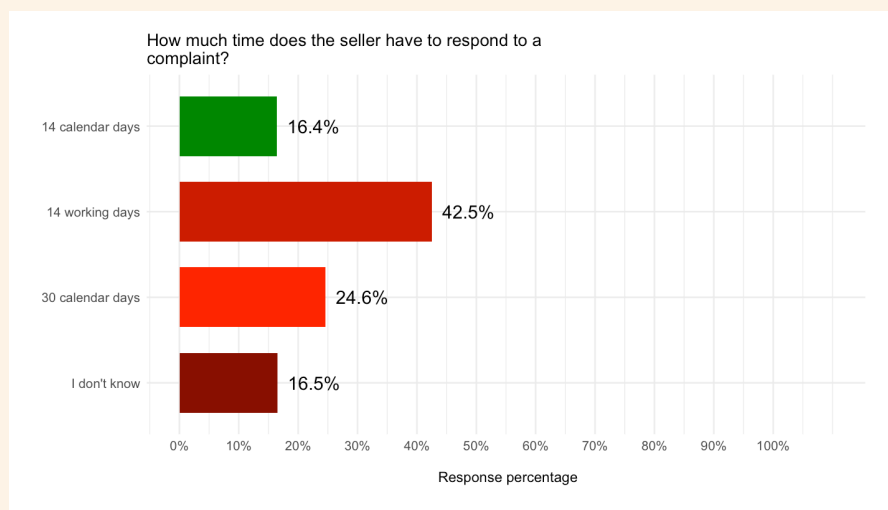
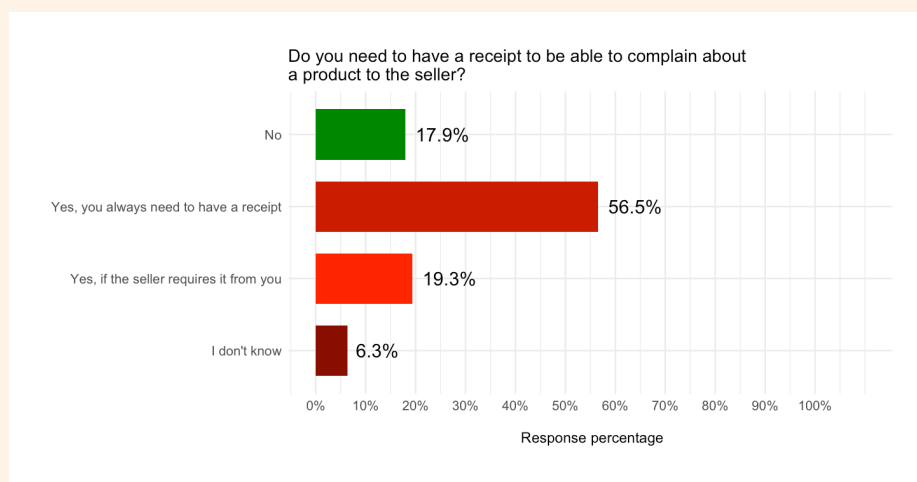
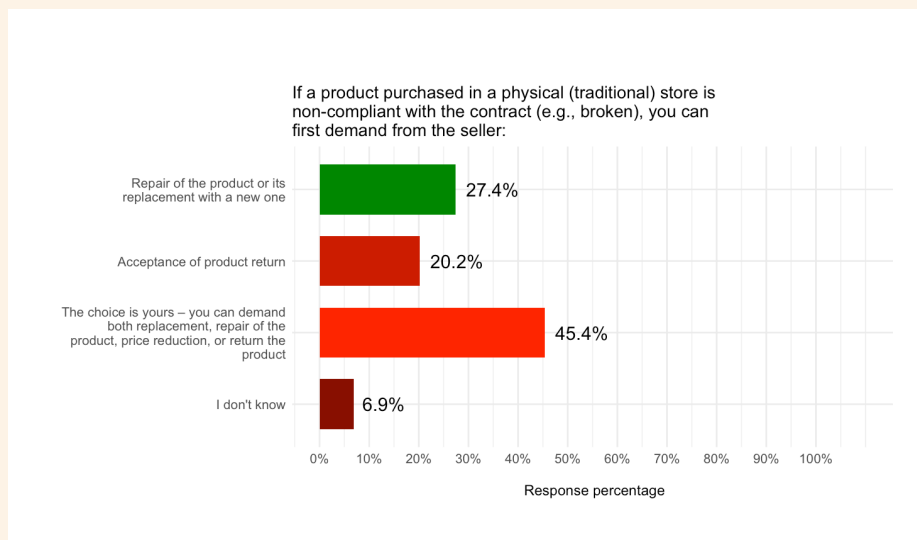
It is also worth noting the results of the study indicating that subjective knowledge shows a moderately strong correlation with objective knowledge, which means that people who are confident in their knowledge of the law actually have more knowledge. The level of subjective knowledge is also correlated with the number of "I don't know" responses to test questions concerning objective knowledge, i.e. people who rated their knowledge higher were much less likely to choose this option. This suggests that subjective levels of self-knowledge translate into a lower propensity to admit ignorance. At the same time, subjective assessment of knowledge is not related to the number of incorrect answers. Therefore, people who are confident in their knowledge of consumer rights may be both right and wrong.

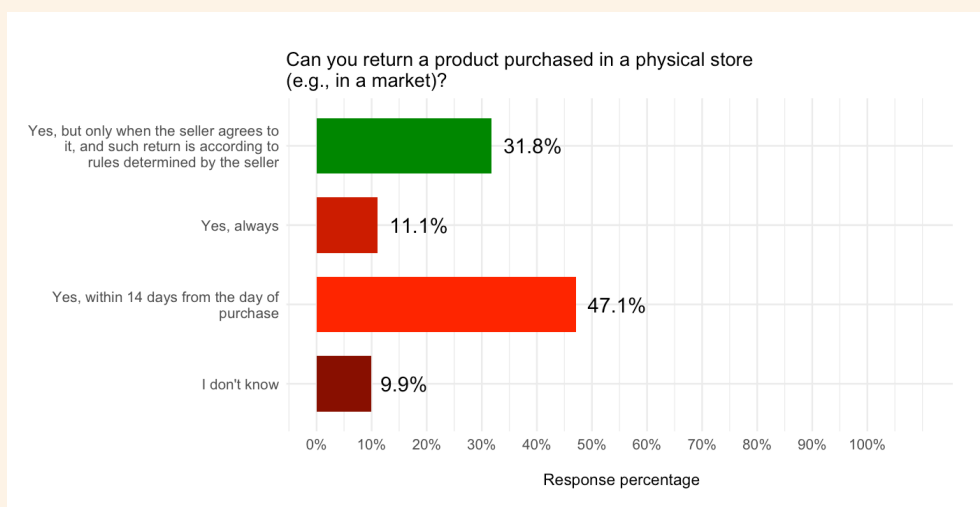
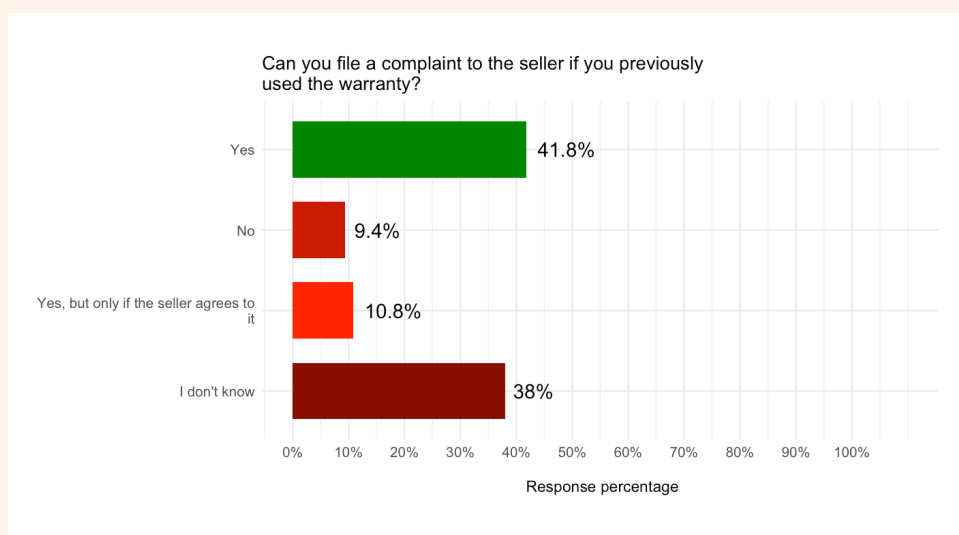
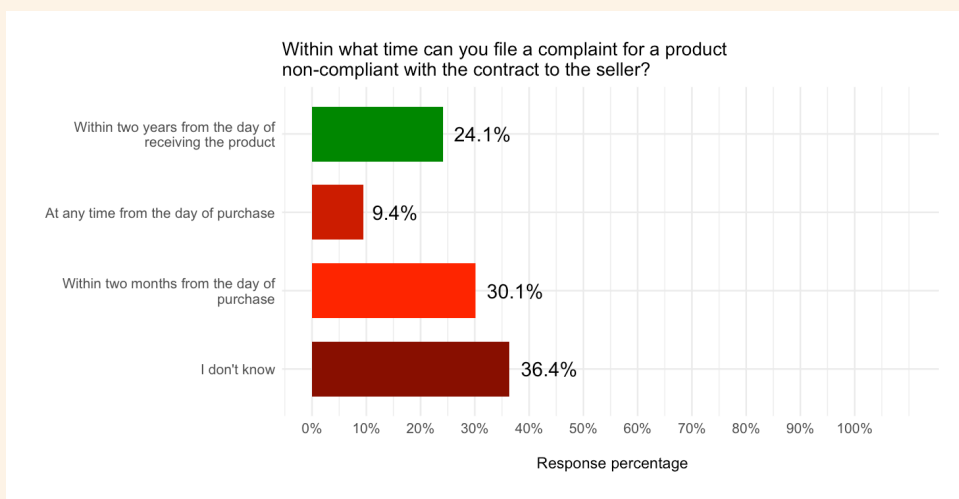
III.2.3 LEVEL OF OBJECTIVE CONSUMER KNOWLEDGE

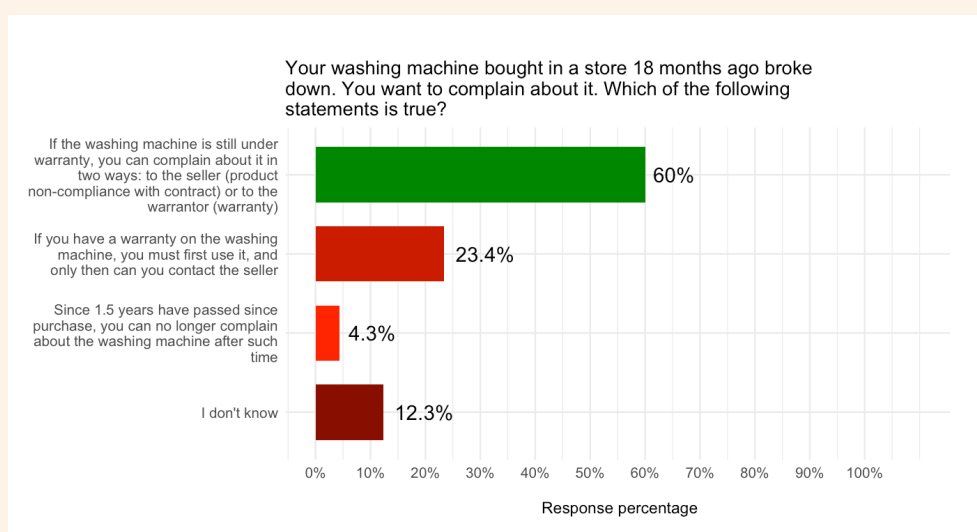
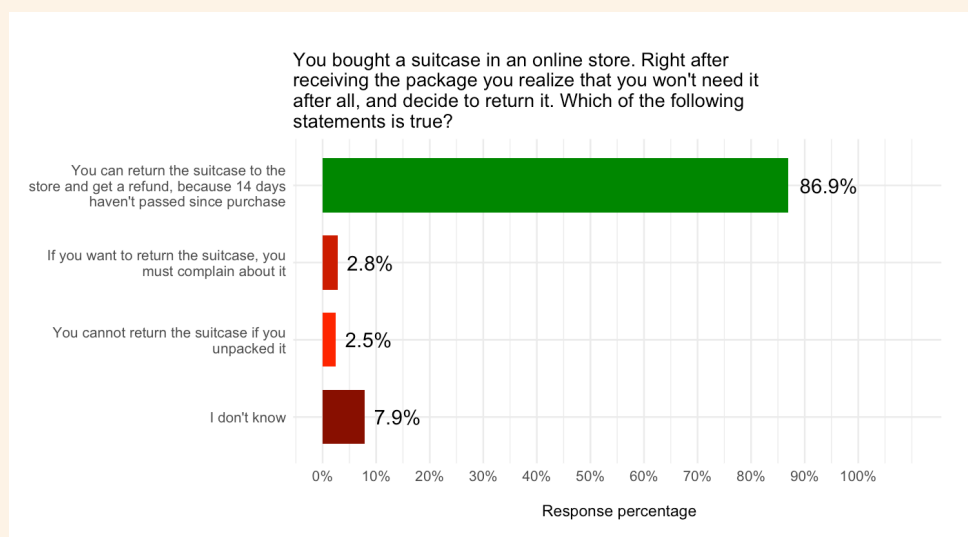
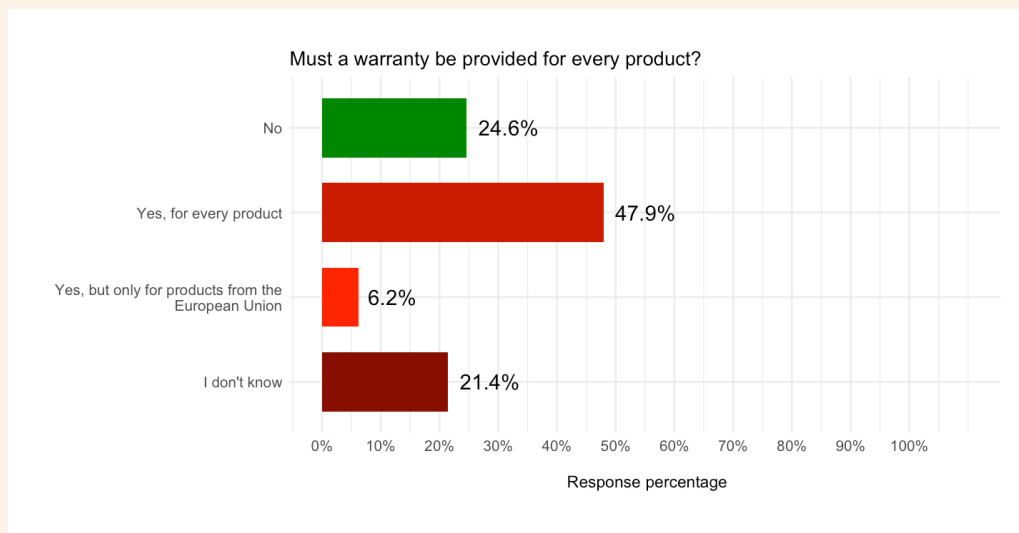
The level of consumers' objective knowledge was assessed by means of a test. It consisted of 25 single-choice questions, in which each answer was designed to allow the selection of one option from four available. Each question had four possible answers: one correct, two incorrect, and an "I don't know" option. The answer "I don't know" was always displayed last, while the other three answers appeared in random order. The test questions were prepared in cooperation with the President of the Aquila Consumer Protection Association and the district consumer ombudsman in Wrocław (Wrocław District). The final questions were selected from a pool of 50 questions that had been prepared in advance and verified for accuracy and

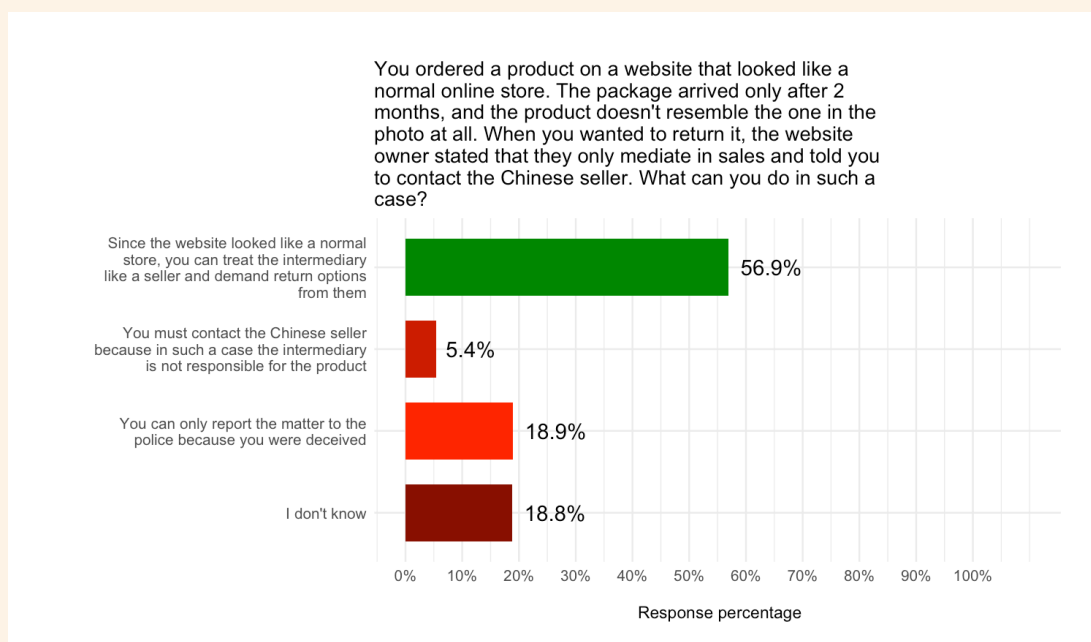
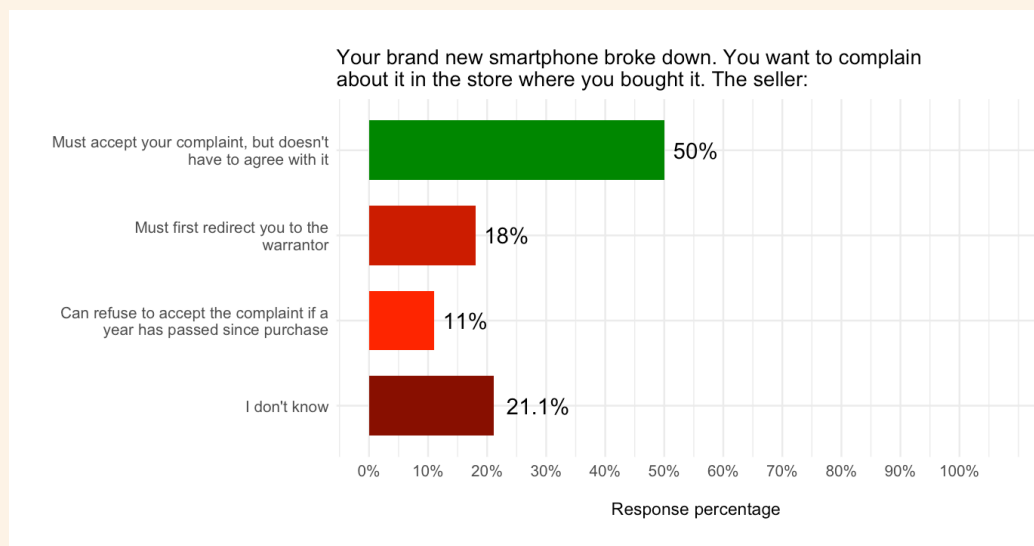
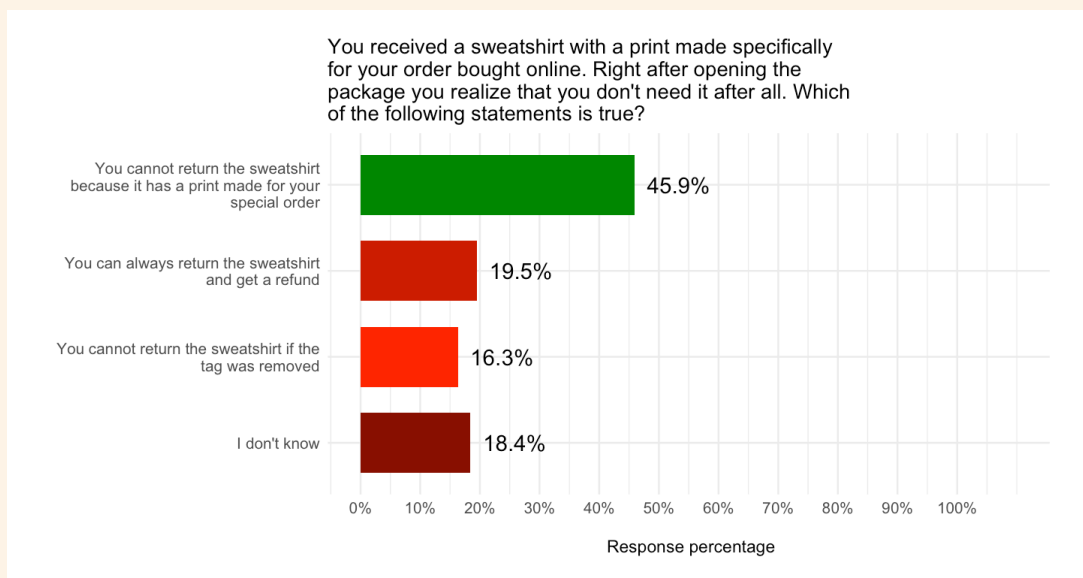
³ A similar distribution of responses can also be observed in the study "(Un)conscious Consumer 2025" conducted by Amazon and the Ariadna Research Panel, <https://www.aboutamazon.pl/wiadomosci/zakupy-na-amazon/polak-na-e-zakupach-madrzejszy-przed-szkoda-ale-wciaz-ma-nad-czym-pracowac>.

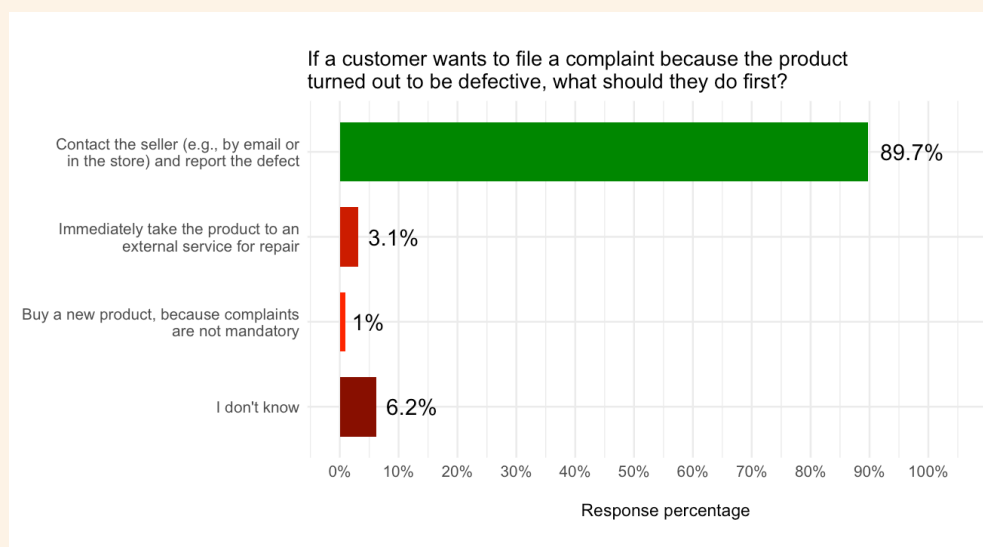
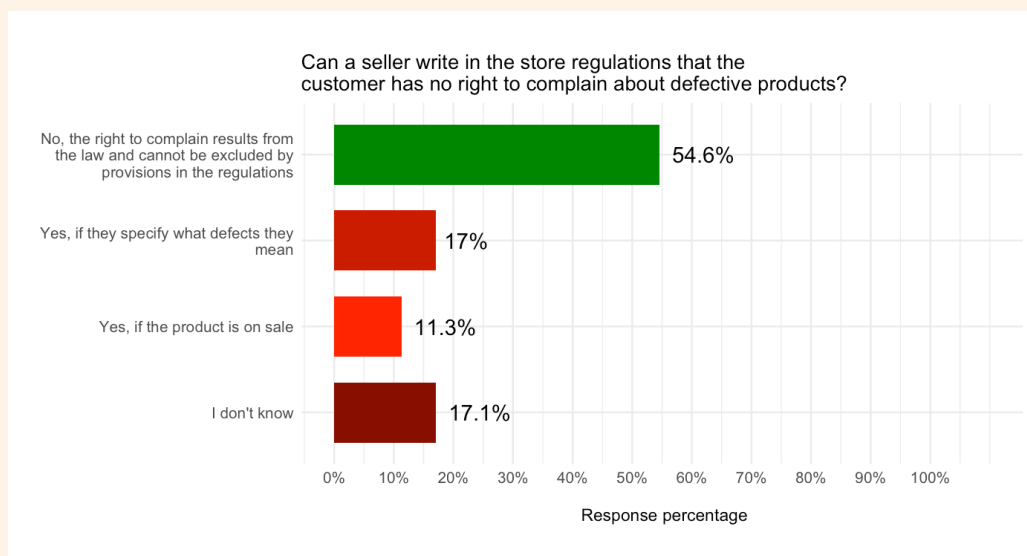
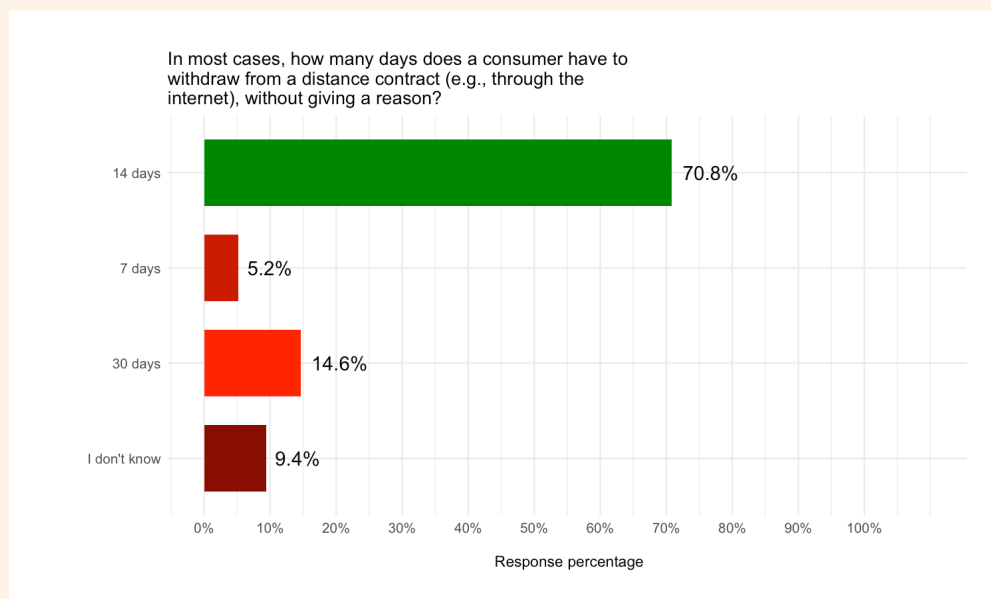
comprehensibility by nine competent judges, mainly individuals involved in consumer organisations. The test results are presented in the charts below. For your convenience, we have placed the correct answer first.

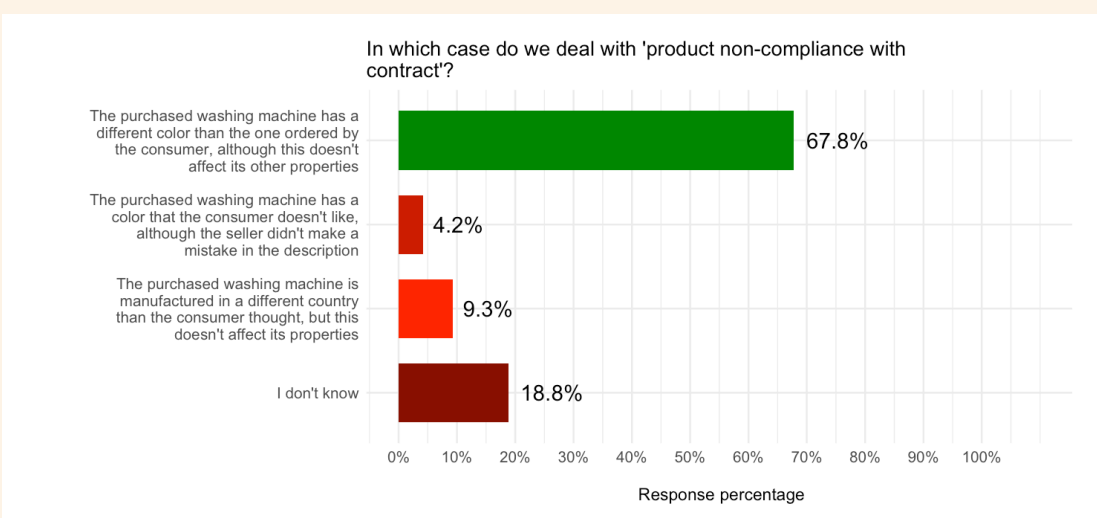
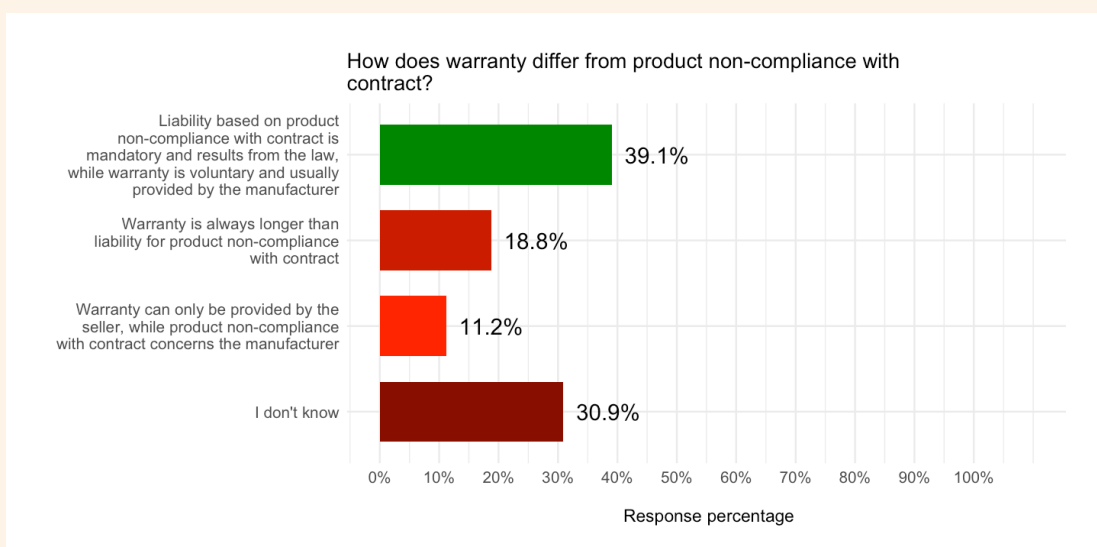
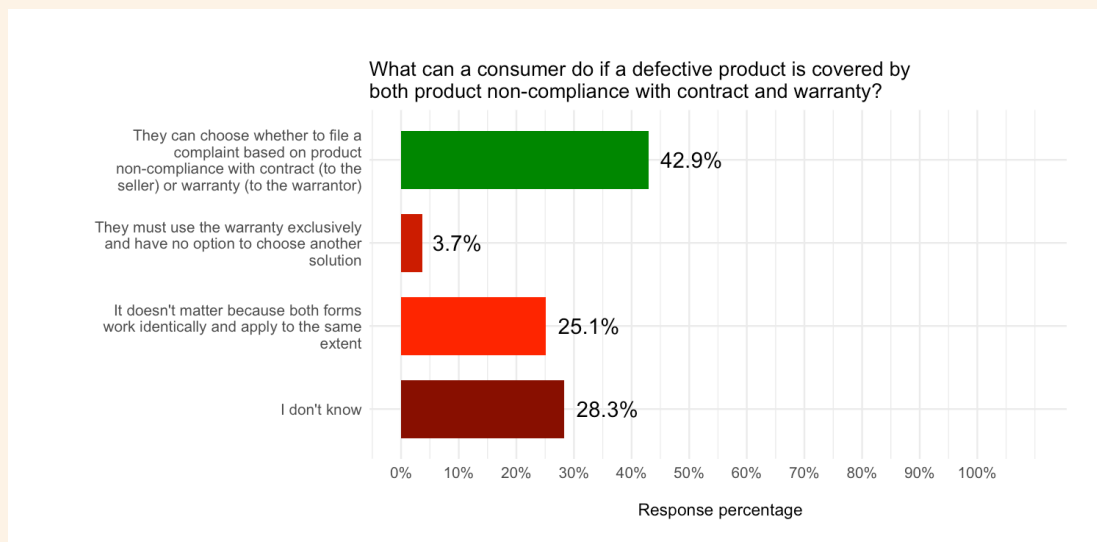


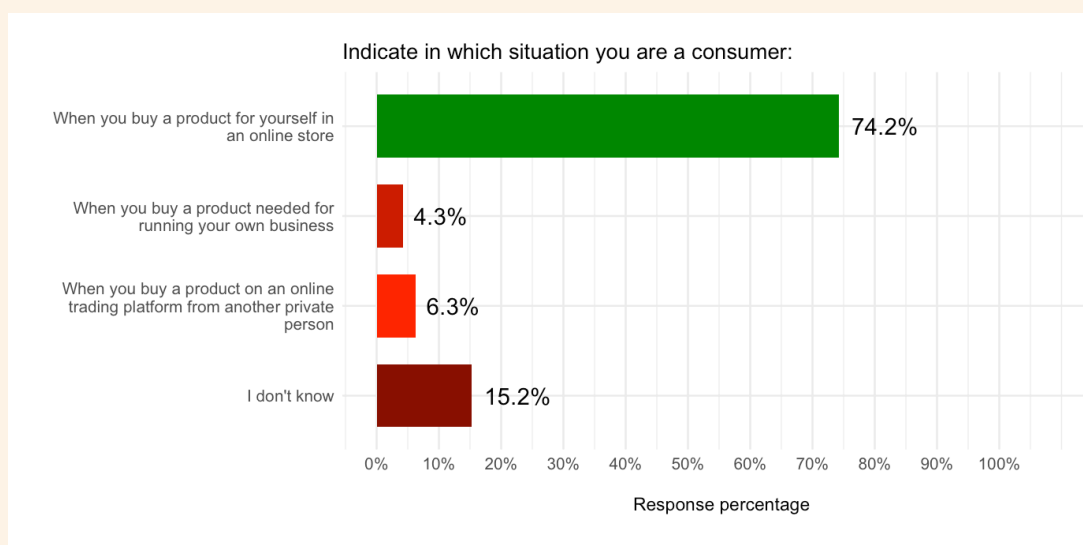
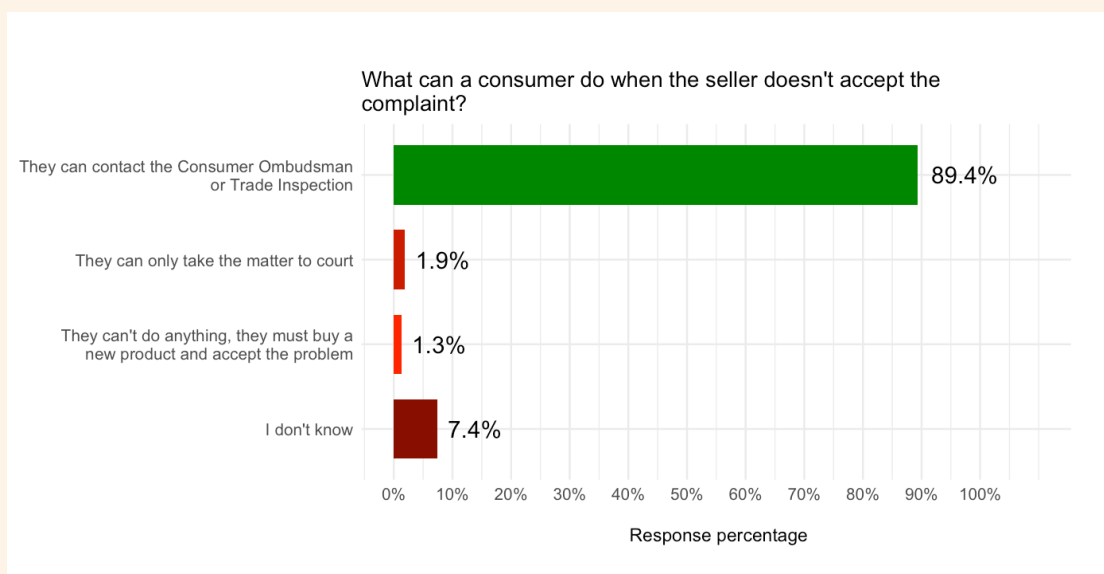
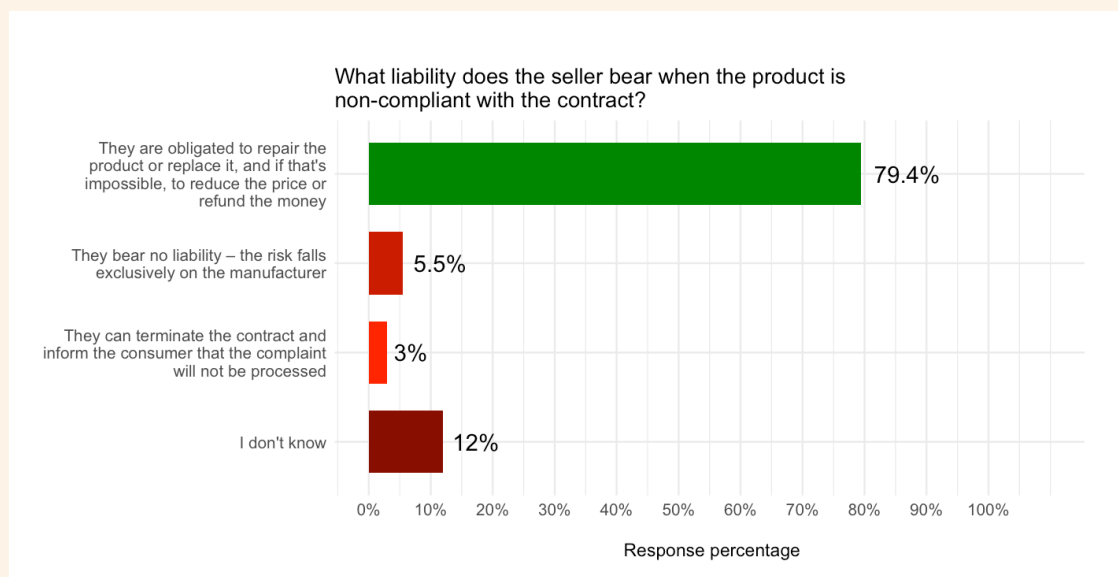


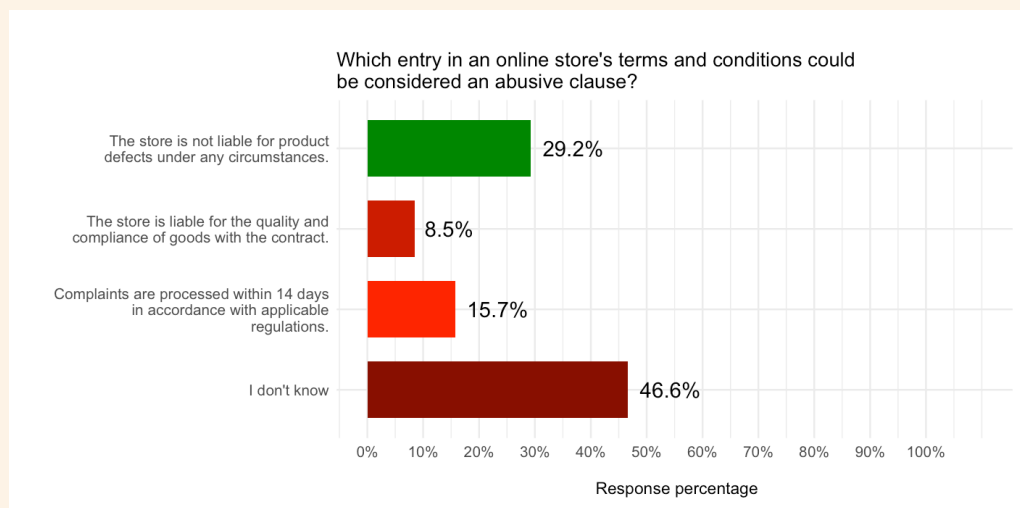
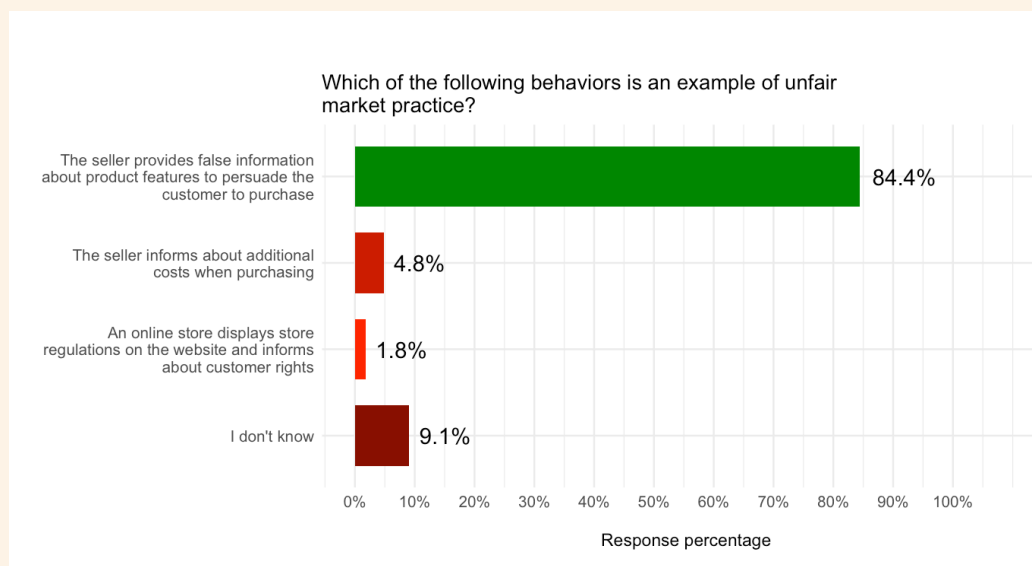
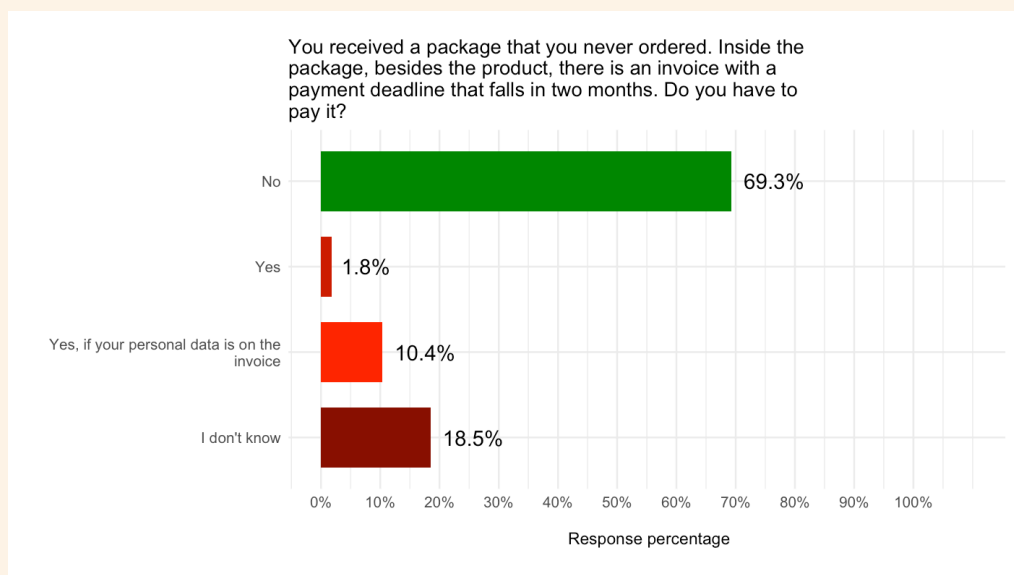












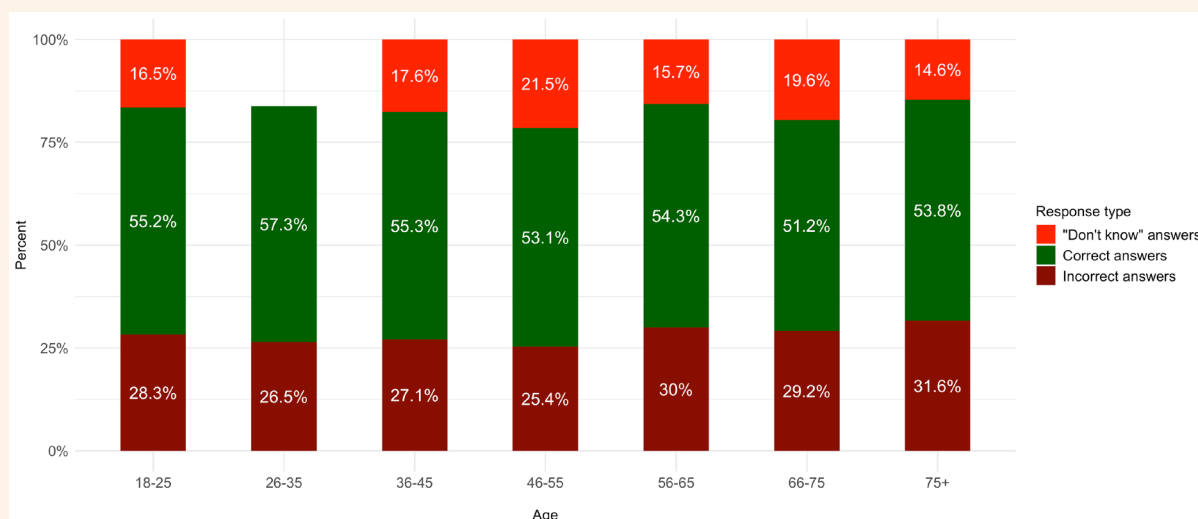
According to the survey, respondents answered 25 questions, giving an average of 13.61 correct answers, 6.93 incorrect answers, and 4.46 “I don’t know” responses.

The study did not reveal any significant differences between the sexes – women and men gave correct, incorrect and “I don’t know” answers at similar levels. Similarly, the results achieved were not related to place of residence – neither the size of the town nor the province. The level of consumer knowledge is therefore comparable across the country.

Legal awareness is similar across all age groups (Chart 13). Seniors achieved only slightly worse results than younger groups, scoring on average one point less, which is not a very significant difference. People aged 65+ gave a similar number of “I don’t know” answers, but they more often marked incorrect answers. This may suggest a problem with the accuracy of knowledge among seniors and reliance on outdated information or intuitive assumptions that are inconsistent with the current legal situation. Among the questions that caused the most difficulty were those concerning the return of goods, the need to have a receipt, and the difference between the non-conformity of goods with the contract and a commercial guarantee. The only question where seniors performed better than younger groups was in recognising unfair commercial practices. This may indicate greater sensitivity to certain forms of dishonest practices by dishonest sellers.

In the context of the results obtained by seniors in the study, they should be interpreted with increased caution. It should be noted that the study, which took the form of an online interview, involved a rather specific group of seniors – people who are able to use the internet and are registered with an online research panel. These individuals may differ from the average senior population in society – they are likely to be more knowledgeable. Therefore, there is a risk that consumer knowledge levels in the actual elderly population are lower than indicated by the survey results.

Chart 13. Objective consumer knowledge by age group



Factors that have a noticeable correlation with the level of consumer knowledge are the level of education (Chart 14) and the level of income (Chart 15). The number of correct answers increases with the level of education (strongest correlation) and income (moderate correlation). In turn, the number of incorrect answers is highest among people with lower incomes and basic and vocational education. The number of “I don’t know” responses also remains strongly correlated with the level of education and income – the higher the level of both factors, the fewer “I don’t know” responses, which indicates greater confidence in one’s knowledge.

The higher the level of education, the higher the number of correct answers. Clear differences are noticeable at the level of secondary education and postgraduate studies. It should be noted that the number of correct answers increases mainly at the expense of the number of “I don’t know” answers, rather than incorrect ones. This may indicate that higher education not only increases the actual level of knowledge but also strengthens confidence in answering questions about consumer rights.

A similar relationship can be observed with regard to income: the higher the income, the higher the number of correct answers, although without any clear spikes – knowledge increases gradually. In this case, too, the increase in the number of correct answers is associated with a decrease in the number of “I don’t know”

responses, suggesting greater confidence in consumer issues among better-off individuals. This may be the result of greater consumer experience – higher incomes encourage more frequent purchases, more frequent contact with consumer protection institutions and better knowledge of one's rights.

Chart 14. Objective consumer knowledge by level of education

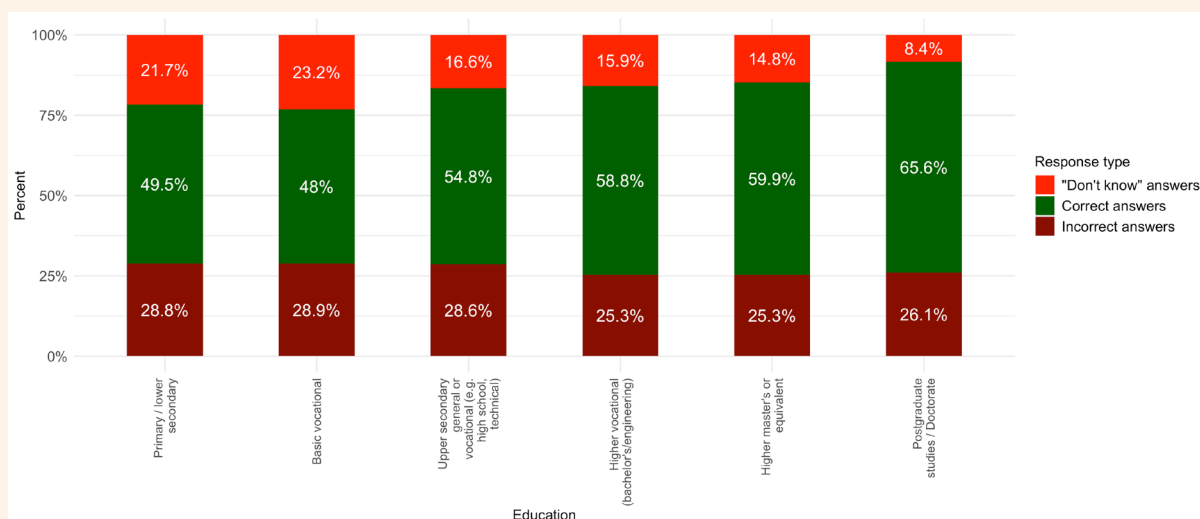
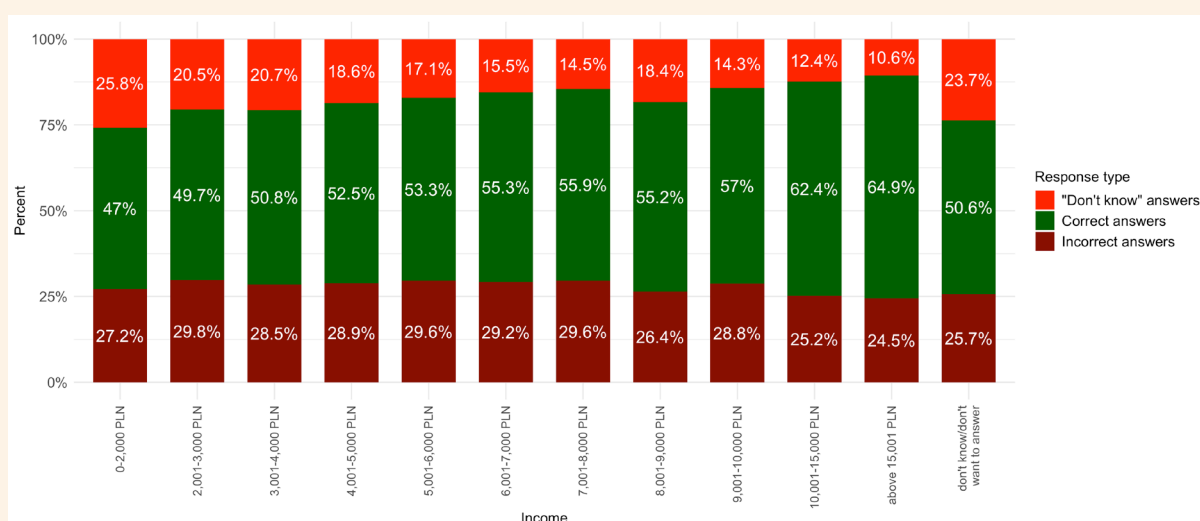


Chart 15. Objective consumer knowledge broken down by income bracket



Interestingly, studying law has little to do with the level of knowledge about consumer rights (Chart 16). However, it is noticeable that people with such experience were more likely to avoid answering "I don't know", which suggests greater

self-confidence. However, it is difficult to draw any binding conclusions based on the study. The number of people who had previously studied law in the sample was small, which may result in a larger estimation error. Similarly, people working in the legal profession achieved better results in the test, which actually confirms their higher objective consumer knowledge (Chart 17). However, this difference did not exceed two additional correct answers.

Chart 16. Objective consumer knowledge depending on previous legal studies

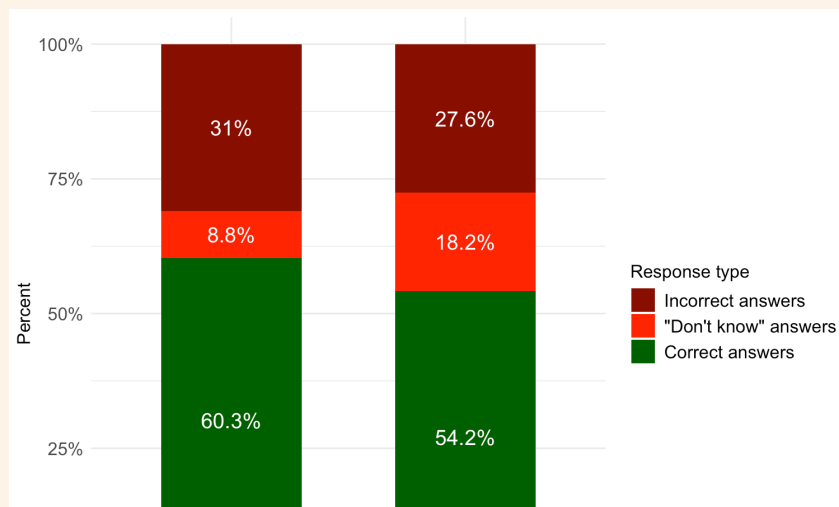
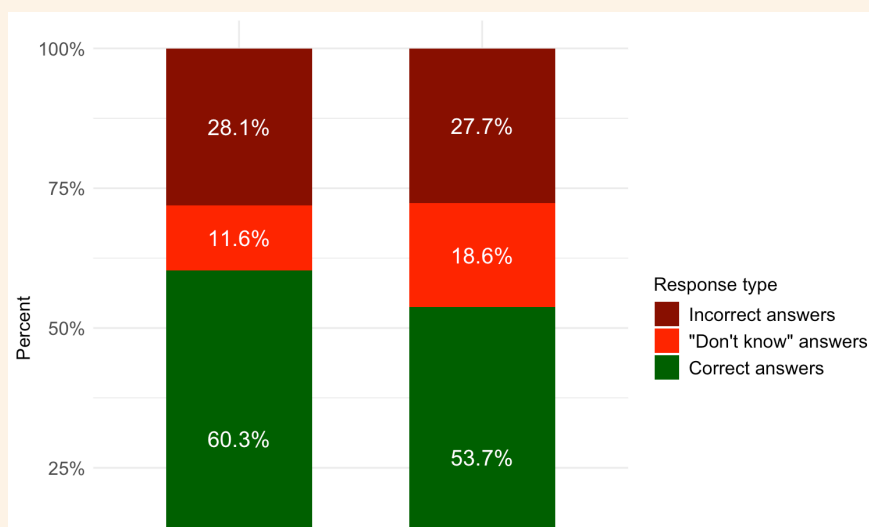


Chart 17. Objective consumer knowledge depending on the legal profession



III.3. CONCLUSIONS

The research conducted leads to a sad conclusion – the level of consumer knowledge among Poles is alarmingly low.

On the one hand, based on the data presented, it can be concluded that they are particularly well-informed about online shopping⁴ – most people know that they have the right to return goods within a specified period without giving any reason. There is also a fairly high level of awareness that the seller is responsible for the goods and that in the event of a defective product; it is the seller who should be contacted first, as well as knowledge that it is possible to seek assistance from a consumer ombudsman or the Trade Inspection Authority. In the survey, consumers also did quite well in recognising unfair commercial practices. However, it should be emphasised that some of the questions that consumers answered correctly were very simple and often only required reading the answers carefully in order to select the correct one. On the one hand, this shows that consumers are capable of thinking logically and drawing sound conclusions. On the other hand, however, it is significant that even these questions elicited answers such as “I don’t know” or incorrect responses.

However, difficulties arise when the regulations become more complex or less intuitive, and the questions in the knowledge test concern more practical issues. Many people mistakenly believe that a receipt is always required to file a complaint, which is not reflected in the law. There is also a common misconception that the seller has more time to respond to a complaint than is provided for by law. Some respondents also attribute characteristics to the guarantee that it does not actually have, such as mandatory nature or priority over complaints to the seller. Confusing rights under the Act with a voluntary manufacturer’s commercial guarantee is one of the most common mistakes.

We have also observed areas where consumer knowledge is simply insufficient. When asked about deadlines for filing complaints, differences between a

⁴ In this respect, the results of our study coincide with those of the study “(Un)conscious Consumer 2025” conducted by Amazon and the Ariadna Research Panel; <https://www.aboutamazon.pl/wiadomosci/zakupy-na-amazon/polak-na-e-zakupach-madrzejczy-przed-szkoda-ale-wciaz-ma-nad-czym-pracowac>

commercial guarantee and non-compliance of goods with the contract, or recognition of abusive clauses in store regulations, a large percentage of respondents declared a lack of knowledge or selected the answer “I don’t know.” This indicates uncertainty and a lack of detailed knowledge of important regulations.

In summary, consumers are relatively well prepared to deal with typical everyday shopping situations in the online space. However, there is less awareness of more formal and legal issues. Where there is no practical experience or where situations are less clear-cut, both misconceptions and simple gaps in knowledge arise.

Regardless of consumer education, two factors are clearly related to the level of knowledge: the level of education and income. It can be suspected that the reason for this is the effect of greater consumer experience, i.e. people with higher incomes shop more often and therefore have more contact with consumer law issues and institutions operating in this area. It is likely that the level of education, at least indirectly, is significant, as people with higher education tend to earn higher incomes. Therefore, it can be assumed that active participation in consumer life promotes the acquisition of experience, which in turn leads to an increase in objective knowledge.

III.4. ANALYSIS OF THE REASONS FOR THE OBSERVED LEVEL OF CONSUMER LEGAL AWARENESS

The low level of consumer legal awareness is a result of the fact that there is no effective consumer education system in Poland (and, in fact, there is no effective legal education at all). Such education is currently very limited and does not bring the expected results – it is carried out only on an ad hoc basis and on a small scale nationwide⁵. It is surprising that this issue is not on the agenda of state institutions and that there are no initiatives aimed at finding a systemic solution to this problem. After all, every citizen is a consumer, and the consequences of low legal awareness are borne not only by consumers themselves but also by the state⁶.

Effective consumer education must be based on proven teaching models tailored

⁵ For example, such education is provided locally by some consumer advocates or non-governmental organisations with public funding.

⁶ According to a 2017 study, consumer detriment in Poland amounts to almost EUR 1.8 billion per year; Study on measuring consumer detriment in the European Union, 2017 Edition, pp. 275-276.

to the age group of the audience and must convey not only theoretical knowledge but also practical skills. Above all, it must be universal, regular and conducted by well-trained teachers.

Furthermore, raising consumer awareness is certainly not helped by the fact that consumer law changes quite dynamically, often significantly modifying the established conceptual framework. With regard to the complaint itself submitted to the seller (this is one of the most basic issues in consumer law) since 2000, there have been three changes in the regulations, with the seller's liability being based twice on a legal guarantee (until 31 December 2002 and from 25 December 2014 to 31 December 2022) and twice by the non-conformity of the goods with the contract (from 1 January 2003 to 24 December 2014 and from 1 January 2023 to the present). Although almost two and a half years have passed since the last amendment was introduced, a large proportion of consumers and businesses are still unaware of it, as can be seen in the daily activities of consumer support organisations⁷.

Of course, a significant portion of the changes to the regulations result directly from the implementation of EU legislation aimed at protecting consumers. However, the large number of changes and the accompanying modification of concepts that have already been assimilated to some extent make it difficult for less informed citizens to keep up with the new regulations.

⁷ What is more, it is not uncommon to encounter entrepreneurs who still refer to the provisions of the Act of 27 July 2002 on special conditions of consumer sales and amendments to the Civil Code which has not been in force for over 10 years (Journal of Laws No. 141, item 1176, as amended).

IV. CONSUMERS' EXPERIENCES IN APPLYING CONSUMER LAW IN PRACTICE

IV.1.DESCRPTIONOFTHESTUDYANDMETHODOLOGY USED

The study we wrote about in Chapter III.2 of this report focused not only on verifying the state of consumer awareness among Poles. Its aim was also to check how consumers apply consumer law in practice.

For this purpose, survey participants were asked 52 questions regarding their experiences with problematic consumer situations (including unfair commercial practices) in the last two years prior to the survey. The list included specific situations they might have encountered, and the subjects marked those that actually occurred. The list of questions was prepared together with the President of the Aquila Consumer Protection Association and the District Consumer Ombudsman in Wrocław (Wrocław District) so that the indicated situations correspond to the real challenges that consumers face on a daily basis.

People who experienced problematic situations were then asked about their response, i.e. whether they took any action, and if so, what it was, and whether these actions were successful. In turn, people who decided not to intervene were asked to indicate the reasons for their passivity – they had to choose an answer from several indicated variants, e.g. lack of time, low value of the subject of the dispute or belief in the ineffectiveness of the actions.

Next, respondents who indicated in the previous section that they had taken action to resolve problematic situations assessed their experiences in pursuing consumer rights. They indicated whether they used the assistance of public institutions or non-governmental organizations, and if so, which institutions, and assessed the effectiveness of these activities.

In the next part of the survey, respondents assessed their level of trust in institutions protecting consumer rights.

In the fifth part of the study, participants assessed their sense of self-efficacy¹ in dealing with consumer problems. This involved demonstrating a sense of one's own competence in resolving consumer disputes and asserting one's rights in various situations. Participants also completed a *Generalized Self-Efficacy Scale* (GSES)² in the Polish adaptation by Schwarzer, Jerusalem, and Juczyński (2012).

IV.2. CONSUMER EXPERIENCE

IV.2.1. PROBLEMATIC SITUATIONS IN CONSUMER EXPERIENCES

Of the 52 different problematic situations provided, respondents had the opportunity to mark any number of cases that concerned them. The detailed research results are presented in Table 1. Situations in which the majority of respondents took action are marked in green. Situations in which the vast majority of respondents did not take action are marked in red.

Table 6. Frequency of indicating individual problematic events.

Event	Number of indications	What percentage of these people took action?
The store listed the higher price as the "regular price" and then announced a big discount. In fact, before the "promotion", the product was sold at the same (lower) price or even cheaper.	218	15.1%
The seller posted a "crossed out" old price that was inflated to artificially show a large discount.	184	14.1%
The online store claimed that a particular product was available, but after placing the order it turned out that it was out of stock.	181	43.1%
The online store only allows payment in advance, no other option is available.	176	14.8%
The ordered electronic or mechanical product arrived without instructions in Polish, which made it difficult to use.	173	18.5%
You ordered a product from an online store and it arrived damaged.	171	73.1%
False promotions such as "second product for PLN 1" (e.g. washing-up liquid purchased separately is cheaper than purchased in the "1 + second for PLN 1" promotion).	141	27.7%
In the online store, you could not use the "purchase without registration" option. Thus, the store forced you to register and create an account, even for a single, small purchase.	137	17.5%
You saw an ad that is misleading. It promises a result that is impossible to achieve, e.g. "you will lose 20 kg in 2 weeks" without a sensible explanation.	124	12.1%
The seller described the product as "top quality" in the advertisement or on the website. In reality, it was made of cheap, poor-quality materials, which you only discovered after receiving the package.	116	28.4%
A traditional (stationary) store did not allow you to pay by card because the transaction value was small (e.g. less than PLN 5).	112	19.6%
You didn't receive at all the product you ordered.	112	56.3%

1 Consumer effectiveness is the belief in one's own competences and skills in exercising one's rights and coping with difficult purchasing situations. This concept is based on Albert Bandura's self-efficacy theory, which states that people take action and solve problems effectively if they believe in their own abilities.

2 The GSES measures the strength of an individual's general belief in the effectiveness of coping with difficult situations and obstacles, regardless of the context in which they occur.

You took advantage of a promotional offer (e.g. a free month). After this time, it turned out that you were subscribed to a paid subscription even though you did not consent to it.	108	51.9%
There was information on the product packaging that suggested better quality or a special composition. However, in reality, this was not true. For example, a product was described as “organic” but had no certifications.	106	14.2%
You ordered a specific product model in an online store (e.g. shoes in size 42), and you received a different one (e.g. size 40 or a completely different colour).	102	24.5%
The store or seller posted false positive reviews about the product. He did this to encourage others to buy.	102	60.8%
You purchased large equipment, e.g. household appliances. After a few months, the device stopped working properly. You complained to the store and they informed you that a technician would come to your home to check the problem. The technician arranged a specific day and time but did not show up and did not say he would not come.	96	13.5%
The seller’s telephone number remains silent and no one responds to emails. You couldn’t ask questions or file a complaint.	93	38.7%
The price of the goods was given without taxes (net, not gross).	86	46.5%
When purchasing in instalments, the contract turned out to be unclear and additional costs appeared.	80	41.3%
The food product has spoiled even though its expiration date has not yet passed. The store didn’t want to accept the return because you didn’t have a receipt.	79	21.5%
You bought a product from an online store that appeared to be Polish. The product arrived after a very long time, but e.g. from China and was of much worse quality than the one in the photos.	75	16.0%
You purchased large equipment, e.g. household appliances. After a few months, the device stopped working properly. You complained to the store and they informed you that a technician would come to your home to check the problem. However, no one contacted me to arrange an appointment.	73	13.7%
The seller said that you “won” a prize, but to receive it you would have to, for example, buy an expensive product, pay for shipping, or incur other costs.	72	22.2%
When you used a taxi app, more money was taken from your account than the fare was originally supposed to cost.	71	36.6%
The salesperson called you multiple times a day. He exerted pressure or otherwise attempted to force a purchase or extension of a contract (e.g. for the Internet or television).	70	41.4%
Contact with the seller’s customer service department was possible only via an expensive hotline. This caused you to incur additional costs before you solved the problem.	65	40.0%
After withdrawing from the contract, the seller delayed returning the money for over two weeks.	61	60.7%
You received an incorrectly calculated bill, e.g. for a telephone or internet connection, and it turned out to be difficult to explain.	59	52.5%
You had problems with your loan – the conditions were less favourable than promised, it turned out that there were additional fees, etc.	53	18.9%
You bought an item on sale. The seller claimed that such goods are not subject to complaint.	53	24.5%
You purchased a product in an online store. After receiving it you noticed that it was not a real store, but an intermediary. The product comes from Asia.	52	26.9%
An expensive, fragile or sensitive product (e.g. glass, electronics) was poorly packaged and arrived to you damaged. The seller referred you to the courier in this matter.	51	19.6%
The entrepreneur did not tell you exactly about the warranty limitations. You only found out about it after signing the contract or when there was a problem with the product/service.	51	45.1%
The manufacturer of the purchased product did offer a warranty, but after reporting the problem it turned out that it did not cover many typical faults. This information was hidden in the long, vague text of that guarantee.	49	18.4%
The online store had no regulations or seller details.	44	13.6%
The store sold you the goods as original (e.g. branded perfumes, electronics). In reality, these were counterfeits of inferior quality.	43	30.2%
An expensive, fragile or sensitive product (e.g. glass, electronics) was poorly packaged and arrived to you damaged. The seller did not want to accept the complaint.	42	45.2%
The car repair shop (or another service where you took your item for repair) used cheaper and lower-quality parts, claiming that they were original components.	38	23.7%
The entrepreneur did not tell you exactly about additional costs such as commissions, delivery costs or taxes. You only found out about it during settlement or after signing the contract.	38	39.5%
The online seller required you to provide a lot of data (e.g. PESEL number) for a regular sale. He did not provide clear information on how personal data will be processed and whether they are adequately protected.	37	37.8%
The seller made it difficult to submit a complaint by requiring the completion of complicated forms or the attachment of numerous documents.	36	33.3%

The seller claimed that the goods are subject to complaint for less than 2 years from the date of sale.	34	38.2%
You were not informed that the parcel was coming from outside the European Union. You had to pay extra duty or high tax.	32	28.1%
When complaining about an electronic device, the service centre said it was flooded, although the product had never been in contact with water. For this reason, he dismissed the complaint.	29	27.6%
During the complaint process, the company kept the goods for a very long time (e.g. several months) without providing a replacement device. You had no information as to when you would receive your equipment back.	28	53.6%
The store charged you high return shipping costs or introduced additional "handling fees."	26	15.4%
When you bought electronics or household appliances, the seller automatically added insurance or an "extended warranty" without asking for your consent.	25	28.0%
You received a product you did not order and with it an invoice to pay.	25	36.0%
You purchased large equipment, e.g. a washing machine. After a few months, it stopped working properly. You filed a complaint with the store. A technician was dispatched who said he could not repair the equipment on site and would need to order parts. You didn't hear from him after that.	23	26.1%
The seller "passed on" to you costs that he should have borne himself. For example, despite the order being placed correctly, the furniture did not fit perfectly into a given room because it turned out that the dimensions were different than in the description. This meant you had to bear the additional costs of alterations or return.	19	26.3%
The courier did not find you at home several times, and then the seller charged you additional costs for storing the parcel.	18	33%
I reacted/did something in another problematic consumer situation.	45	6%

Nearly 69% of respondents, which corresponds to approximately 800 people, declared that they had experienced at least one of the above-mentioned problematic situations in consumer relations. Only 31% (362 people) did not encounter any of the problems described. The average number of situations indicated was 3.52, which means that many consumers had to deal with more than one difficult case. However, the range of responses was very large – from 0 to as many as 49 reported events. A median of 2 indicates that half of the sample experienced two or fewer such situations, suggesting that while problematic cases are common, they tend to occur in moderate numbers. Data analysis shows that the most common problematic situations experienced by consumers are dominated by those that are directly related to unfair commercial practices and misleading information in online sales. Respondents particularly often indicated cases related to false promotions – both by inflating the alleged "initial price" of the product before announcing a discount, and by using promotions such as "second product for PLN 1", which after careful calculation turn out to be less advantageous than the regular purchase. This type of action is particularly important in the context of the Omnibus Directive, which aims to increase the transparency of price promotions and counteract artificial price manipulation in order to create a false impression of a bargain.

Problems with online order fulfilment are also frequently reported, including failure

to receive goods, lack of goods despite information about availability, delivery of damaged products, and situations where the ordered product did not meet the specifications (e.g. different size, colour, model). Consumers also relatively often reported situations that can be classified as a phenomenon known as “fakeshipping” – i.e. ordering products from seemingly Polish online stores, which in reality turn out to be only intermediaries sending goods from Asia, often of low quality and after a long waiting time. While such practices do not always directly break the law, from the consumer’s perspective they create a sense of disinformation and dashed expectations.

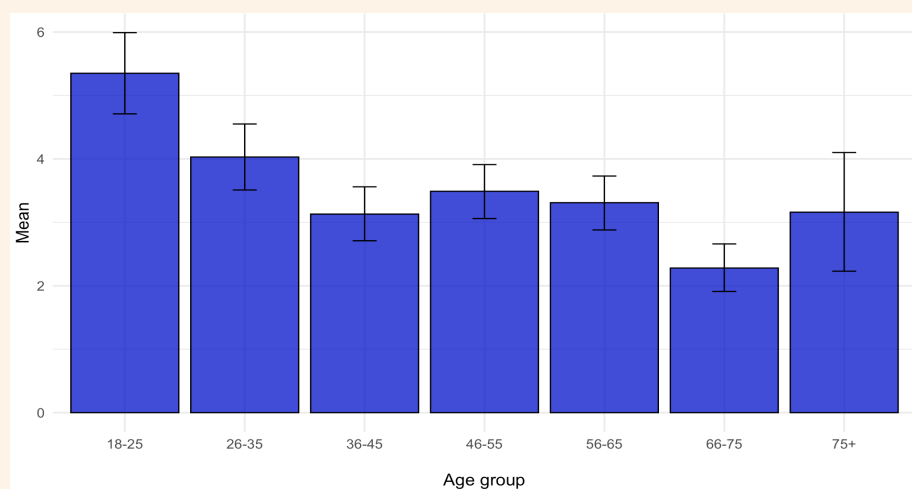
Situations that violate the principles of fair commercial communication are also common, including misleading advertisements promising unrealistic effects (e.g. extreme weight loss) or false opinions published on the Internet to promote a product. This type of activity may be classified as an unfair commercial practice because it is based on manipulating consumer decisions through information that is not consistent with reality or is misleading.

Another frequently reported problem is the obligation to register an account in an online store (no possibility to purchase as a guest), which may be perceived as a disproportionate restriction of the consumer’s freedom of choice. Some consumers also reported problems with unclear warranty information, additional costs added without notice or difficult contact with the customer service department – which may suggest insufficient transparency in the operations of many stores.

In summary, the collected data indicate that **the most common problems reported by consumers concern traders’ actions that violate the basic principles of transparency, honesty and loyalty in the relationship with the customer. In many cases, these are behaviours that fall within the catalogue of practices prohibited by applicable EU regulations, including the Omnibus Directive and regulations protecting consumers against disinformation and abuse in the digital environment.** The wide scale of such cases shows that despite the protective regulations in force, in practice numerous violations still occur and consumers – although often aware – remain exposed to unfair sales mechanisms.

Further analysis of the data showed that the frequency of problematic situations declared by the respondents was related neither to their gender nor to their place of residence. This means that women and men as well as people living in different locations in Poland were similarly likely to experience difficulties in their relations with market entities. In turn, significant differences were revealed in relation to the age of the respondents (Chart 18), their level of education (Chart 19), as well as the amount of income achieved (Chart 20). Importantly, the structure of these relationships is similar to the patterns observed in terms of knowledge of consumer institutions and the level of objective knowledge about consumer rights. **This may suggest that greater consumer knowledge and experience facilitate both the identification of problem situations and the ability to respond appropriately to them.**

Chart 18. Average number of problematic situations in age groups



The youngest people report experiencing the greatest number of problematic situations, which is probably due to the greater activity of this age group in online shopping. It is in the case of online contracts that violations and abuses by sellers most often occur. At the same time, compared to other consumer issues, awareness of rights in this area among younger consumers is relatively high.

A different picture emerges for older people, especially those aged 65+. Such people are less likely to identify situations they encounter as problematic – on average,

they indicate one less case than younger age groups. However, this should not be interpreted as a greater resistance of this group to unfair commercial practices. It is more likely that this difference is due to a lower level of awareness of potential threats or treating some negative experiences as an element inherent in consumer risk.

At this point, it is worth recalling the caveat mentioned in Chapter III of this report: the older people participating in the study may not fully reflect the entire senior population. They may therefore be characterized by a higher-than-average readiness in this group to take action in problem situations and a greater sense of efficacy in enforcing their rights as consumers.

Chart 19. Average number of problematic situations in education groups

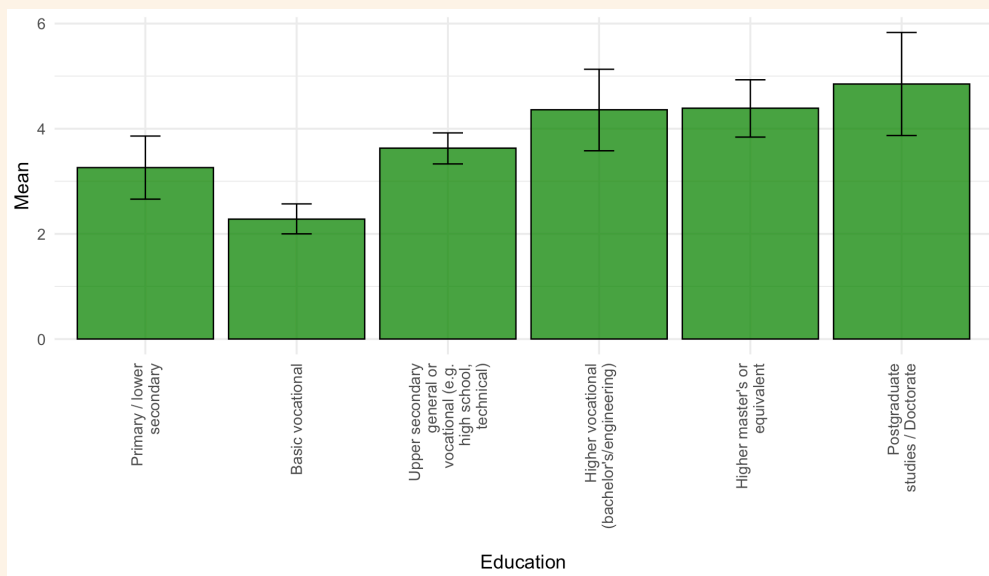
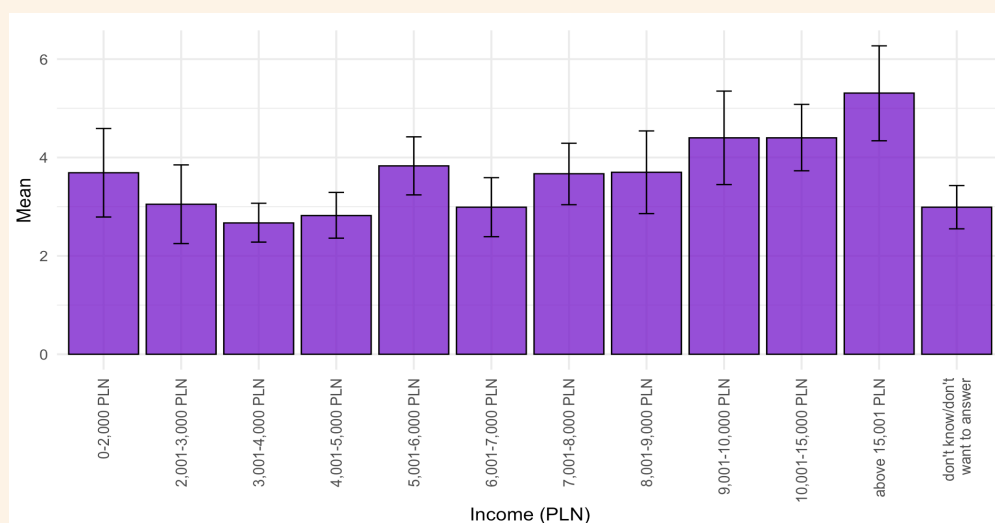
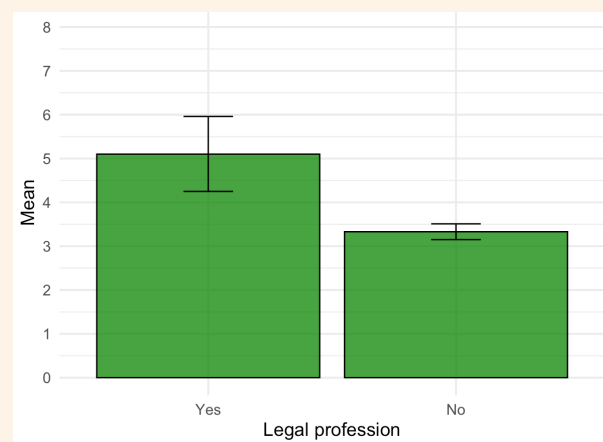
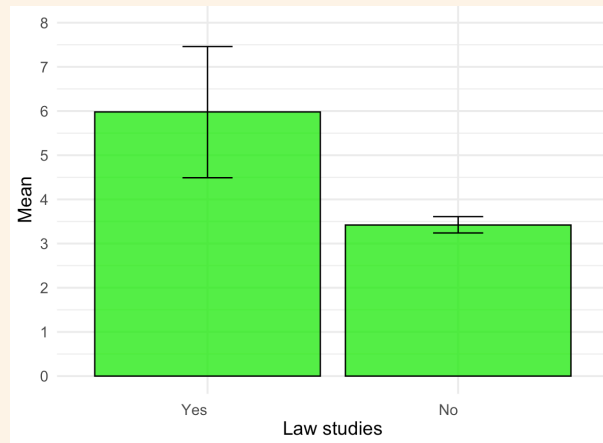


Chart 20. Average number of problematic situations in groups distinguished by income level



In the case of the criteria of education (Chart 18) and income (Chart 20), systematic differences are noticeable – the higher the level of education and income, the higher the number of experienced and reported problematic situations. This type of relationship is consistent with observations regarding the level of awareness of consumer rights, where better educated and better financially situated people also demonstrate greater knowledge and orientation in their rights.

In addition, there were clear differences between those who had studied law in the past and those who had no such experience, as well as between those practising law and the remaining respondents (Chart 21). People with legal education and those professionally active in the field of law more often declared contact with problematic situations in consumer relations. This may be due to their greater legal activity, as well as their higher sensitivity to potential violations of consumer rights and their better ability to recognize and classify them as irregularities. This relationship fits into the pattern also observed in the case of the level of objective knowledge and familiarity with consumer institutions.

Chart 21. Average number of problematic situations depending on legal experience

To sum up, based on the research results, one may get the impression that the actions of dishonest entrepreneurs are more often aimed at people who are wealthier, better educated and have greater legal competences. It seems, however, that such an interpretation would be too far-reaching. The source of the observed relationship should be sought elsewhere – primarily in the level of consumer experience and legal awareness, which allows for the identification and proper classification of problematic situations.

A more likely explanation is that people with higher socio-economic status are simply more active market participants. They make purchases more often, including online, are more involved in transactions, and therefore have more opportunities to encounter irregularities. At the same time, their higher awareness of rights and greater interpretative competences make them better able to recognise situations that may constitute a breach of consumer interests.

As a result, it is not so much that wealthier consumers are more exposed to unfair practices, but rather that they are more attentive, better informed and more likely to identify specific events as potentially non-compliant with the regulations. A higher level of awareness therefore promotes not only more effective protection of one's rights but also greater vigilance against unclear offers, misleading messages or unfair provisions in regulations.

IV.2.2. WAYS TO DEAL WITH PROBLEMATIC SITUATIONS

Analysis of data on consumers' reactions to problematic situations shows clear differences in the ways they cope with difficulties. In some cases, consumers are much more likely to take action, while in other situations they remain passive, even if the issue is significant.

Consumers are most likely to react when a situation has a clearly negative, tangible impact – for example, when they receive a damaged product, do not receive an item they ordered, or discover they have unknowingly signed up for a paid subscription. The high percentage of actions in these cases indicates that a sense of injustice or financial loss motivates the intervention. Similarly, when consumers discover that a product was a counterfeit, was misled by false reviews, or when a store delays refunding a customer after they have withdrawn from a contract, a significant proportion of people take action.

On the other hand, in many other situations, even if the entrepreneur's conduct is objectively incorrect or constitutes a violation of consumer rights, reactions are much less frequent. This applies primarily to cases in which the consumer could feel misled, but the situation did not have clearly negative financial consequences – such as an inflated starting price during a promotion (which is surprising because such actions should not appear on the market due to the Omnibus Directive), the inability to pay in cash or by card, the lack of a Polish user manual or the inability to place an order without registering an account. In such situations, most people do nothing – probably believing that intervention would be too time-consuming, not cost-effective or ineffective.

It is also clear that low readiness to act occurs where problematic situations are more complex, formal or require contact with institutions – e.g. in the case of unclear warranty conditions, lack of store regulations or additional costs added without the customer's express consent. Also in cases involving violations of personal data processing rules or difficult contact with a seller, reactions are limited, even though these problems may have serious consequences in the long term.

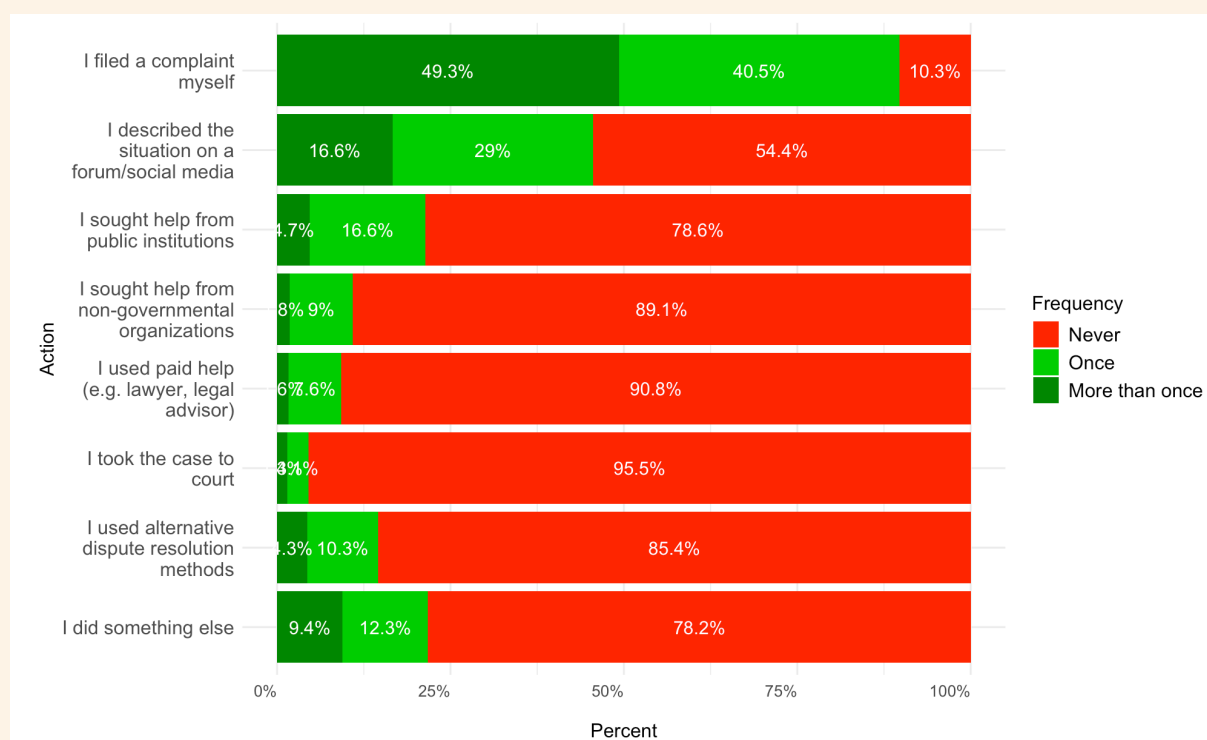
In general, **consumers are more likely to act when the harm is direct, clear and easy to identify, and less likely to act when the problem is systemic, involves legal regulations or requires greater initiative and knowledge of their rights. In many situations, it seems that the lack of response may be due to ignorance, lack of confidence in the effectiveness of the actions taken, or a feeling that "it's not worth the effort."** This shows a clear need for further consumer education, especially in terms of how to effectively pursue one's rights in less obvious situations.

Of the 800 people who declared having experienced at least one problematic situation, corrective or intervention actions were taken by just over 60% of respondents, which indicates a moderate willingness to respond to violations of consumer rights. **While most people are not completely passive, the scale of the actions taken is limited – on average, consumers only respond to one of several difficult situations they encounter, while they refrain from intervening in the others.** Full commitment, i.e. consistent response to every problematic situation that occurred, was rare. This attitude was adopted by only 63 respondents, which constitutes only 7.9% of people who encountered the problem and only 5.4% of the entire study group. In turn, as many as 313 people declared no reaction whatsoever to the difficulties encountered. This means that as many as 40% of people experiencing irregularities did not take any action: neither a complaint, nor an attempt to contact the seller, nor reporting the matter to assistance institutions. In the entire sample, this constitutes more than one-quarter of those surveyed.

These data suggest that while consumers are increasingly recognizing problem situations, their willingness to consistently resolve them remains limited. Reactions are often selective, and a passive attitude is still common – especially in the case

of less severe or less obvious violations. This may be due to various barriers: lack of knowledge about one's rights, low confidence in the effectiveness of actions, discouragement due to bureaucracy or lack of time and energy to pursue one's rights. As a result, many problematic situations remain unanswered, which contributes to the perpetuation of unfair commercial practices.

Chart 22. Frequency of taking various actions in problematic consumer situations (n = 487)



Consumers use different ways of responding to problematic situations, as well illustrated in Chart 22. The most frequently reported action was contacting the seller to report the problem. This form of reaction was used more than once by almost half of the respondents who reacted to any difficulty at all, and another 40% did so at least once. This means that only about 10% of people have never used this form of contact.

This result suggests that contacting the direct source of the problem – the salesperson – is perceived as the most accessible, intuitive and potentially effective course of action. Nevertheless, it is worth pointing out a certain methodological ambiguity here. There is a risk that some respondents could have associated such

action not so much with an attempt to solve a problem resulting from a violation of the law, but with a routine return of goods under the right to withdraw from a contract concluded at a distance. For some respondents, the very fact of returning the product could be treated as a response to a problematic situation, even though formally it is not an intervention in the case of a violation of consumer rights, but the exercise of a right to which they are entitled without the need to provide justification.

The second most frequently indicated method of action was to leave an opinion or review on the Internet – both on shopping portals and on social media. This form of reaction was used by almost half of the people who responded to the problem. Although this action has no direct legal or formal nature, it performs an important social function – it allows you to express your opposition, warn other consumers, and sometimes put pressure on the seller. The popularity of this strategy may be due to its availability, speed and the growing importance of consumer reviews in shaping companies' reputations.

These results show that **consumers more often choose forms of action that are relatively simple and do not require contact with institutions or knowledge of legal procedures. Formal actions, such as filing a complaint citing the relevant provisions, contacting the consumer ombudsman or reporting the matter to other institutions are probably more incidental in nature and are undertaken less frequently – most often in the case of more serious or persistent infringements.**

Consumers were much less likely to decide to take more formal actions in response to problematic situations. Only a small proportion of respondents reported their cases to public institutions responsible for consumer protection – just over 20% of respondents who took any action did so. Even fewer people turned to consumer organisations for help, with only around 10% of people in this group declaring they did so. The willingness to use out-of-court dispute resolution methods, such as mediation, was also relatively low. Only about 15% of responding consumers chose this path, which may suggest that this method of asserting one's rights is still little known or perceived as complicated and time-consuming.

Consumers were definitely the least likely to seek professional legal support or take their case to court. Less than 10% of people who took active steps used the assistance of a lawyer, and this assistance was usually paid for. Only a small percentage – no more than 5% – decided to take their case to court.

This distribution of responses indicates that **although consumers are increasingly noticing problems and irregularities, they still rarely decide to fully use the legal protection tools available to them. Actions that require greater procedural involvement, knowledge or costs are undertaken much less frequently than those that are simple, quick and fit into everyday purchasing practice.**

Almost 20% of people who actively behaved in a problematic situation declared that they took actions other than those specified in the study. Examples of other ways of solving problems given by the respondents included (original spelling):

- “I reported the matter to the cashless payment operator”,
- “I have been calling and sending emails until I get an answer as to when I will receive the product back and whether I will receive it back at all”,
- “I asked the owner of the trading platform where the seller displayed his goods to solve the problem”,
- “[I] made a fuss”,
- “I pestered the seller until he gave me what I wanted”,
- “I threw their shoes on the counter and left”,
- “I kept contacting the store, reminding them that I was waiting for a refund. I left a negative comment, even though the seller kept pestering me by phone and email, asking for it to be removed.”
- “I threatened legal consequences”,
- “I sent the sanitary inspection to [name of the discount store]”,
- “I scared the dishonest seller with the Office of Competition and Consumer

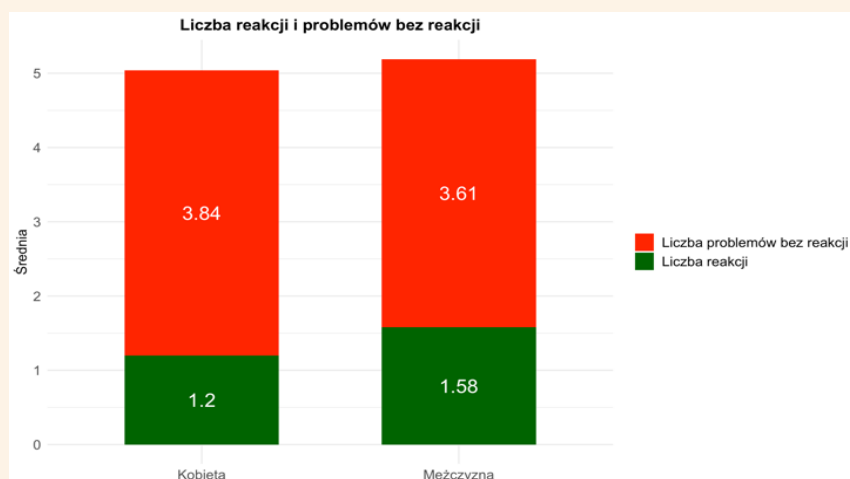
Protection”,

- “report to the police.”

IV.2.3. FACTORS DIFFERENTIATING THE TENDENCY TO TAKE ACTION IN PROBLEMATIC SITUATIONS

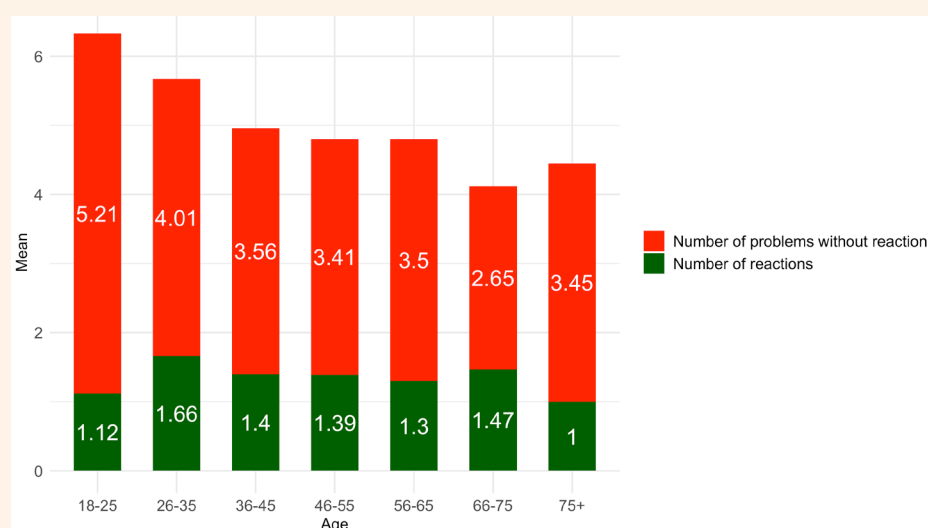
The analysis of the survey results indicates that consumers’ willingness to take action in problematic situations is varied and related to various factors, both demographic and the level of individual consumer awareness. One of the observed phenomena is a clear difference based on gender: although both groups notice on average the same number of problematic situations, men are more likely than women to declare that they react to difficult or incorrect situations while shopping (Chart 23). Interestingly, according to the results presented in Chapter III of this report, both groups do not differ significantly in terms of the level of objective knowledge about consumer rights. This may suggest that knowledge alone is not enough to prompt action.

Chart 23. Consumer behaviour towards problems broken down by gender



In terms of age, we did not observe any significant differences in the propensity to respond – representatives of all age groups take actions at a similar level. However, a more interesting difference appears in the case of situations left without any reaction (Chart 24): Younger people are more likely to remain completely passive in the face of the difficulties they encounter than older people. However, this may not be due to the greater activity of the latter, but rather to the fact that – as previous analyses have shown – older people are less likely to identify specific events as truly problematic. In other words, fewer situations they consider to be violations or irregularities also result in fewer situations that remain unaddressed.

Chart 24. Consumer behaviour towards problems divided into age groups

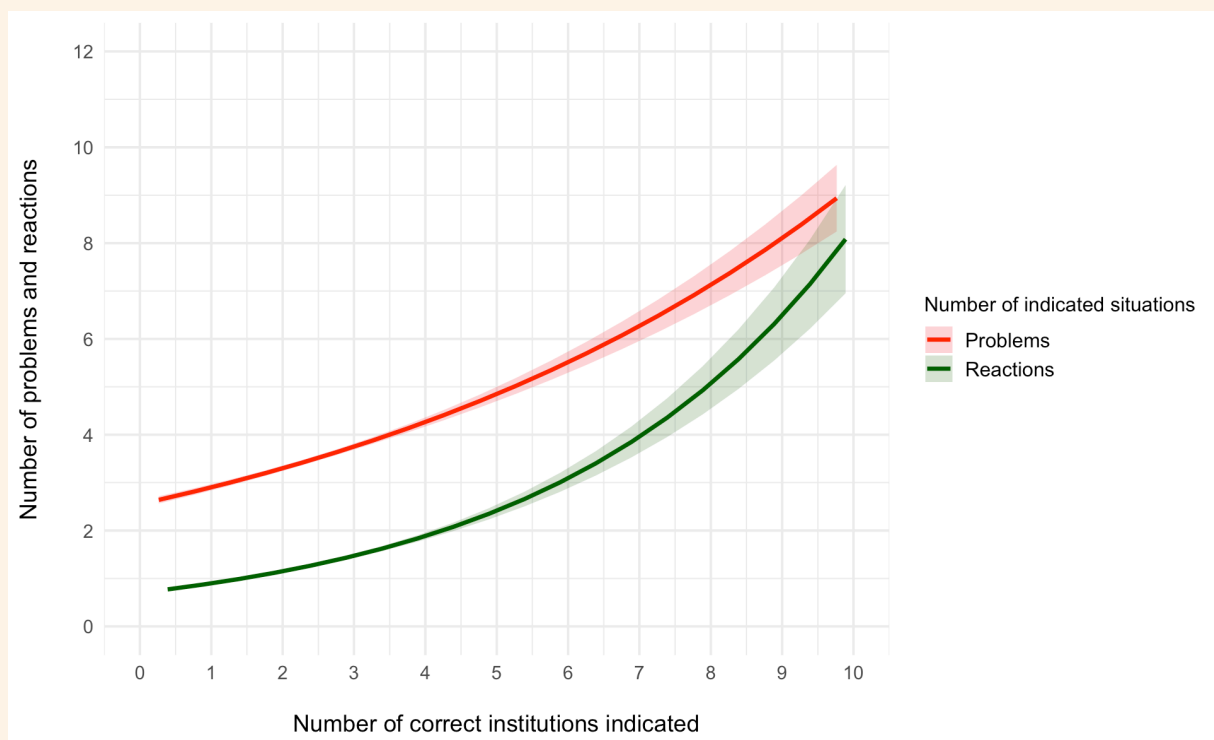


We did not observe any clear correlations between the tendency to take action in problematic situations and such variables as: place of residence (both in terms of the size of the town and the geographical region), income level, general education, having a law degree or practising law. This means that these factors do not significantly differentiate the willingness to respond to consumer difficulties – regardless of socio-professional position or local context, consumers are similarly willing (or unwilling) to intervene in the face of unfair practices.

Broadly understood consumer knowledge and other psychological factors included in the study are of great importance for dealing with problematic situations. The relationship between consumer awareness and taking action is revealed in several

key relationships. First of all, people who were more familiar with institutions dealing with consumer protection were more likely to identify problematic situations and were more likely to intervene in situations requiring a response (Chart 25). **This may mean that knowledge of available sources of support and mechanisms for asserting rights clearly promotes not only consumer awareness but also activity, and people who are more aware of their rights may notice more violations and irregularities than those who are not inclined to intervene.**

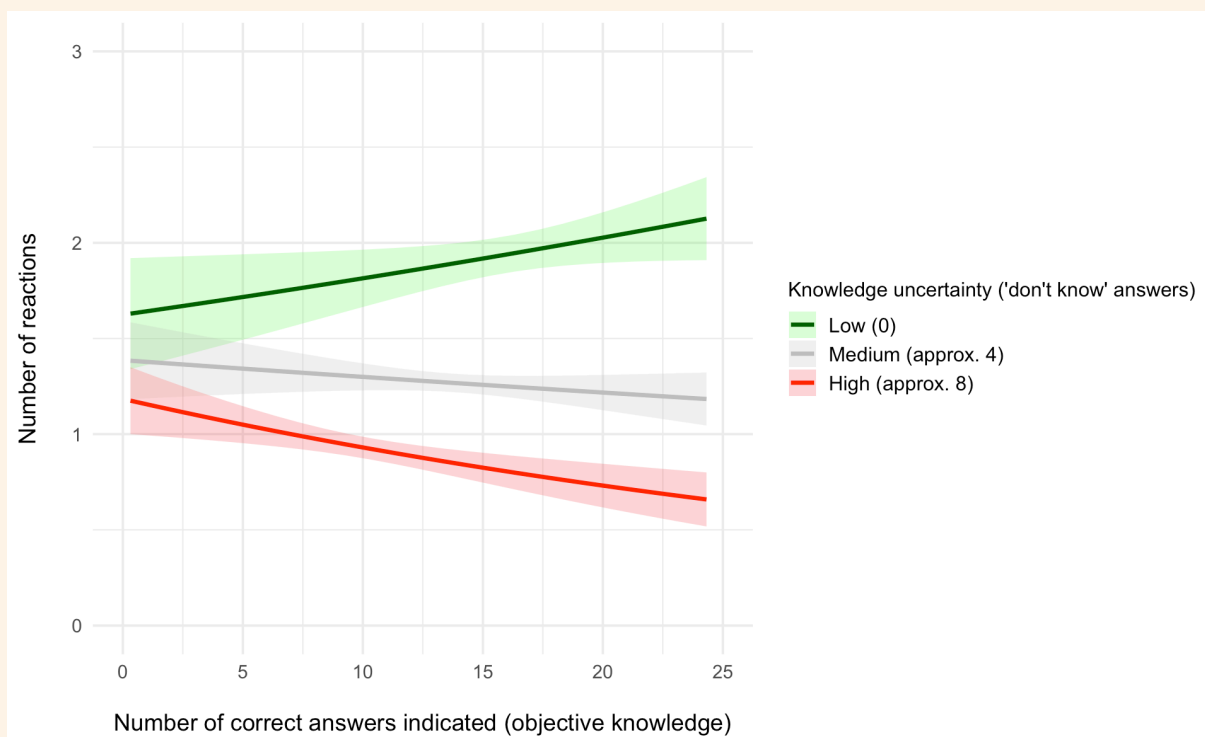
Chart 25. The relationship between the number of indicated real consumer institutions and the number of recognized problematic situations and the number of reactions to such situations



As can be seen in Chart 26, objective consumer knowledge alone (measured by the number of correct answers in the test) was not related to the tendency to react in problematic situations. However, the uncertainty of knowledge, expressed by the frequency of choosing the answer “I don’t know”, also played an important role. People with high levels of uncertainty made fewer responses even with high objective levels of consumer knowledge. **This may suggest that the lack of certainty**

about one's own rights limits consumers' willingness to act and, in some sense, inhibits them in the process of practical use of what they know about their rights.

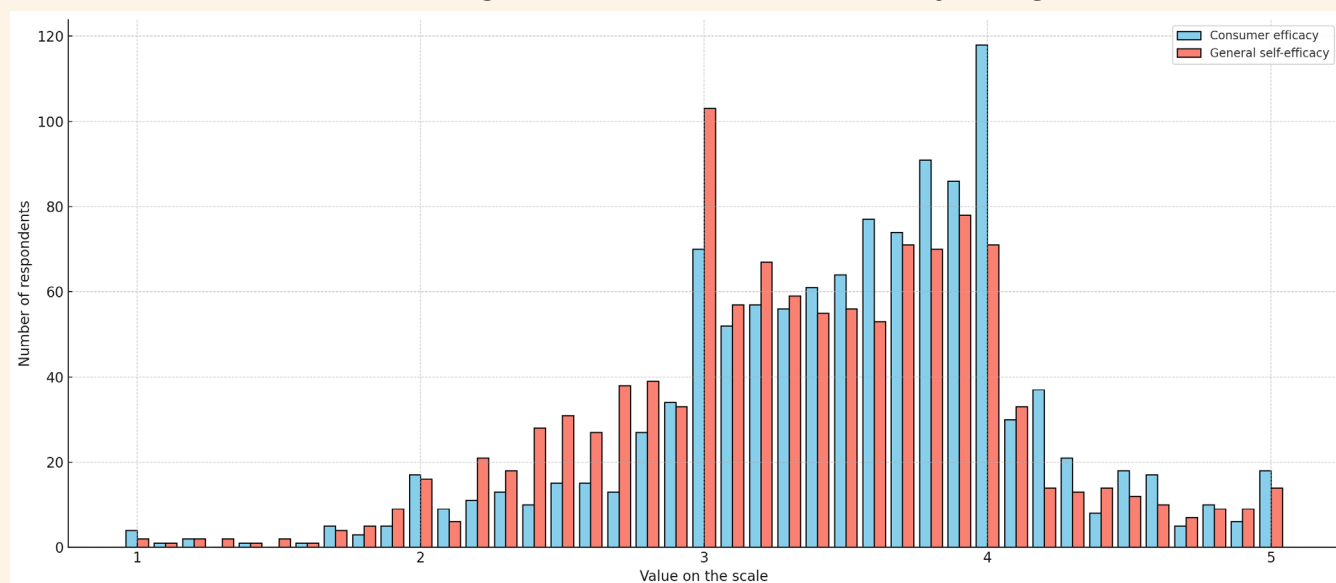
Chart 26. Number of reactions in problematic situations depending on correct answers in the consumer knowledge test and the number of "I don't know" answers



IV.2.4. RESULTS AND EFFECTIVENESS OF ACTIONS TAKEN IN CONSUMER MATTERS

First, we analysed the subjective sense of consumer efficacy, understood as an individual's belief in their own skills and competences in asserting their rights and coping with difficult shopping situations. This concept is based on Albert Bandura's self-efficacy theory, according to which people are more likely to take action and solve problems more effectively if they believe in their own abilities.

In social studies on self-assessment of effectiveness in various domains, there is usually a tendency to overestimate one's own competences – the average results in large samples are usually high, within the range of 3.5–4 on a five-point scale. Against this background, the responses regarding consumer knowledge and effectiveness are clearly weaker. The average for consumer self-efficacy is 3.35, and for general self-efficacy (measured with the GSES tool) – 3.51. These values indicate that Poles are characterized by moderate confidence in their own abilities to act in consumer situations and significantly lower self-confidence in this area than in other areas of life. **These results may indicate a lack of a sense of competence in protecting one's rights – and this, in turn, may be one of the reasons for passivity in the face of consumer problems. A consumer who does not trust their abilities and does not feel prepared to act will be much less likely to attempt to intervene, even if they perceive that their rights have been violated.**

Chart 27. Distribution of ratings of consumer self-efficacy and general self-efficacy

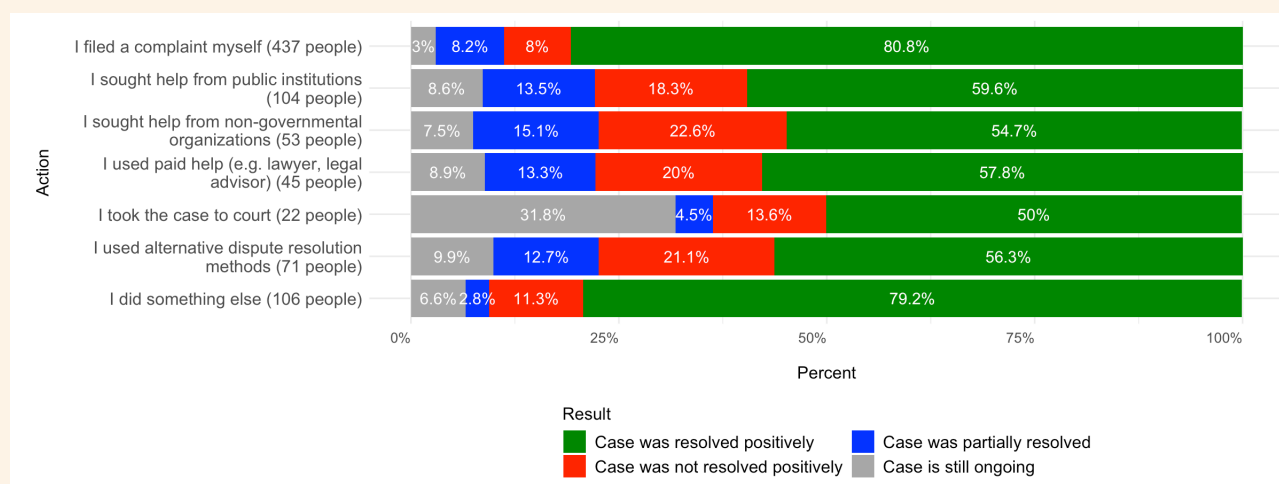
In terms of gender, significant differences were observed in the level of declared consumer effectiveness – men assessed their skills in enforcing consumer rights higher than women. This difference was more pronounced than in the case of an overall sense of efficacy. In turn, age, level of education and place of residence did not significantly differentiate the level of consumer effectiveness. Similarly, there was a very weak, almost invisible correlation with the amount of income achieved – it did not significantly affect the self-assessment of competences in this area.

However, certain differences were revealed among people with a legal education or practising law – as expected, they assessed their consumer effectiveness slightly higher than the other respondents. It is worth noting, however, that these differences, although visible, were not as strong as one might expect.

When it comes to the actual actions taken by consumers in problematic situations, according to their declarations, the effectiveness of the actions taken often exceeds 50% (see Chart 28). It should be emphasized, however, that these results should be interpreted with great caution. The majority of people (437) declared that they would solve the problem on their own, while other forms of action were much rarer: only 104 people used the help of public institutions, 53 turned to a non-governmental organisation and only 22 took the case to court. Such large differences

in the size of the groups mean that direct comparisons of their effectiveness are subject to a high risk of error and should be treated as a directional signal rather than an unequivocal assessment of the effectiveness of individual activities.

Chart 28. Effectiveness of actions taken by consumers



The survey results show that, in the respondents' opinion, the most effective form of intervention was taking action directly with the seller. In the vast majority of cases, such actions brought the desired effect – the problem was solved, and only a small percentage of cases remained unanswered or resolved. The high level of effectiveness of this form of response may indicate the real effectiveness of contact with the seller, but a certain interpretational reservation should be taken into account. As already noted earlier, it is highly probable that respondents also included in this category situations in which they simply exercised their statutory right to withdraw from a contract concluded at a distance. Phrases of this type are usually simple, require no justification, and rarely involve conflict. If a significant proportion of responses refer to such cases, the obtained effectiveness indicator may be overstated and may not fully reflect the actual effectiveness of actions taken in response to actual violations of consumer rights.

In this context, what is particularly disturbing is the fact that even in this (apparently most effective) category, as many as around 20% of cases remained unresolved. If standard, conflict-free returns of goods are also included here, the actual

percentage of ineffective interventions in truly problematic situations may be even higher. **This result suggests that a significant proportion of consumers, despite taking action, still do not obtain a satisfactory solution, which is an important warning signal for the consumer protection system.**

Consumers' actions involving the public description of a problematic situation are also highly effective – for example in the form of comments, reviews or entries on forums and social networking sites. Of those who took this step, over 40% experienced a positive response from the seller – the issue was resolved or the seller took corrective action. In almost half of the cases (approx. 45%), the entry was not met with any reaction from the store. Meanwhile, 13.5% of consumers reported receiving a negative response – they were directly asked to delete the comment or informed that they should not share this type of content publicly. Despite the latter group, public posts prove to be a relatively effective form of pressure, bringing real results in a significant number of cases.

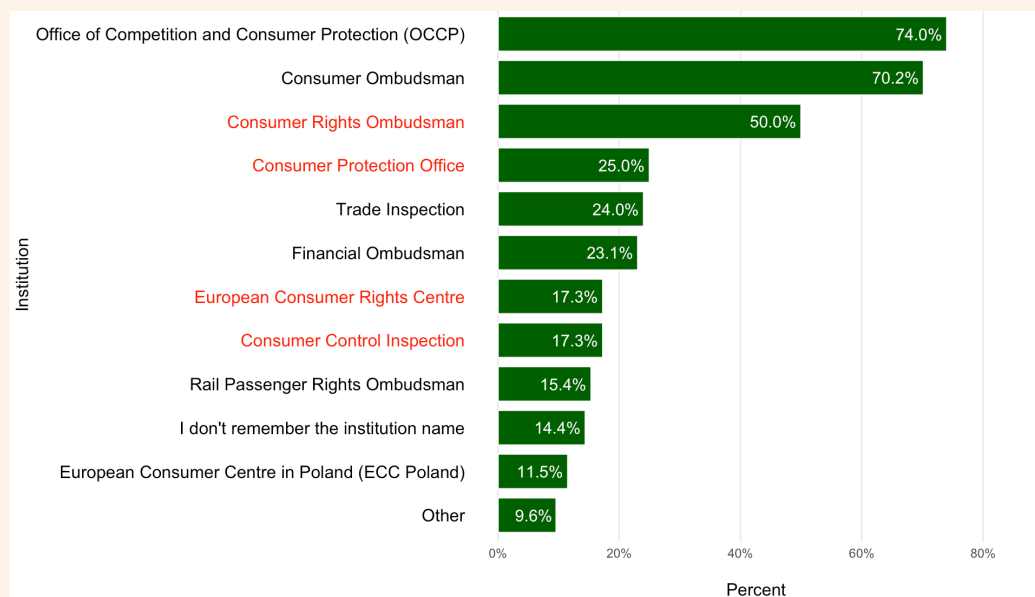
Interventions directed at public entities and non-governmental organisations showed slightly lower effectiveness than actions taken independently. In the case of such reports, according to the declarations of the respondents, half of the cases ended with a positive solution. However, there is still a noticeable number of cases that did not bring the expected result. It is also worth noting that some consumers indicated that their supporting entities were organisations that did not actually exist, and were unable to distinguish public institutions from social organisations. **This may indicate some information confusion and limited knowledge about real sources of support.**

The use of paid legal aid brought moderate results – about half of the cases were completed successfully, but a significant percentage did not bring the expected result despite the costs incurred. The lowest effectiveness was demonstrated by cases taken to court. Only about half of the cases resulted in a positive decision, with a significant number of cases still pending, which may be due to the time-consuming nature of court proceedings. A similar picture emerges from the data on out-of-court dispute resolution methods – although just over half of them ended

with a satisfactory result, consumers relatively often assessed the result as unsatisfactory. It is worth remembering, however, that a feature of mediation and other forms of amicable dispute resolution is reaching a compromise, which by definition does not fully meet the interests of either party, but strives to achieve a solution acceptable to both participants in the conflict.

When it comes to answers to questions about specific institutions and organisations to which consumers turned for help, the most frequently indicated entity was the Office of Competition and Consumer Protection (OCCP). Of the 104 people who declared that they had used institutional aid, over 70% mentioned the Office of Competition and Consumer Protection as the entity they contacted (Chart 29). In second place were the Consumer Ombudsmen, who were also indicated relatively often as the addressees of reports. Other institutions, such as the Trade Inspection or the Financial Ombudsman, appeared much less frequently, although their effectiveness was assessed at a similar level to that of the Consumer Ombudsmen.

Chart 29. Consumer protection institutions contacted by respondents (n = 104)



However, it is worth paying attention to the significant discrepancies between the respondents' declarations and the actual structure of the consumer protection system. Some respondents indicated that their intervention was addressed to institutions that formally do not exist, such as the "Consumer Ombudsman", the "Consumer Protection Office" or the "Consumer Control Inspectorate." **Such**

responses suggest that consumers are not always aware of which institutions actually operate within the system and where to report their problems. These results are consistent with the observations regarding low awareness of actual consumer protection institutions obtained in other parts of the study.

A similar lack of discernment is evident in the responses regarding non-governmental organisations. Among the 53 people who declared that they had used the help of NGOs, the most frequently indicated entity was the “Association for the Defence of Consumer Rights” – an entity that does not exist. Next came more credible answers, such as the Consumer Federation or the Consumer Foundation, but other real organisations were indicated sporadically. Moreover, in an open question about the name of a non-governmental organisation, some respondents mentioned the Consumer Ombudsman (or its non-existent variants), confusing public institutions with social organisations.

Chart 30. Non-governmental organizations dealing with consumer protection addressed by respondents (n = 53)



The collected data clearly show that consumers have a limited understanding of the structure of the consumer rights protection system – not only do they confuse public institutions with social organizations, but they also often indicate entities that do not exist at all. It is important to remember that only 104 people answered the question about using the help of public institutions, and only 53 respondents used the help of non-governmental organizations – while over 1,100 people took part in the entire survey. This means that only a small percentage of participants turned to any external entity for help at all.

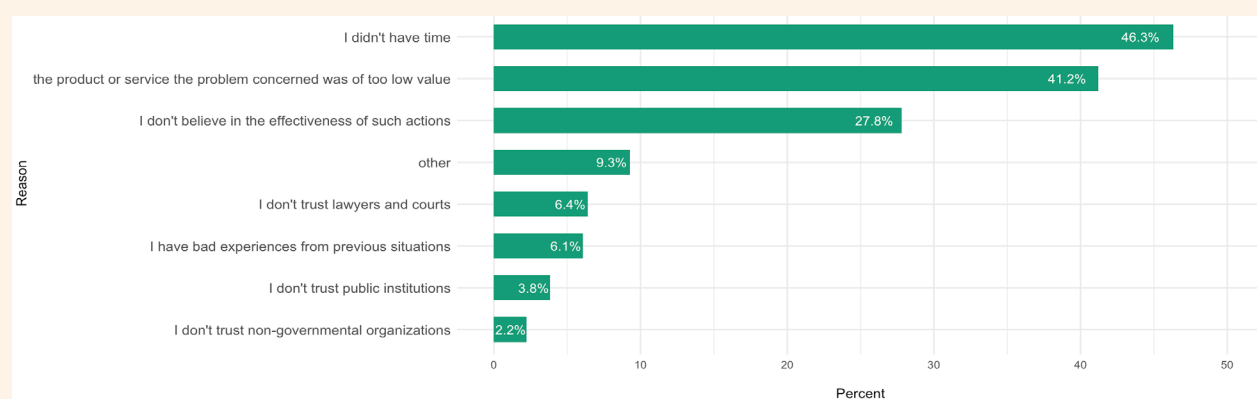
The numerous erroneous indications are even more disturbing. They suggest that a significant proportion of consumers not only do not use available support channels but also do not know where they can realistically seek help. **These results indicate the need not only to educate about rights but also to build practical awareness of the functioning of institutions and organizations dealing with consumer protection – their names, competences and available contact paths. Without this knowledge, even the most basic powers remain unused in practice.**

IV.2.5. CONSUMERS' INACTION

A disturbing phenomenon revealed by the study is the widespread lack of response from consumers when they experience problems – as many as 40% of people who encountered difficulties took no action. As shown in Chart 31, there are three main reasons behind this inaction. Firstly, respondents often indicated lack of time as a reason for refraining from intervention – daily duties, fear of time-consuming procedures or the belief that pursuing one's rights is too involved effectively discourage action. The second important factor was the low value of the product or service concerned – many respondents believed that the game was not worth the candle and the potential benefit did not compensate for the effort. The third most frequently indicated reason was a lack of confidence in the effectiveness of actions – respondents were afraid that their intervention would not bring any results anyway, which may indicate limited trust in available consumer protection measures or previous disappointments.

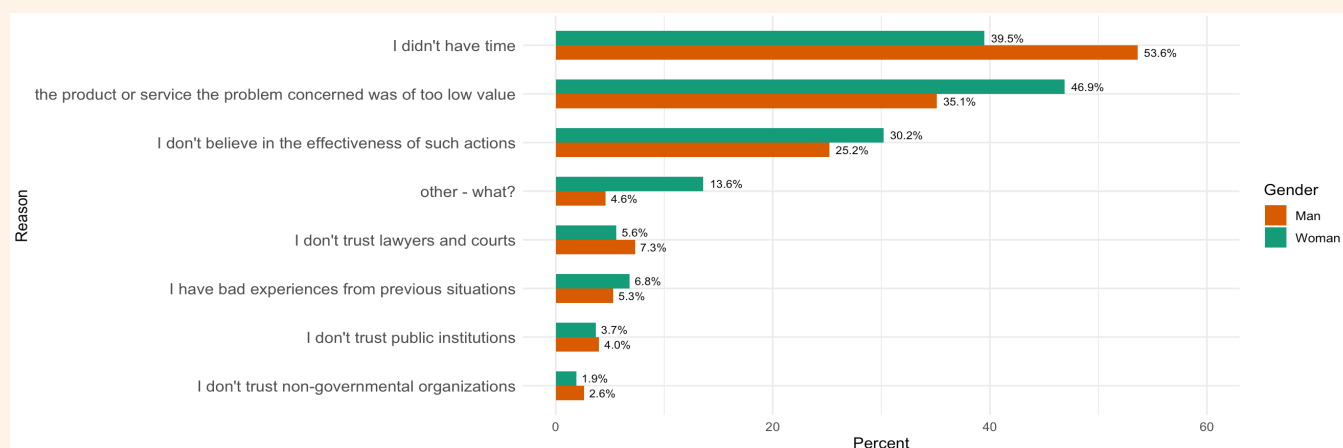
Further explanations included a lack of trust in public institutions and negative experiences from the past related to attempts to assert one's rights. Although less frequently mentioned, these factors also deserve attention because they point to a broader problem of erosion of trust in the consumer protection system – both formal and informal. Together, these factors create an image of a consumer who often prefers to accept loss or injustice rather than take actions that are perceived as costly, complicated or ineffective.

Chart 31. Reasons for inaction in problematic consumer situations



Further analysis of the results showed that of all the demographic variables analysed, gender was the only factor significantly differentiating the reasons for not reacting to problem situations (see Chart ...). Men were more likely to cite lack of time as the main reason for not taking action. For women, on the other hand, the low value of the goods or services concerned was more important – they were more likely than men to consider that intervention in such cases was not profitable. These differences, although moderate, suggest that decisions to forgo action are related to different perceptions of the costs and value of the intervention.

Chart 32. Reasons for inaction in problematic consumer situations broken down by gender



Analysis of other variables also did not reveal any clear relationships. Age was significant only in relation to the reason “I did not have time” – older people were less likely to indicate this argument, but the differences between age groups were relatively small. Place of residence, level of education and income did not show any significant correlation with the declared reasons for lack of response. Interestingly, the level of knowledge – both objective and subjective – and the sense of efficacy of one’s own actions were not significantly related to the justifications provided.

These results suggest that the decision to refrain from taking action is primarily due to practical reasons, such as lack of time or low value of the subject of the dispute, rather than ignorance or a sense of lack of influence. In the context of consumer education, this means that, in addition to raising awareness of rights, it may also be necessary to shape the belief that even minor violations deserve a response – and that pursuing one’s rights can be not only possible but also effective.

IV.2.6. TRUST IN ENTITIES SUPPORTING CONSUMERS

In the survey, the average level of citizens’ trust in entities dealing with consumer protection was 6.15 on a scale of 1 to 10, which can be considered a moderate result. However, it is worth reading it in a broader context – in social studies conducted around the world, the level of declared trust in institutions is usually relatively

high, which makes the result obtained in Poland clearly less favourable compared to other countries. At the same time, it is part of a broader trend of low trust in public institutions in Poland that has been going on for years. **Although formally the value exceeds the midpoint of the scale, it indicates a structural deficit of trust rather than a stable relationship between citizens and the institutions responsible for protecting their rights. This, in turn, constitutes a significant challenge to the effectiveness of the entire consumer protection system.**

The level of trust in consumer protection institutions does not show any significant correlations with demographic characteristics such as gender, level of education (including having a law degree or practising law) or place of residence. The variables that show weak but statistically significant relationships with the level of trust are the age and income of the respondents – older and more affluent people declare a slightly higher level of trust (Charts 33 and 34). These relationships, however, are so weak that we cannot speak of a clear pattern, but rather of a subtle tendency.

Chart 33. Level of trust in entities supporting consumers, broken down by age category

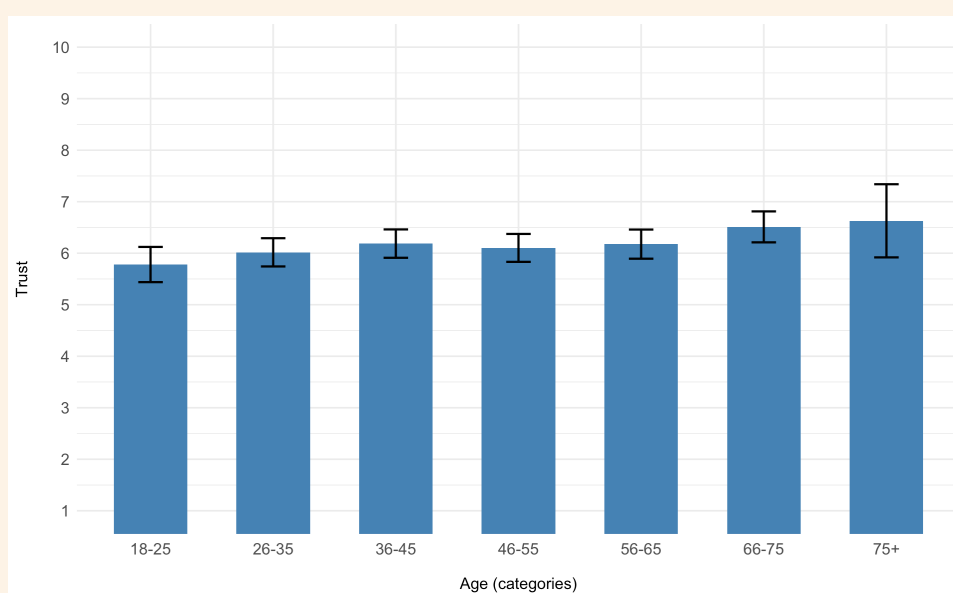
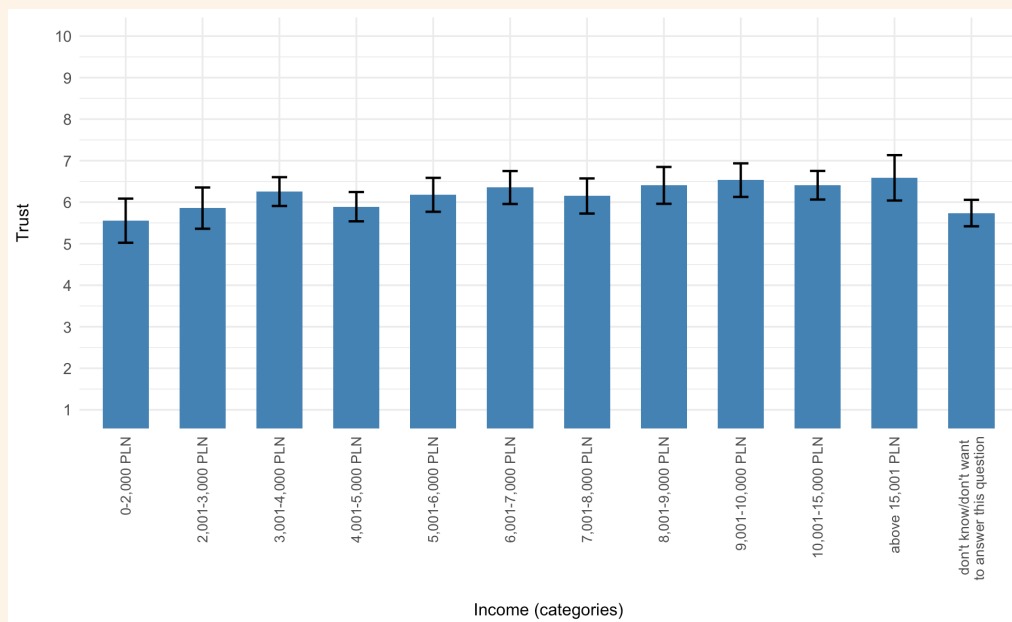
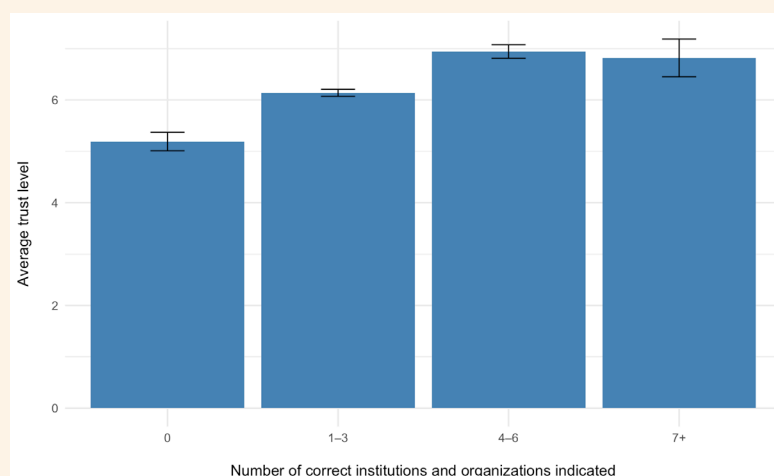


Chart 34. Level of trust in entities supporting consumers, broken down by income category



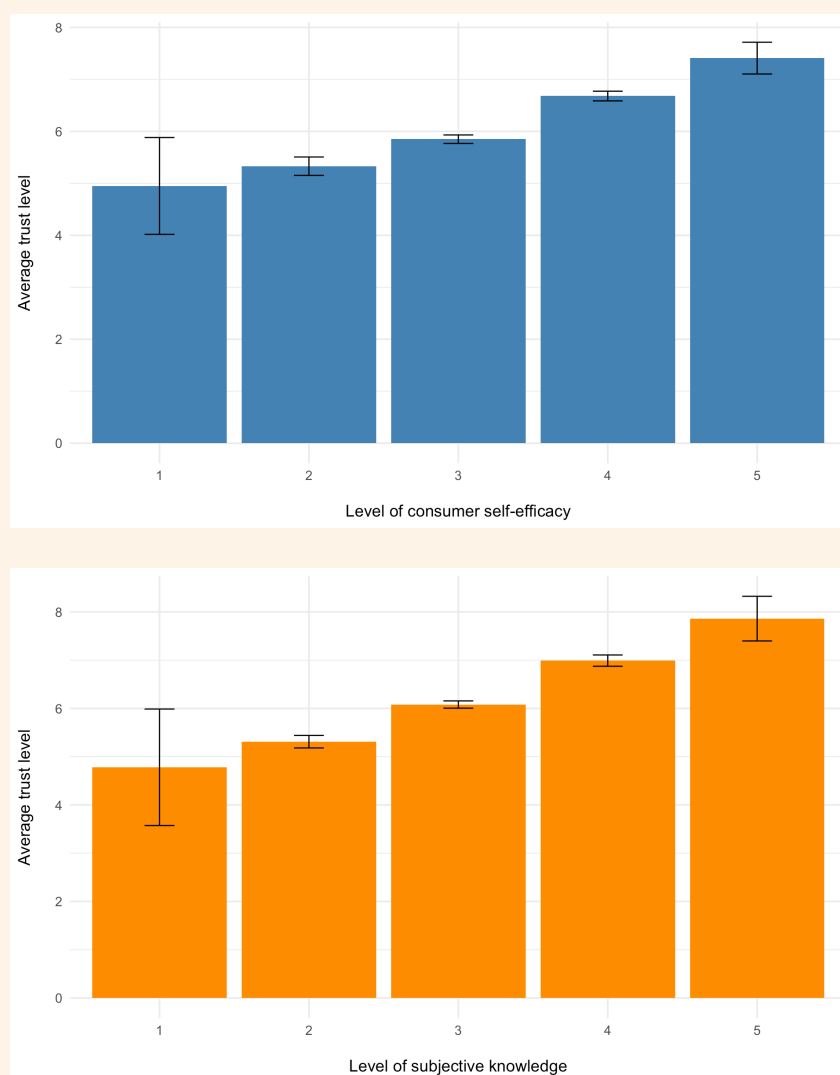
The results of the study show that **the level of trust in institutions protecting consumer rights is related to both psychological factors and the level of consumer knowledge**. The strongest correlation was observed in the case of knowledge of institutions and organizations dealing with consumer protection – people who were able to indicate more such entities declared a higher level of trust (Chart 35).

Chart 35. Trust in entities supporting consumers depending on the number of these entities known to the consumer



The level of consumer self-efficacy also turned out to be important. **The greater the respondents' belief in their own competences in asserting their rights, the more trust they placed in institutions responsible for protecting these rights** (Chart 36)

Chart 36. Trust in entities supporting consumers depending on the sense of effectiveness and subjective consumer knowledge



Trust also correlated with the level of subjective knowledge. **People who rated their knowledge as high tended to have higher trust in the consumer protection system.** A weaker, but still noticeable relationship was found in the case of objective knowledge. **People who were better informed about consumer regulations showed slightly greater trust in institutions, although this effect was less**

pronounced than in the case of declared knowledge. Additionally, although not very strongly, trust was related to the actual use of assistance from public institutions and non-governmental organizations. People who declared that they use help from these entities have greater trust in them than people who have never taken such a step.

IV.2.7. PREDICTORS OF AWARENESS AND EFFECTIVENESS IN APPLYING CONSUMER LAW

Our research showed that there is a relationship between subjective knowledge and consumer effectiveness. **People who are confident in their knowledge of the law are also more likely to believe that they can effectively enforce their rights.** In turn, consumer effectiveness correlates less strongly with objective knowledge, which suggests that having reliable knowledge alone does not necessarily translate into a sense of competence in action. In summary, you can be very knowledgeable but not feel confident in situations that require intervention.

The data we have collected indicates that Poles do not overestimate their consumer skills, but rather show a relatively low level of self-confidence in this area. The key relationship is the strong connection between subjective knowledge and self-efficacy, while actual objective knowledge is less important in shaping the belief in one's own efficacy in consumer situations.

To summarize and deepen the study results, we used Poisson regression analyses with multiple predictors and their interactions. This analysis allows for modelling the relationship between the explanatory variables and the dependent variable taking the form of the number of events – in our case, these were: the number of recognized problem situations and the number of responses undertaken. The considered predictors included: subjective consumer knowledge (a declarative belief in knowing one's rights), objective knowledge (tested using a knowledge test), knowledge of consumer protection institutions (the number of correctly indicated institutions), and consumer self-efficacy (a belief in one's own efficacy and competence in solving consumer problems).

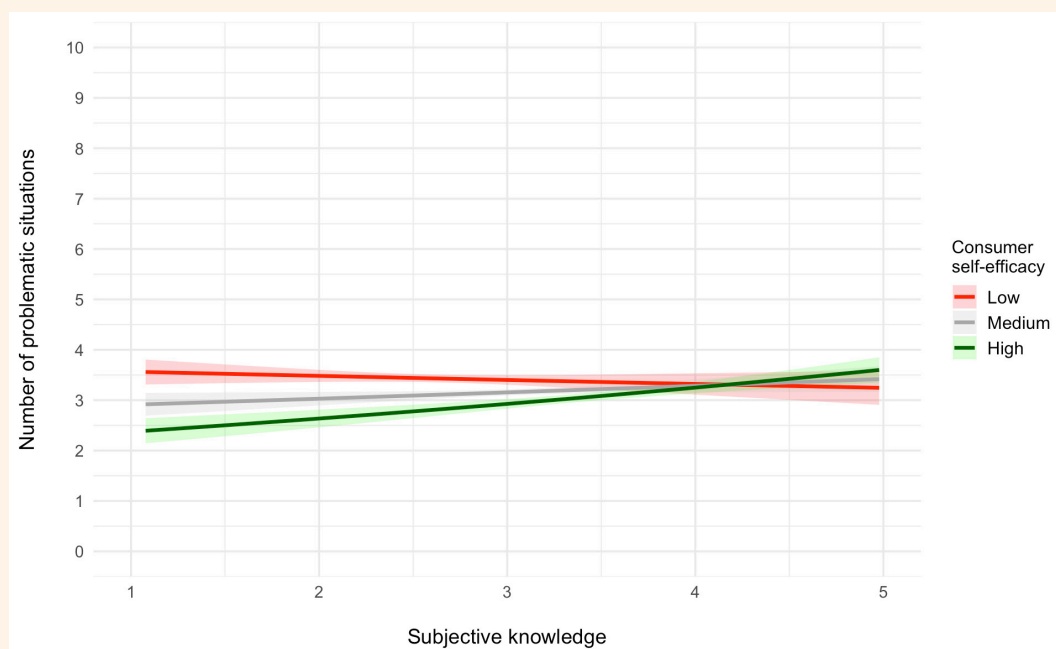
Given the significant interdependencies between these variables, it was particularly important to test whether each of them makes a unique contribution to explaining consumer activity and effectiveness, or whether their influence disappears when the others are taken into account. We also analysed interactive effects, i.e. situations in which the effect of one variable becomes significant only at a specific level of another (e.g. the relationship between subjective knowledge and consumer activity dependent on self-efficacy). Thanks to this approach, it was possible to capture not only simple relationships but also more complex psychological mechanisms behind differences in consumer recognition of problems and their response to them.

In terms of the number of problematic situations noticed, the strongest factor turned out to be objective knowledge, i.e. actual knowledge of the regulations. People who marked more correct answers in the knowledge test also indicated a greater number of problematic situations, and each additional correct answer was associated with a 5% increase in the number of actions. The second most important factor was the number of known institutions, and each additional institution indicated translated into an 8% increase in the number of indicated problematic situations. **This suggests that recognizing violations of consumer rights requires actual knowledge of the principles of their protection.** Subjective knowledge, i.e. one's own belief that "I know my rights", also had a significant relationship, although it was weaker. **This means that people who are confident in their knowledge – regardless of whether it is actually high – are more likely to interpret certain situations as problematic,** with one point more on a five-point scale being associated with a 5% increase in the number of actions. However, the sense of consumer efficacy itself, i.e. the belief that "I can do something about it", had a negative correlation with the number of reported problems. This means that people who were more confident in their resourcefulness and ability to cope with difficult situations declared fewer cases of encountered consumer problems. People with a high sense of consumer efficacy may not perceive some situations as actually problematic because they believe they can handle them or they treat them as part of a "normal" shopping experience. In other words, they may be more cognitively

and emotionally resilient to minor inconveniences – for example, a delay in delivery or the need to make a complaint may not be a situation requiring reporting because they know how to resolve it quickly. On the other hand, people with low self-efficacy may be more likely to perceive even minor setbacks as major problems – because they lack confidence in their ability to cope with them. Their greater susceptibility to stress and helplessness may lead to a greater number of reported problem situations, regardless of their objective importance.

Additionally, this analysis revealed that consumer self-efficacy interacts with subjective knowledge and the number of known institutions, but not with objective knowledge. This means that although the sense of efficacy itself has no direct significance for recognizing problematic situations, it plays a moderating role in the relationship between the subjective level of knowledge and the number of indicated infringements (Chart 37) and between the level of knowledge about consumer protection entities and the number of indicated infringements (Chart 38). Among people with a low and medium sense of efficacy, subjective knowledge does not have a significant impact – regardless of its level, the number of identified problems remains at a similar level. For people with a high sense of efficacy, higher subjective knowledge is associated with a greater number of recognized situations, and one additional point on the knowledge scale translates into a 14% increase in reported problematic situations. **This means that only the combination of a belief in having knowledge with a high sense of consumer competence leads to significantly greater vigilance and effectiveness in recognizing irregularities on the market.**

Chart 37. Consumer self-efficacy and subjective knowledge versus the number of identified problematic situations

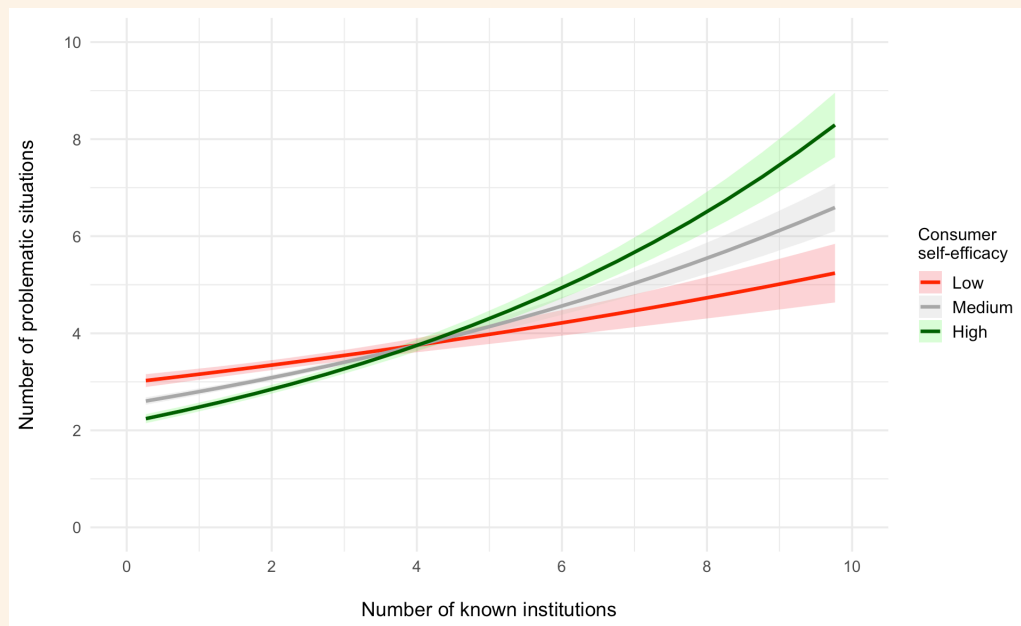


Based on the obtained results, it can also be stated that the number of identified, actually existing consumer protection institutions – i.e. an indirect indicator of objective institutional knowledge – significantly interacts with the sense of consumer efficacy. Unlike subjective knowledge, which showed an impact only for people with a high sense of efficacy, the number of real institutions indicated is significant in every group – regardless of whether someone has a low, average or high sense of efficacy. However, the strength of this relationship varies depending on the level of consumer effectiveness. Among people with a low sense of self-efficacy, each additional correctly indicated entity was associated with a 6% increase in the number of recognized problem situations. For people with an average sense of self-efficacy, this increase is already 10%, and in the group with a high sense of self-efficacy – as much as 15%.

This means that knowledge of institutions actually increases consumer alertness and the ability to recognize problematic situations, but its strength depends on whether it is accompanied by a sense of efficacy. Consumers who are aware of the existence of institutions and at the same time believe that they can use them

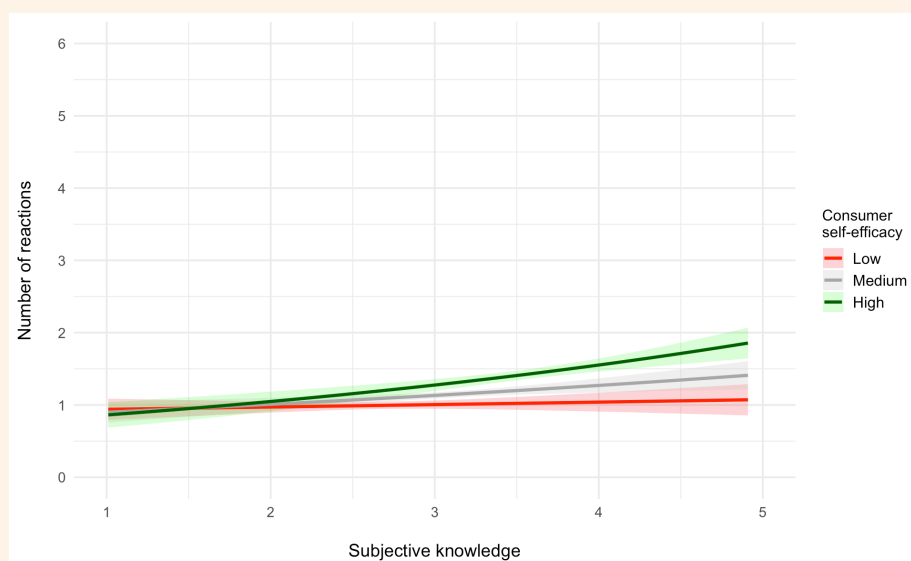
effectively are the most sensitive to market irregularities. This points to the crucial importance of not only factual knowledge but also beliefs about one's own competences – their combination clearly enhances consumer mindfulness.

Chart 38. Consumer sense of efficacy and the number of known institutions versus the number of indicated problematic situations



In the second analysis, we examined factors that could explain the number of declared consumer reactions. In this case – unlike the number of identified problems – neither objective nor subjective knowledge mattered, and the strongest predictor turned out to be the number of known consumer protection institutions. Also important was the sense of consumer efficacy, i.e. the belief that “I can do something about it.” Both of these variables turned out to be significantly related to the level of activity – the higher their level, the more activities the respondents declared. **It can be assumed that the better the knowledge of the entities, the more frequent contact with them in problematic situations.**

Chart 39. Consumer self-efficacy and subjective knowledge versus the number of reactions undertaken in problematic situations

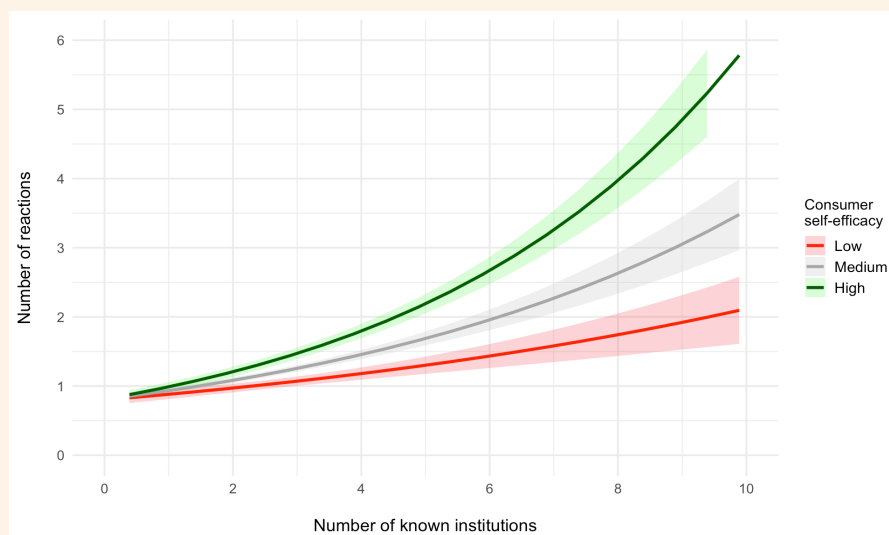


Additionally, the analysis showed that both subjective knowledge and the number of known institutions significantly interact with consumer self-efficacy. Among people with a low and average sense of consumer efficacy, subjective knowledge had no relationship with the declared number of actions. In the group of people with a high sense of efficacy, an increase in subjective knowledge by one point translated into a 22% increase in the number of actions – and only in this group subjective knowledge was significant for the number of declared reactions. **In practice, this means that people who feel both well-informed and competent are much more proactive—they recognize more situations as requiring a response and actually respond more often. Subjective knowledge alone without an accompanying sense of effectiveness turns out to be insufficient to encourage action.**

Moreover, also in this case the number of identified, actually existing consumer protection institutions significantly interacts with the sense of consumer efficacy. Unlike subjective knowledge, which showed an impact only for people with a high sense of efficacy, the number of real institutions indicated is significant in every group – regardless of whether someone has a low, average or high sense of efficacy. At the same time, however, the strength of this relationship varies depending on the level of consumer effectiveness. Among people with a low sense of self-efficacy,

each additional correctly indicated entity is associated with a 10% increase in the number of actions taken. For people with an average sense of effectiveness, this increase is already 16%, and in the group with a high sense of effectiveness – as much as 22%.

Chart 40. Consumer self-efficacy and subjective knowledge versus the number of reactions undertaken in problematic situations



IV.3. CONCLUSIONS ON CONSUMER EXPERIENCES IN APPLYING THE LAW

Consumer issues in Poland are widespread, and the data presented in our report showed that there is much we did not know and still do not know about consumer issues. Our first conclusion – which we must reiterate here – is that there is a need for in-depth research on consumers themselves and an interdisciplinary approach to the entire consumer environment in Poland.

The experiences of Polish consumers in applying the law do not inspire optimism. Consumers in Poland are discouraged, do not believe in their own effectiveness (27.8% of respondents cited lack of belief in the effectiveness of action as the reason for not taking action), and have at most a basic level of knowledge about consumer issues (see Chapter III.2.), does not seek institutional help and does

not believe in its usefulness (the effectiveness of institutional actions declared at 60%), does not know consumer institutions (without support, as many as 49.4% of respondents were unable to name any institution, respondents also confuse public and non-governmental institutions – see Chapter III.2.), rarely takes action in consumer affairs and avoids formalised and complicated activities. He is also a frustrated consumer. In our survey, many consumers took advantage of the opportunity to freely describe the consumer problems they encountered in order to pour out their grievances and give vent to their emotions. This is important because it shows what emotions consumers experience on a daily basis – the respondents preferred to spend their time writing what they thought about a particular issue rather than moving on, completing the survey and returning to their daily activities.

The consumer protection system in Poland does not help consumers either. The procedures are lengthy and complicated, often disproportionate to the importance of the case, and the courts are slow, which is the result of decades of neglect and political conflicts. Respondents who took legal action indicated that as many as 31.8% of cases are still pending.

To overcome the above, we suggest looking at the interaction between the consumer protection system and the consumer in a way that takes into account the following conclusions and proposed solutions:

1. Knowledge is not enough – the system must build confidence in the effectiveness of the measures taken.

People who are aware of their consumer rights (objective knowledge) are more likely to recognise irregularities. However, whether they actually take action depends primarily on their sense of efficacy, i.e. their belief that they can use this knowledge and that their actions will be effective. **This means that consumer education should not be limited to presenting rights and regulations, but should also show that consumers can succeed by taking action and present positive examples of this. Self-confidence is essential in discouraging situations.**

People who perceive themselves as both well-informed and effective notice more problematic situations and respond to them more often. **Consumers must be convinced that their actions are justified and make sense, then they will be willing to intervene – even in difficult or discouraging situations.**

2. Passivity often stems from uncertainty, not from a lack of knowledge.

Both in recognizing problems and in responding to them, subjective beliefs are crucial: “Do I know enough?” and “Can I cope?” Even people with extensive knowledge may remain passive if they are not convinced of their own effectiveness. **This means that social campaigns and educational interventions should directly address these beliefs, strengthening trust in oneself and in consumer support institutions.**

3. Raising awareness must go hand in hand with promoting active attitudes.

An approach based solely on providing information without working on attitudes and beliefs is insufficient. **Working with consumers should not be limited to brochures and instructions – it should include workshops, examples of effective interventions, building a sense of community and institutional support, and demonstrating the consequences of inaction. What is more, education should encourage activity, showing that you do not need to be an expert to achieve something.**

4. Consumer protection is not just a matter of regulation, but also psychology.

Research results show that effective consumer protection depends not only on the existence of regulations and institutions but also on whether people feel competent and see the point in using them. **For this reason, measures are needed that equally develop knowledge, practical skills, a sense of purpose and effectiveness. Only the combination of these factors leads to a real change in consumer attitudes and behaviour.**

5. The efficiency and helpfulness of institutions build a sense of purpose among consumers.

V. SUMMARY AND RECOMMENDATIONS

As can be seen from the content of this report, when talking about pursuing consumer claims in Poland and the state of enforcement of rights in this area, we are faced with various problems. This negatively affects not only the market position of consumers but also other stakeholders, i.e. entrepreneurs and institutions. The difficulties concern many areas, i.e.: the consumer law system, the institutional consumer protection system, the level of legal awareness of consumers and the application of consumer law in practice.

The issues we have raised definitely require in-depth analysis and a more thorough investigation. Nevertheless, already at this stage, based on the collected and analysed data, certain proposals and recommendations can be put forward which may significantly help in further diagnosis and constitute a basis for taking action.

Consumer law system

Consumer law is an extensive and quite extensive part of the law. Its scope covers a very wide spectrum of issues, and its provisions are contained in many different legal acts. This makes the application of consumer law complicated. Meanwhile, we must remember that we are all consumers. For this reason, it is extremely important that the legal system is as clear and intuitive as possible. Otherwise, the citizen will not be able to actually use it and realize the rights granted to him.

In recent years there has been a significant increase in the number of legal acts adopted in the area of consumer law. This is largely the result of EU legislative activity. In light of the recent growing number of demands within the EU, there is increasing talk about the need to simplify the existing regulations and introduce simplifications for entrepreneurs.

The current national regulations comprehensively protect consumers and should generally be assessed positively. This does not change the fact that there is a visible need to make certain additions in some areas or to clarify the provisions.

These actions will harmonise consumer legislation and further strengthen the level of protection. The quality of the regulations also determines the possibility of their real and effective application.

For the above reasons, it would be reasonable to conduct a substantive review of the current provisions in the area of consumer law and then make certain legislative changes. On the one hand, this would allow for simplification of the legislation in this area, which would undoubtedly benefit all stakeholders. On the other hand, it would be possible to fill existing gaps and eliminate imprecise regulations or regulate issues that have not yet been enacted.

In order for the review and legislative changes to be of the highest possible quality, it is necessary to involve practitioners (e.g. consumer ombudsmen, consumer organisations) in the process, who in their daily activities notice the weaknesses and shortcomings of the current regulations. The business perspective is also important – consumer law applies not only to consumers but also to entrepreneurs. Understanding different points of view allows us to best construct the necessary solutions. Real partnership, as well as the quality of law, should be an important aspect of the law-making process.

However, the proposed actions cannot be carried out in haste. There are known cases from the past when consumer organizations had several days to submit their comments on the draft law. Time plays an important role but this cannot be to the detriment of the quality of the changes that are so desperately needed.

Institutional system of consumer protection

When talking about any system, it is important to meet all three conditions that determine its existence. These are: (1) a coexisting set of certain elements, (2) which coexists in order to serve a specific purpose, and (3) governed by certain common principles and between which there are orderly relationships. The analysis of these premises leads to the disturbing conclusion that there is no consumer protection system in the strict sense of the word in Poland. This, in turn, significantly limits its effectiveness in protecting the rights and interests of consumers.

It is already problematic to clearly indicate which institutions co-create the consumer protection system. There is no doubt that this system includes the Office of Competition and Consumer Protection (OCCP), district and municipal consumer ombudsmen, consumer organizations and the European Consumer Centre. The system should also include entities dealing with broadly understood consumer protection, which, however, is not the only scope of their activities. These are: Trade Inspection, Agricultural and Food Quality Inspection, National Revenue Administration and the Patients' Rights Ombudsman. In the case of other institutions, such as industry supervisory authorities (the Polish Financial Supervision Authority, the Civil Aviation Authority, the Railway Transport Authority, the Office of Electronic Communications and the Energy Regulatory Office), law enforcement agencies, the judiciary and entities dealing with alternative conflict resolution, it is no longer obvious whether they are part of the system or not, although their activities are also directed at consumers. For this reason, it seems necessary to clearly define which entities constitute the institutional system of consumer protection in Poland.

This issue, although fundamental, determines many issues. First of all, it allows us to understand how the entire system works, what the role of each institution is and how the decision-making and control processes take place. Moreover, a clearly defined system means no institutional chaos, duplication of competences or gaps in responsibility. Thanks to this, citizens know where to turn to with a specific problem. In the context of the average level of awareness among consumers, this is extremely important. A precise and clear division of responsibilities also allows for prioritizing activities and verifying the institutions in terms of the implementation of the tasks entrusted to them. Thanks to the signals collected by individual institutions, it is possible to effectively diagnose problems and design necessary changes and reforms.

Currently, there are no priorities defined in consumer policy, although such documents have been developed in the past. The last one covered the years 2014–2018 and was developed by the OCCP. It diagnosed the market situation, proposed solutions to problems, and covered the activities not only of the OCCP but also of

other bodies and institutions, emphasizing the benefits of mutual exchange of experience and knowledge. At that time, the OCCP positioned itself as the centre of the consumer protection system. Currently, however, there is no similar document, and the OCCP is being withdrawn from the role of the superior and managerial institution, while at the same time placing itself as one of many equal institutions. The negative effects of this are unfortunately easily noticeable – there is no coordination and supervision over individual elements of the system. This weakens the effectiveness of institutional activities, causes gaps in some areas and duplication of competences in others. This, in turn, gives rise to abuse and clearly harms consumers. What is also noteworthy is the selection of competences of individual institutions – the repetition of certain powers, as well as the lack of a systemic division of tasks between individual entities.

The above confirms the correctness of the conclusion drawn that in the Polish reality, there is no consumer protection system in the strict sense. Although various institutions operate on the market and perform a certain scope of their activities, there is a lack of relations between entities and the flow of information. This, in turn, makes it impossible to define common goals and coordinate activities.

It is also worth paying attention to how individual institutions function. The conducted analysis leads to the observation that concerning individual entities acting for consumer protection, some disturbing phenomena are noticeable:

1. OCCP

The scope of the Office's activities is very broad and new responsibilities are regularly added to it. Unfortunately, this is done with limited financial and staff resources. There are already noticeable signals that this institution may be overloaded, which is happening with the constantly increasing number of challenges and market threats. Over the last 5 years, there has been a decline in the number of decisions issued and proceedings conducted in the area of consumer protection. Additionally, attention is drawn to the length of some proceedings initiated as a result of appeals against decisions issued by the President of the OCCP – sometimes 4 years until the first instance court issues

a judgement. Despite these weaknesses, there is a relatively high degree of maintainability of OCCP decisions in the case law of the Court of Competition and Consumer Protection.

2. Consumer ombudsmen

Ombudsmen constitute the basis of the system of individual consumer protection. They are the first ones consumers who need help turn to directly. Despite the enormous importance of this institution, ombudsmen face many difficulties.

First of all, there are very large disproportions in the employment structure – only about half are employed full-time, and sometimes the spokesperson works at a 0.175 full-time equivalent. Additionally, only 30% have the opportunity to perform their tasks with the help of an office and additional employees. Unfortunately, there is no rule that there is a correlation between the employment structure and the ombudsman's office and the number of inhabitants of a given district. The ombudsmen also combine their role with other duties within the office, e.g. by being Personal Data Protection Inspectors. Additionally, the authorities of individual counties/cities attach varying importance to the function of the ombudsman. This translates into an uneven level of consumer protection.

The work of an ombudsman requires comprehensive and broad knowledge because consumers come with very different problems. There is a noticeable increase in the level of difficulty of the cases handled. These are usually no longer just “shoe complaints” but rather intricate and complicated cases (e.g. development cases). The effectiveness of actions undertaken by ombudsmen is estimated at an average level of approximately 60%.

Consumers can count on various forms of assistance from ombudsmen – advice, interventions with entrepreneurs and the involvement of the ombudsman in helping consumers at the court stage. Unfortunately, support at the court stage is limited. This is due to the fear of having to bear the costs of

the proceedings in case of losing the case. Ombudsmen are more likely to join ongoing proceedings or provide substantive support to consumers acting independently.

Despite the responsibility that comes with the work of ombudsmen, they are in fact “left to their own devices” – there is no systemic support. This forces grassroots self-organization through the exchange of knowledge and experiences with other ombudsmen or consumer organizations.

There is a clear need to strengthen the institution of the ombudsman at many levels. It is also noticed by ombudsmen themselves, who for years have been formulating a number of ideas to improve their situation. Unfortunately, this voice is not taken into account at all. The demands that were repeatedly made were never reflected in real actions and did not translate into specific solutions.

Ombudsmen, being an important pillar of the consumer protection system, also notice its weaknesses. Their observations are consistent with the conclusions of this report.

3. Voivodeship Trade Inspection Inspectorates (VTII)

VTII have a wide range of inspection powers. However, there are quite large differences in this area.

First of all, there are regional disproportions in the number of inspections carried out – a significant gap is visible between the most and least active provinces.

Moreover, the sources of the inspections carried out vary greatly between individual inspectorates. In the vast majority of cases, more than half of the inspections carried out (53%) are the result of orders from the OCCP, which confirms the central role of the Office in determining the directions of VTII activities. There are also significant differences in the proportions of inspections conducted as a result of consumer reports and VTII’s own activity. This shows the limited degree of independent action of inspectorates, which weakens the

effectiveness of this institution. Inspectorates operating in a given area are best informed about the local conditions and needs within the scope of their competences – this is not clearly visible from the perspective of the central authority (OCCP). Reducing the role of VTII, at least in some cases, to practically only carrying out the orders of the OCCP makes it impossible to fully use their potential.

Moreover, there are also significant differences in employment rates and worker burden. In some cases, however, lower employment does not correlate with fewer inspections carried out, which may indicate above-average activity of some local VTII structures and the ability to effectively use their resources.

VTII's activities also include out-of-court dispute resolution. However, interest in ADR is low despite the large number of consumer problems – an average of only 4,210 cases per year nationwide. The popularization of amicable dispute resolution methods is not helped by the large number of refusals from entrepreneurs who do not participate in amicable proceedings. The voluntary nature of ADR seems to greatly weaken the effectiveness of this mechanism. Perhaps it would be reasonable to introduce mandatory participation in ADR, especially since this solution already exists in the financial industry. Increasing the popularity of out-of-court dispute resolution, not only due to lower costs and simpler procedures but also due to the condition of the Polish justice system, could significantly strengthen the position of consumers on the market. At the same time, it is necessary to widely popularize this form of dispute resolution due to low social awareness in this area.

4. European Consumer Centre (ECC)

Every year there has been a systematic increase in the number of advice provided and cross-border cases handled. The largest number of problems concern passenger transport and purchases (legal and commercial guarantee, and the exercise of the right to withdraw from the contract). Due to the limited amount of data, it is difficult to assess the actual effectiveness of ECC activities.

5. Consumer non-governmental organizations

Consumer organisations are granted a wide range of competences. Unfortunately, based on the current wording of the regulations, in order to recognize an organization as a consumer organization, it is basically enough to have a provision in the statute about conducting activities in the area of promoting and protecting consumer rights. Meanwhile, there are few consumer organizations in the full sense of the word that have been actively working for consumers nationwide for years, have the appropriate experience, specialized staff, operate independently of grants and are active in creating innovative solutions in the consumer area.

This is particularly important in the context of the fact that consumer organisations play a very important role in shaping consumer policy and modifying the market behaviour of entrepreneurs and consumers. Thanks to close and direct contact with consumer problems, independence and flexible operating rules, organisations can almost immediately respond to disturbing signals in a way that is most appropriate to the situation. For these reasons, organizations strengthen the system or fill its gaps. Consumer NGOs are also a reliable social partner for the government and legislators in creating and applying law.

However, consumer organizations face serious problems on a daily basis.

There is no strategy for cooperation with consumer NGOs. State institutions do not use their potential, and grant competitions do not respond to the real needs of consumers. Due to the very limited amount of available funds, the grant system strengthens long-term competition between organisations, and the amounts awarded are barely sufficient to carry out the assigned public tasks.

Moreover, Polish consumer organizations suffer from permanent underfunding. The level of financing is only EUR 16 per 1,000 inhabitants, while in countries such as Norway, Luxembourg, Great Britain and Germany the amount is over 100 times higher. Basing the functioning of organizations solely on subsidies

(there are no subsidies, only targeted funds) prevents their development and long-term planning.

Despite the difficult operating conditions, 10 experienced organizations started cooperation within the informal group of the Forkon Consumer Organizations Forum, thus abandoning forced competition in favour of joint actions.

Level of legal awareness of consumers

In the context of considerations on the consumer protection system, it is also necessary to take into account the perspective of the interested parties themselves, i.e. consumers. Poles assess their own knowledge of consumer rights quite modestly – the average self-assessment is 3.08/5. The study reveals an alarming state of objective consumer knowledge – on average, only 13.61 answers were provided out of 25 questions. What is noteworthy is the quite good level of legal awareness in the field of online shopping (the right to withdraw from contracts concluded at a distance) and very basic consumer rights. However, knowledge of more detailed regulations and methods of enforcing the law is worrying. The level of knowledge about the institution is also alarming. As many as 45% of respondents were unable to indicate any consumer protection institution. However, when supported by a list, respondents correctly indicated on average only 2.26 out of 10 actual institutions. The factors that have the greatest impact on the level of awareness include the level of education (strongest correlation) and the level of income (moderate correlation). Age plays a minimal role, although slightly lower results are noticeable among seniors (people aged 65+). Gender and location do not influence knowledge.

The source of the low level of awareness is certainly the lack of appropriate consumer education. Currently, such education is conducted on an ad hoc basis and to a small extent on a national scale. Additionally, relatively frequent changes in the law do not facilitate the increase in knowledge. For example, the complaint itself has been amended three times since 2000, and the name of the basis for the seller's liability has also changed. The large number of changes in legislation makes it impossible for consumers to keep up with new regulations.

In light of the above, it is extremely important to introduce a comprehensive and universal consumer education system. It must systematically and regularly convey not only theory but above all equip recipients with practical skills. It is also crucial that education is conducted by well-qualified staff and that classes are tailored to different age groups using tools that are attractive to them.

Consumers' experiences with the application of consumer law in practice

The research also provides a lot of valuable information about consumers' experiences in applying consumer law in practice. As many as 69% of respondents experienced at least one problematic consumer situation in the last two years – an average of 3.52 such situations per person. The most common ones included false promotions with inflated starting prices, misleading discounts, problems with the availability of goods in online stores and damaged parcels. The level of consumer reaction to the difficulties encountered is alarming – only 60% of people took any action, and as many as 40% remained completely passive. At the same time, only 7.9% responded consistently to all problems.

Consumers react to difficult situations in very different ways. The most popular forms include contacting the seller and posting reviews online. Less common methods include reporting the matter to public institutions and non-governmental organizations and seeking the assistance of a lawyer or taking the case to court. The effectiveness of consumer responses varies depending on the form of action – in the case of contact with a seller, it is approximately 70%, while in the case of using the support of public institutions or out-of-court dispute resolution, it is approximately 50%. There is a noticeable trend that consumers are more likely to act when the harm is direct, clear and easy to identify, and less likely to act when the problem is systemic, concerns legal regulations or requires greater initiative and knowledge of their rights. In many situations, it seems that the lack of response may be due to ignorance, lack of confidence in the effectiveness of the actions taken, or a feeling that the matter is not worth getting involved.

A passive attitude among consumers remains quite common. The three most common reasons for this are: lack of time, low value of the product or service

concerned, and lack of confidence in the effectiveness of the actions taken. Further explanations included a lack of trust in public institutions and negative experiences from the past related to attempts to assert one's rights.

Research also shows a moderate level of trust in entities supporting consumers – it is 6.15/10. The level of this trust is related to both psychological factors and the level of consumer knowledge. People who were able to indicate more such entities declared a higher level of trust. Similarly, the greater the respondents' belief in their own competences in asserting their rights, the more trust they placed in the institutions responsible for protecting these rights.

The factors determining the level of consumer activity in solving their problems include knowledge of institutions, a sense of consumer efficacy (which plays a key role in taking action) and objective knowledge (which enables correct identification of problems). The combination of factors in the form of knowledge and a sense of effectiveness definitely strengthens consumers' activity in taking action.

Taking into account the research results, the need for consumer education is once again highlighted. Importantly, it should not be limited to showing only laws and regulations but also show that consumers can be successful by responding to the problem. Presenting positive examples builds self-confidence and the belief that the action makes sense. Moreover, education should take a broader form than preparing materials in the form of brochures and leaflets, i.e. it should include workshops encouraging active participation, which will build a sense of community and institutional support and show the effects of passivity. In addition to knowledge, it is also necessary to develop practical skills, as well as a sense of purpose and effectiveness in action.

At the same time, it is necessary to improve the operation of the consumer protection system. Building trust in institutions that help consumers is one of the important aspects. Equally important is improving the functioning of individual institutions and the entire system, because difficulties in this area directly translate into consumers' sense of purpose and taking action.

In this report, based on research results and analysis of a range of data, we have identified various problems and challenges relating to the consumer protection system in Poland. The issues we have raised certainly require in-depth research and analysis. However, at this stage, several recommendations can be made:

1. There is a need for a clear and transparent definition of which entities constitute the institutional system of consumer protection in Poland,
2. It is necessary to review the competences of individual institutions and systematize them and define the mutual relations between individual institutions,
3. It is important to define precise measures of the performance of individual institutions and their ongoing analysis by a strictly designated entity,
4. It is necessary to continuously coordinate the entire consumer protection system in Poland,
5. It is worth returning to the cyclical preparation of consumer policy for the entire system. Such a policy could be created at the government level, in cooperation with all market stakeholders, i.e. central institutions, consumer ombudsmen (e.g. the National Council of Consumer Ombudsmen), consumer organizations and business representatives (e.g. entrepreneurs' organizations),
6. It is necessary to review the existing provisions of substantive law and, based on practical experience of their application, make any necessary amendments. In this respect, it seems reasonable to establish a team in the form of a Codification Commission, consisting of both representatives of academics and practitioners,
7. In order to ensure efficient legislative work, a consumer affairs committee

or subcommittee should be established in the Sejm,

8. It is necessary to periodically examine the status and effectiveness of enforcing consumer rights in Poland and develop a uniform method of collecting data for the entire system,
9. Universal consumer education should be introduced, focused on the practical application of acquired knowledge. In this respect, it is necessary to use proven educational tools and move away from the typical presentation of dry knowledge.

We believe that this publication will serve as an important source of knowledge and an important point of reference for decision-makers in the discussion on consumer claims in Poland and the enforcement of rights in this area. We also hope that this publication will contribute to initiating a substantive discussion on the need to introduce systemic and legislative changes.

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