



# POLAND/KENYA CAPACITY BUILDING VISIT REPORT

SEPTEMBER 2024



## A. BACKGROUND

The Competition Authority of Kenya (CAK) team visited the Polish Office of Competition and Consumer Protection (UOKiK) headquarters, regional offices, and laboratory facilities from 8<sup>th</sup> – 20<sup>th</sup> November 2024. The visit marked the beginning of a project titled “Institutional Support for the Competition Authority of Kenya to Strengthen the Consumer Protection System”. It is part of the Polish Aid program overseen by the Ministry of Foreign Affairs and implemented in cooperation with other governmental administration bodies - in this case with UOKiK. It aims to strengthen the CAK’s mandate delivery by providing consumer protection and market surveillance-related know-how.

The primary objective of the CAK delegation was to familiarize with the modus operandi of the Polish consumer protection and market surveillance system. Topics including: market surveillance, artificial intelligence, dark patterns, and unsafe products were discussed.

The team participated in workshops, case studies, presentations, and job shadowing programs, observing the work of their Polish counterparts. The team visited the UOKiK headquarters in Warsaw, Laboratory in Łódź, UOKiK’s Poznań Branch, the Voivodeship Inspectorate of the Trade Inspection Authority in Gdańsk and the Gdynia Office of the National Revenue Administration. We were also exposed to the Polish and European Union (EU) solutions regarding market surveillance, product safety, administrative proceedings, mystery shopping surveys, artificial intelligence, electronic identity documents, digital tools, communication with consumers, and alternative dispute resolution methods.

The team also learnt on the methods used by the Polish agency in their work and the procedures they rely on to protect consumers and ensure product safety. The learning involved sharing of mutual experiences and interventions aimed at enhancing the welfare of consumers. It is noteworthy that a majority of the legal solutions and procedures in place in the CAK and UOKiK are similar but with some unique and interesting distinctions. The cooperation between the two agencies will enable both institutions to take advantage, in our everyday work, of the knowledge obtained.

To ensure effective delivery of the CAK’s consumer protection mandate, the team picked best practices, which we endeavor to apply while tailor-making the solutions to our jurisdiction. Additionally, the visit has enabled us to challenge the existing practices to enhance consumer welfare in Kenya. We are grateful to the Polish Agency and the CAK management for this opportunity to build our capacity on case handling.



The next phase of this Polish-Kenyan cooperation is scheduled for November 2024 when the Polish delegation including the representatives of UOKiK will visit Nairobi. During the visit, training sessions will be held presenting the market surveillance and consumer protection practices relied upon by the CAK, UOKiK, and the Polish Trade Inspection Authority.

## **B. ABOUT THE PROJECT**

The aim of this project is:

- a) Appreciation of the Polish experience with the market surveillance system and product safety;
- b) Understanding the cooperation with other institutions in preventing the introduction of dangerous or non-compliant products into the European Union;
- c) Exposure to implementation of tools to strengthen the enforcement of consumer protection legislation, the system of individual consumer support in Poland (settlement of disputes, cooperation between relevant institutions in the field of consumer protection, evaluation of the NGO sector); and
- d) Appreciation of communication, education and information activities conducted in UOKiK and in the European Consumer Centre (ECC).

## C. KEY HIGHLIGHTS

SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
Training session no. 1: 09:30-15:45 9 <sup>th</sup> September	Market surveillance and product safety	<p><b>Urząd Ochrony Konkurencji i Konsumentów (UOKiK)</b> (<i>English- Office of Competition and Consumer Protection</i>) is a central governmental authority responsible for making and implementing competition and consumer protection policies in Poland. It is established by the Competition and Consumer Protection Act of 16 February 2007.</p> <p>The tasks of the President of UOKiK focus on ensuring appropriate conditions for the functioning of competition, as well as protection of consumer interests and safety.</p> <p>Besides the main office in Warsaw, UOKiK has 8 branch offices across Poland, in the cities of Gdańsk, Łódź, Kraków, Lublin, Katowice, Bydgoszcz, Poznań and Wrocław.</p> <p>UOKiK is organized into 15 departments - Department of Competition Protection; Department for Bid Rigging Prevention; Department of Concentration Control; Department of State Aid Monitoring; Department of Contractual Advantage; Department for Combating Payment Gridlocks; Support Department for Combating Payment Gridlocks; Department for Analysis Development; Department of Protection of Collective Consumer Interests; Department of Trade Inspection; Department of Market Surveillance; Department of Laboratories; Department of Market Analyses; Department of Legal Affairs; Department of Communication.</p> <p>The activities carried out by UOKiK in fulfilment of its mandate include:</p> <p><b>Competition Protection</b></p> <ul style="list-style-type: none"> <li>• Combating anti-competitive practices used by undertakings (prohibited agreements and abuse of a dominant position)</li> <li>• Control of undertaking concentration</li> <li>• Monitoring aid granted by the state</li> <li>• Eliminating practices involving an unfair use of contractual advantage</li> <li>• Counteracting payment gridlocks (excessive payment delays in commercial transactions)</li> </ul> <p><b>Consumer Protection</b></p> <ul style="list-style-type: none"> <li>• Eliminating practices infringing the collective consumer interests and abusive clauses in model contracts</li> <li>• Supervising the Trade Inspection</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>• Carrying out market surveillance and ensuring the safety of non-food products</li> <li>• Monitoring the out-of-court consumer dispute resolution system</li> <li>• Financing consumer advice through helpline and e-advice</li> <li>• Advising in cross-border issues provided by the European Consumer Centre</li> </ul> <p>UOKiK collaborates with Trade Inspection in conducting market surveillance with a specific focus on non-food products. On the other hand, the State authorities responsible for the safety of food products in Poland are primarily the national Chief Sanitary Inspectorate and the Chief Veterinary Inspectorate.</p> <p><b>Market surveillance</b> refers to the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in the applicable Union harmonization legislation and to ensure protection of the public interest covered by that legislation.</p> <p><b>Legal Framework in Poland</b></p> <ul style="list-style-type: none"> <li>• Act of 13 April 2016 on conformity assessment and market surveillance systems (Journal of Laws of 2022 item 1854) and its implementing regulations that implemented EU directives and regulations;</li> <li>• Act of 12 December 2003 on general product safety (Journal of Laws of 2021 item 222);</li> <li>• Acts establishing market surveillance authorities (e.g. Act of 15 Dec. 2000 on Trade Inspection – Journal of Laws of 2020 item 1706);</li> <li>• Procedural provisions - Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2023 item 775) and Act of 6 March 2018 - Entrepreneurs’ Code (Journal of Laws of 2023 item 221 and 641).</li> </ul>





SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<p><b>Market Surveillance Authorities</b></p> <ul style="list-style-type: none"> <li>● Labour Inspection, Office of Measures, Trade Inspections, Maritime Offices, Rail Transport office, Civil aviation Authority, etc.</li> </ul> <p><b>Actors in the Market Surveillance System</b></p> <ul style="list-style-type: none"> <li>● President of UOKiK</li> <li>● Market Surveillance Authorities</li> <li>● National Revenue Administration</li> </ul> <p>Object of the inspection is to look at the whole value chain manufacturers, importers, distributors, fulfillment service providers</p> <p>The inspection activities involve the following actions:</p> <ul style="list-style-type: none"> <li>● Conducting visual or laboratory tests to assess product safety</li> <li>● Analyzing markings and warnings affixed to a product or to its packaging</li> <li>● Examining technical files (e.g design scheme, blue prints, user’s manual etc)</li> <li>● Verifying the identification of a product to ensure traceability</li> </ul> <p><b>Product sectors covered by Trade Inspection and UOKiK</b></p> <ul style="list-style-type: none"> <li>→ Toys, personal protective equipment, aerosol dispensers, simple pressure vessels and pressure equipment, machinery, pyrotechnics, appliances burning gaseous fuels, electrical appliances and equipment under LVD, electrical and electronic equipment under RoHS and WEEE and batteries, and chemical substances under REACH.</li> <li>→ Other chemicals (detergents, paints etc), eco-design and Energy labeling, other consumer products under General Product Safety Directive, textile and footwear labeling, and crystal glass.</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
Training session no. 2: 09:30-14:45 - Warsaw 10 <sup>th</sup> September	Market surveillance and product safety	<ul style="list-style-type: none"> <li>● Internal market surveillance reforms initiated in 2019, at the EU level</li> <li>● Example of consumer complaint in Poland include; Machinery: inadequate or missing user’s manual</li> <li>● International Joint Actions are organized by the European Union</li> <li>● There exist a Global Recall Portal (OECD) which has details of products recalled for being non-compliant with products specification- just for information purposes to the consumers</li> <li>● There exists a Safety Gate- RAPEX which gives details of the manufacturers</li> </ul> <p><b>Administrative Proceedings</b></p> <ul style="list-style-type: none"> <li>● During the Administrative proceedings, the economic operator is requested to provide the following information for purposes of ensuring the process is smooth and in line with the applicable law;               <ul style="list-style-type: none"> <li>➢ List of product recipients (distributors in Poland and in the EU)</li> <li>➢ Number of products put (or made available on the market)</li> <li>➢ Product price</li> <li>➢ Product sales period</li> </ul> </li> </ul> <p>In such circumstances, the economic operator has an indicated deadline to provide evidence, which will enable to progression of investigations in a matter under consideration.</p> <p>Upon conclusion of investigations, and if it is established that, there was a contravention of the law as regards competition and consumer protection, the Office of the Competition and Consumer Protection has within the Act, detailed <b>criteria for Imposing a fine</b>, which includes;</p> <ul style="list-style-type: none"> <li>● Checking on the number of products put (or made available) on the market</li> <li>● The financial benefits gained from the sale of the said product</li> <li>● Whether the entity in question has violated the same regulations in the past</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>• Checking on the voluntary measures taken and cooperation with the Authority by the economic operator in order to eliminate non-compliance</li> </ul> <p><b>Risk Assessment in Poland</b></p> <p>The risk assessment in Poland is made by inspectors of Trade Inspection or by the Office of Competition and Consumer Protection. It is made after an inspection and product testing (laboratory or visual test) when product non-compliance is found. It follows this trend;</p> <div style="text-align: center;"> <pre> graph TD     A[Inspection] --&gt; B[Product testing]     B --&gt; C[Risk assessment]     C --&gt; D[Measures]           </pre> </div> <p><b>ICMS System (Information and communication system on market surveillance)</b></p> <p>It was established through, Regulation (EU)2019/1020 on market surveillance and compliance of products (L UE 169/21, 25.06.2019, which came into force from 16/07/2021. It is important as provided below in the roles it play;</p> <p><b>Role of ICMS</b></p> <ul style="list-style-type: none"> <li>• Database- of non-food products in circulation in EU countries (regardless of their compliance)</li> </ul>





SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● To quickly exchange information between Authorities considered helpful for Market Surveillance Authorities (MSA)</li> <li>● Help EU in general to fulfill major political objectives</li> <li>● To inform the commission and other states of its MSA and customs authorities the areas of competence for each of the authorities</li> <li>● To communicate between customs and MSA between members states (Art 26/4) of Regulation 2019/2020</li> <li>● To apply mutual assistance request</li> <li>● To transfer data</li> <li>● To upload documents on;               <ul style="list-style-type: none"> <li>➢ Joint activities, agreements and reports</li> <li>➢ National Market Surveillance Strategy (MSS) and Summary of National Market surveillance</li> <li>➢ Results of reviews and assessments of MSS</li> </ul> </li> </ul> <p>Information that is required to be entered into ICSMS includes:</p> <ul style="list-style-type: none"> <li>● Reports of testing</li> <li>● Measures imposed by MSA</li> <li>● Corrective Action</li> <li>● Readily available reports on injuries caused by the product</li> <li>● Any objection raised as regards the safety procedure</li> <li>● Information on the opinions issued</li> </ul>
Training session no. 3: 09:00-15:30 Warsaw/Łódź/Gdańsk 11 <sup>th</sup> September	Building Economic Blocks: Visit to the UOKiK laboratory in Łódź	UOKiK operates three laboratories in Bydgoszcz, Lublin and Lodz. The laboratories are accredited by the Polish Centre for Accreditation confirming that they meet the requirements of PN-EN ISO/IEC 17025.  <b>The main tasks of the laboratories are:</b>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● Conducting laboratory tests on product samples, including toys, products for kids, fuels, textiles and leather goods, jewellery and other non-food products</li> <li>● Maintaining laboratory management systems and improving test methods and implementing new ones</li> <li>● Collaboration with the Trade Inspection and public institutions</li> </ul> <p>The Laboratory in <b>Bydgoszcz</b>'s main areas of analysis include motor fuel, diesel oil, biofuels (diesel oil with FAME).</p> <p>The Laboratory in <b>Lublin</b> focuses on toys, sports scooters and products for kids.</p> <p>The main areas of analysis for the Laboratory in <b>Lodz</b> include textiles, toys and products for kids, jewelry, leather goods, plastic products, batteries and rechargeable batteries, windscreen washer fluids and concentrates, footwear, tyres, cosmetics, detergents and other consumer goods.</p> <p>The delegation visited the laboratory in Lodz where they were able to see the laboratory equipment used for testing of chemicals in different products.</p> <p>Upon determining the chemical composition of the product under investigation and the levels of the chemical elements present, investigators are able to establish whether the product is safe by assessing the test findings against the provisions of the applicable product safety standards.</p> <p>The team also observed the process of testing of textile products in order to determine their composition; either cotton, wool or synthetic fiber.</p> <p>The test results are compared to the claims made by the manufacturer of the products to consumers, which helps in establishing whether they amount to false or misleading representations.</p> <p>The team observed that:</p> <ul style="list-style-type: none"> <li>● There is a notable and good working relationship between UOKIK and the laboratories.</li> </ul>





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		<ul style="list-style-type: none"> <li>• There is timely transmission of results and enquiries to and from the laboratory.</li> <li>• The employees of the laboratory were also noted to have the relevant expertise.</li> <li>• The results from the laboratory are published on the RAPEX safety gate system where consumers within Poland and the EU region can access the information on a timely basis.</li> </ul>
Training session no. 3: 09:00-15:30 12th September	Cooperation between the UOKiK and the National Revenue Administration (KAS)*	<ul style="list-style-type: none"> <li>• KAS is responsible for the implementation of revenues from taxes, customs duties, fees and non-tax budget receivables interests of the State Revenue and the customs territory of the European Union</li> <li>• It enforces regulations concerning public health, consumer protection and the natural environment.</li> <li>• It inspects imported goods that may pose a risk to users and consumers or the natural environment</li> <li>• UOKiK, Trade Inspection Authority and KAS often collaborate to do joint inspections to ensure that non-compliant goods are kept off the Poland market and EU market in general and thus ensuring consumer health and safety of the goods.</li> </ul>
Training session no. 5: 09:30-15:30 - Gdańsk 13th September	Cooperation between the UOKiK and the Provincial Inspectorate of Trade Inspection (WIIH)	<ul style="list-style-type: none"> <li>• Trade Inspection supervision covers products containing chemicals, both available in the market and imported into the EU. This includes cooperation with customs authorities.</li> <li>• Trade Inspection within its competences checks requirements specified in Regulation No 1907/2006 of the European Parliament and of the Council of REACH with respect to chemical substances content in products.</li> <li>• REACH is the regulation of the EU adopted with the aim of improving human health and environment protection against dangerous chemicals, such as cadmium, lead, phthalates, formaldehyde, nickel, chromium VI, methanol and other.</li> <li>• The Trade inspection in 2023 tested the following:               <ul style="list-style-type: none"> <li>→ nickel – in metal accessories (such as rivet buttons, tighteners, rivets, zippers and metal marks, when used in clothes),</li> <li>→ formaldehyde – in bedding products,</li> </ul> </li> </ul>



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		<ul style="list-style-type: none"> <li>→ cadmium and lead – in clothes, shoes and fashion accessories made from synthetic leather,</li> <li>→ phthalates – in training accessories made from or containing elements made from plastic.</li> </ul> <ul style="list-style-type: none"> <li>• Trade Inspection inspections cover not only market controls, but also include actions undertaken on the borders of the European Union in Poland.</li> <li>• In 2023 Trade Inspection together with the National Revenue Administration (KAS) controlled the following: <ul style="list-style-type: none"> <li>→ jewelry with respect to cadmium and lead content as well as their proper labeling,</li> <li>→ sunglasses,</li> <li>→ pyrotechnic articles such as fireworks.</li> </ul> </li> <li>• The results of the tests showed that in 23 cases the content of cadmium and lead was exceeded. This constitutes over 18% of all tested samples of jewelry.</li> </ul>
Training session no. 6: 09:00-16:00 Poznań/Warsaw 16 <sup>th</sup> September	Job shadowing in the area of the use of mystery shopper and e- evidence and digital tools	<p><b>Mystery Shoppers (UOKIK Experience)</b></p> <ul style="list-style-type: none"> <li>• Introduced on 17th April, 2016 based on an Act of Competition and Consumer Protection of Poland para 105ia</li> <li>• Its purpose is to gather evidence of infringement of the collective interest of consumers</li> </ul> <p><b>Background information</b></p> <ul style="list-style-type: none"> <li>• It's an unannounced inspection</li> <li>• Consent of the court of Competition and Consumer protection</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● Mystery clients make a purchase attempt but no contract is concluded</li> <li>● The office does not use set-ups (Use hidden cameras)</li> <li>● Important to reveal identity and show warrant only after inspection</li> <li>● The whole evidence can be recorded</li> </ul> <p><b>How can it be used</b></p> <ul style="list-style-type: none"> <li>● Information on products, services, consumer rights, and oral manipulation</li> <li>● Shopping in stores, buying services on-site- (off-site promotions, demonstrations, distance selling (online, phone etc))</li> <li>● Financial services consumer goods (FMCG) tourist services, electronic and household devices.</li> </ul>
<p>Training session no. 7: 09:30-15:45 - Warsaw 17<sup>th</sup> September</p>	<p>Job shadowing in the area of dark patterns based on artificial intelligence (AI). Theoretical and practical classes - education and promotion in UOKiK</p>	<ul style="list-style-type: none"> <li>● Influencing people techniques used in e-commerce. It is done by Reciprocity, scarcity, commitment and consistency, liking, consensus or social proof and authority.</li> <li>● Dark commercial patterns are business practices employing elements of digital choice architecture, in particular in online user interfaces, that subvert or impair consumer autonomy, decision-making or choice. They often deceive, coerce or manipulate consumers and are likely to cause direct or indirect consumer detriment in various ways, though it may be difficult or impossible to measure such detriment in many instances.</li> <li>● Many dark patterns influence consumers by exploiting cognitive and behavioral biases and heuristics, including default bias, the scarcity heuristic, social proof bias or framing effects.</li> <li>● Detecting and combating dark patterns on the internet with artificial intelligence.</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
	<p>Communication with the media - how UOKiK does it</p> <p>A workshop in the UOKiK recording studio. Tools used in educational and information activities.</p>	<ul style="list-style-type: none"> <li>● Communication with the media is done by the communication department only.</li> <li>● The department uses social media platforms such as twitter(X), Linked in and Instagram to sensitize consumers on various topics.</li> <li>● On X platform, they have over 24.8 K followers and on Instagram they have 34.1K followers meaning that their presence on social media is big</li> <li>● UOKIK have a fully functional recording studio wherein all their audio and videos are recorded from. The studio is fully equipped with high-tech camera's and recorders and the same is sound proof with high level lighting</li> <li>● The President of UOKIK gives a press release which is recorded in the studio once every week on the work that they have done within that specific week.</li> <li>● The Authority's staff visited the recording studio within the Offices of UOKIK where they were taken through the process in which audio and videos are produced and disseminated to the Public.</li> <li>● The Authority's staff were allowed to test the equipment by producing content both videos and audios (link to be provided to our recordings)</li> </ul>
<p>Training session no. 8: 09:30-15:00 - Warsaw 18<sup>th</sup> September</p>	<p>System of individual consumer support in Poland</p>	<p><b>Definition of a consumer</b></p> <ul style="list-style-type: none"> <li>● Article 22 of the Polish Competition and Consumer Protection Act- A person who carries out with an entrepreneur a juridical act which is not directly related to his economic or professional activity shall be deemed a consumer</li> </ul> <p><b>Consumer Education in Poland</b></p>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● Local governments are mandated to conduct consumer education in the area of protection of consumers' rights- Article 38 of the Competition and Consumer Protection Act</li> <li>● Art. 39 establishes the office of the consumer ombudsman. The tasks of the local government at the poviatic level in the area of protection of consumers' rights are implemented by the poviatic (municipal) consumer ombudsman.</li> </ul> <p>Consumer education in Poland takes various forms such as:</p> <ul style="list-style-type: none"> <li>● Education aimed at unspecified groups of consumers, e.g., in the form of lectures, articles, press releases, radio, television, or online blogs;</li> <li>● Information directed to individual consumers (e.g., when a consumer applies to a consumer ombudsman for advice or intervention)</li> <li>● Reaching out by the consumer ombudsman to entrepreneurs in individual consumer cases;</li> <li>● Consumer ombudsmen carry out activities directly aimed at entrepreneurs in the field of consumer education (through lectures and meetings with entrepreneurs on consumer rights);</li> <li>● The annual reports on the activities of the consumer ombudsman also have educational value</li> </ul> <p>The office of the Consumer Ombudsman was established as an institution in Poland in 1998.</p> <p>It was a response to the need to involve local government bodies in the development and implementation of consumer policy. At the same time, it was recognized that existing local</p>





SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<p>government bodies and local government employees were not up to the task and that it was necessary to create a specialized post - consumer ombudsman.</p> <p>There are around <a href="#">370 municipal and district consumer ombudsmen</a> which provide free consumer advice, mediation and legal assistance in court proceedings. As a rule, there is one ombudsman per county.</p> <p><b>Consumer ombudsmen are not subordinated to the President of the Office of Competition and Consumer Protection;</b> however, these institutions cooperate closely: the ombudsmen submit yearly reports on their activity to the appropriate UOKiK Branch Office, report problems relating to consumer protection and notify the Office of suspected infringements of collective consumer interests.</p> <p>The consumer ombudsman is employed by the district chief administrative authority or, in towns with district rights, by the city mayor.</p> <p>The consumer ombudsman is directly subordinate to the district chief administrative authority (town mayor).</p> <p>The consumer ombudsman is organizationally separated within the structure of the district starost's office (city council), and in districts with more than 100,000 inhabitants and cities with district rights, the consumer ombudsman may carry out his tasks with the aid of a separate office</p> <p>A consumer ombudsman is a person with a university degree, in particular in law or economics, and with at least five years' professional practice. This professional practice may not be related to the legal activity.</p> <p><b>Tasks and powers of the consumer ombudsman</b></p>







SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● Providing free consumer advice and legal information on the protection of consumer interests;</li> <li>● Suggesting the enactment and amendment of local legislation on the protection of consumer interests;</li> <li>● Addressing entrepreneurs to protect the rights and interests of consumers;</li> <li>● Cooperation with the President of the Office, Trade Inspection bodies and consumer organizations;</li> <li>● Carrying out of other tasks prescribed by law.</li> </ul> <p>The consumer ombudsman may file a lawsuit on behalf of consumers and intervene, with their consent, in pending proceedings to protect the interests of consumers.</p> <p>The Consumer Ombudsman in cases of offences to the detriment of consumers is a public prosecutor according to the provisions of the Act of 24 August 2001. - Code of proceedings in cases of offences (Journal of Laws of 2022, item 1124 and of 2023, item 1963).</p> <p>The consumer ombudsman is required to submit an annual report on its activities in the previous year to the head of the district (city mayor) for its opinion by 31<sup>st</sup> March each year. The annual report is then forwarded to the President of UOKiK within 7 days of the head of the district (city mayor)'s opinion.</p> <p>The Consumer Ombudsman forwards requests related to consumer's protection which require action by the governmental bodies to the President of the Office on an ongoing basis.</p>



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		<p>Consumer Ombudsmen’s representatives from the <b>National Council of Consumer Ombudsmen</b>, which is a 16- member consultative and advisory body to the President of UOKiK.</p> <p>The National Council of Consumer Ombudsmen also suggests the direction of legislative changes in laws on the protection of consumer rights.</p> <p><b>Out-of-court consumer dispute resolution</b></p> <p>The President of UOKiK supervises the out-of-court consumer dispute resolution system in Poland (also known as ADR – Alternative Dispute Resolution)</p> <p>It is made up of institutions conducting amicable proceedings between consumers and undertakings on matters falling within their competence.</p> <p>The Trade Inspection, as a horizontal institution, deals with matters for which no sector-specific entity has been established.</p> <p>The President of UOKiK conducts proceedings concerning entries into the register of ADR entities. In addition, he monitors the implementation of statutory obligations by authorized entities, among others, on the basis of annual reports</p> <p><b>The Financial Ombudsman</b> was established to support customers in disputes with financial market entities (financial and insurance services);</p> <p><b>The Passenger Rights Ombudsman to the President of the Civil Aviation Authority</b> operates under auspices the President of CAA and deals with the resolution of civil law disputes concerning property claims arising from the provisions of Regulation No 261/2004/EC or Regulation No 2111/2005/EC. As of 8 April 2019.</p>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<p><b>The Rail Passenger Rights Ombudsman under the auspices of the President of the Office of Rail Transport</b></p> <ul style="list-style-type: none"> <li>● The Ombudsman can be asked for intervention in the event of a dispute with an undertaking in matters concerning obligations arising from contracts for the transport of persons, goods or animals in rail transport.</li> <li>● The Rail Passenger Ombudsman resolves disputes in individual cases in which a passenger makes a specific claim to compensate for a train delay, missed connection, damaged luggage, personal injury or refund of the price of an unused ticket, and receives a negative decision from the undertaking.</li> </ul> <p><b>The President of the Office of Electronic Communications</b></p> <ul style="list-style-type: none"> <li>● The President of OEC - as an entity in the register of authorized entities and notified to the ADR database of the European Commission - conducts proceedings within the framework of out-of-court settlement of consumer disputes concerning telecommunications and postal services.</li> <li>● Such proceedings aim to resolve disputes between the consumer and the service provider amicably. They are based on the goodwill and willingness of the parties to reach an agreement. They require the agreement of the consumer and the trader.</li> </ul> <p><b>The Negotiation Coordinator to the President of the Energy Regulatory Office</b></p> <p>The Negotiation Coordinator to the President of the Energy Regulatory Office conducts proceedings on out-of-court settlement of a consumer dispute at the request of:</p> <ul style="list-style-type: none"> <li>● a consumer of gaseous fuels, electricity or heat in a household,</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● a renewable energy prosumer who is a consumer,</li> <li>● a virtual renewable energy prosumer who is a consumer,</li> <li>● a collective renewable energy prosumer who is a consumer,</li> <li>● an active consumer who is a consumer of gaseous fuels.</li> </ul> <p><b>The European Consumer Centre</b></p> <ul style="list-style-type: none"> <li>● The European Consumer Centre Poland (ECC Poland) operates at the Office of Competition and Consumer Protection and is part of the European Consumer Centres Network (ECC-Net).</li> <li>● ECC Poland provides free advice to consumers regarding their rights in the EU single market and helps them solve individual cross-border problems in an out-of-court way.</li> </ul> <p><b>Consumer organizations</b></p> <p>These are independent non-governmental organisations whose main purpose is to protect the individual consumer in Poland. They offer advice and assistance to all consumers, regardless of whether they are members of the organisation.</p> <p>The main activities of consumer organizations are:</p> <ul style="list-style-type: none"> <li>● Delivering opinions on draft legislation and other documents concerning consumer rights and interests;</li> <li>● Developing and publicizing consumer education programmes;</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● Carrying out tests of products and services and publishing the results;</li> <li>● Providing free-of-charge consumer advice and assistance to consumers in pursuing their claims;</li> <li>● Carrying out state tasks in the field of consumer protection commissioned by central and local government authorities.</li> </ul> <p><b>Main institutional problems of ombudsman</b></p> <ul style="list-style-type: none"> <li>● Most ombudsmen usually take it up as a part-time job which may cause them to have limited commitment and investment in the job</li> <li>● Burdening ombudsmen with other official duties - lack of independence of the ombudsman</li> <li>● Lack of a deputy ombudsman</li> <li>● Shortage of resources (organizational, staff shortages)</li> <li>● The introduction of a legal education requirement for new ombudsmen</li> <li>● Expanding their knowledge in consumer protection area</li> <li>● Differentiated ways of reporting of consumer ombudsman</li> </ul> <p><b>UOKiK's support for consumer ombudsmen</b></p> <p>The Office prepares, among others, a special newsletter for ombudsmen and provides free promotional materials related to consumer rights.</p>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<p>Other forms of support include providing them with gadgets/equipment for their activities, organizing joint trainings and webinars and consultation on how to handle consumer matters in their jurisdiction.</p> <p>The President of UOKiK may also provide financial support in the form of grants to consumer organizations in accordance with the provisions of the Act of 24 April 2003 on Public Benefit Activities and Volunteering (Journal of Laws of 2022, item 1327, as amended).</p>
<p>Training session no. 9: 09:30-15:30 – Warsaw 19<sup>th</sup> September</p>	<p>System of individual consumer support in Poland - based on experiences of the UOKiK and the European Consumer Centre (ECC) and ECC-Net. Resolution of consumer disputes - UOKiK. Resolution of cross-border disputes - ECC and ECC-Net</p>	<p>There exists the European Consumer Centre, which is part of the European consumer network</p> <p><b>What is the European Consumer Centre Network (ECC-Net)?</b></p> <ul style="list-style-type: none"> <li>● ECC-net is a network of 30 offices (European Union member states, United Kingdom, Norway and Iceland), which serves multitude of purposes</li> <li>● The main 'customer facing' purpose is to offer advice and assistance to consumers with cross-border disputes, within the territory covered by the network</li> <li>● The underlying purpose is gathering and processing complaint data, which can be used in a variety of ways by the particular ECC, the network and other stakeholders</li> <li>● We also work towards raising consumer awareness through publications, events and media activity.</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<p><b>Co-operation between ECCs</b></p> <ul style="list-style-type: none"> <li>● Once the case is sent to the other ECC, the case handler in the country where the company is based is expected to carry out the initial assessment of the complaint</li> <li>● If he/she is satisfied that the case is valid and feasible for processing, they proceed to contact the company</li> <li>● If the company responds, this is either conveyed to the ECC in the country where the consumer is based, or there is further communication with the company</li> <li>● If the company does not respond, or does not offer a satisfactory resolution, we consider further options available to consumers (Alternative Dispute Resolution bodies, courts, etc.)</li> <li>● There are also some instances, where we seek information from the other ECC, but there are no actual attempts to resolve the case as such</li> </ul> <p><b>Gathering of complaint data and its uses</b></p> <ul style="list-style-type: none"> <li>● The network operates, using the off-the-shelf Customer Relations Management (CMR) system across the network</li> <li>● The system allows for registration and classification of complaints, as well as communication with consumers and traders alike</li> <li>● Functionalities of the system allow us to monitor consumer complaint trends, create reports for the ECC-Net’s working groups and other stakeholders</li> </ul>



SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● The way we can operate with such data enables us to be a valuable source of intelligence, based on the first-hand type of information received from complainants</li> </ul> <p><b>Gathering of complaint data and its uses</b></p> <ul style="list-style-type: none"> <li>● the network operates, using the off-the-shelf Customer Relations Management (CMR) system across the network</li> <li>● the system allows for registration and classification of complaints, as well as communication with consumers and traders alike</li> <li>● functionalities of the system allow it to monitor consumer complaint trends, create reports for the ECC-Net’s working groups and other stakeholders</li> <li>● the way it can operate with such data enables it to be a valuable source of intelligence, based on the first-hand type of information received from complainants</li> </ul> <p><b>Co-operation with ECC-Net stakeholders</b></p> <ul style="list-style-type: none"> <li>● ECC-Net grant agreements require the ECCs to engage with a variety of other entities, working in a variety of fields</li> <li>● It supplies complaint data to enforcement authorities, via various channels, from informal discussions, through participation in more formal meetings, to providing compilations of complaint data</li> <li>● one of the objectives is assistance with development of ADR, which is aimed at raising awareness of the possibilities of resolving disputes out of court</li> </ul>





SESSION	TOPIC	TAKE-AWAY/ACTION POINTS
		<ul style="list-style-type: none"> <li>● ECCs can also organize and participate in numerous events, which are aimed at education and exchange of experience (various associations, police, etc.)</li> <li>● ECCs are also a valuable source of information for the media, where we can spread the consumer knowledge on the general consumer education level, as well as in the <i>ad hoc</i> situations</li> </ul> <p><b>Influencing consumer policy on tactical and strategic levels</b></p> <ul style="list-style-type: none"> <li>● Being in the front line of interaction with consumers allows ECC to spot trends and offer insights for other bodies working in the wider consumer landscape</li> <li>● This can be a great source of information for the relevant stakeholders, making it possible for them to take the appropriate course of action in the short- and long-term perspective</li> <li>● Supplying complaint data to European Commission during the pandemic is a good example of influencing short term actions in the aviation sector</li> <li>● Both the individual ECCs and the ECC-Net as a whole are often requested to provide information and opinions in response to questions posed by both the national and community stakeholders</li> <li>● Such responses are aimed at improving the decision-making process in the course of setting the long-term consumer strategy and conducting legislative reviews</li> </ul>

## D. WAY FORWARD AND IMPLEMENTATION MATRIX

No.	Issue	Proposed action	Responsibility	Timelines
1.	Inadequate visibility of CAK on consumer protection mandate	<ul style="list-style-type: none"> <li>• Include consumer protection in the name of the Authority e.g Competition and Consumer Welfare Authority</li> <li>• Create a Consumer Protection Directorate with units such as; Misleading advertising, E-commerce, Unsafe goods</li> <li>• Devolve the functions of the Authority to the counties especially on consumer Protection mandate (may collaborate with County Government Officers in the short term)</li> </ul>	DG/Board	June 2026
		<ul style="list-style-type: none"> <li>• Operationalize the studio for audio and video communications to be posted in the media</li> <li>• Simplify stakeholder's sensitization and education materials, e.g use a card with a QR code which when scanned brings out all the information in the study report, booklet, pamphlet or flier</li> </ul>	Manager, Communications and external relations	June 2025
2.	Challenges in providing information to consumers on recalled goods	Add a tab for recalled products or add a link of recalled products from other jurisdictions to the CAK website to notify consumers and promote product safety	Manager, Consumer Protection	February 2025

No.	Issue	Proposed action	Responsibility	Timelines
3.	Enhanced inter-agency cooperations with other state agencies, KEBS, KRA, ACA	The Authority may need to enhance its visibility and where possible it can also enhance the MOUs with the agencies to ensure a multi-agency approach to inspection of imports.	Manager, Planning, Policy and Research  Manager, Consumer Protection	End of FY where possible.
4.	Accused parties challenging test results for products under investigation	Update guidelines to include; Joint testing of the control sample using a second testing service provider. Where the test results are negative i.e. non-compliant with the requirement of the standard, the accused party will bear the costs.	Manager, Consumer Protection	March 2025
5.	Delay in investigations due to non-responsiveness of an accused party	After issuing/ sending the initial correspondence, the case officer to contact the accused party once, and issue one follows up/reminder /correspondence, either proceed to the next step or refer the matter to a third party	Manager, Consumer Protection	Immediately
6.	Problematic stakeholders/complainants that keep pressuring, and intimidating CAK's officers/case handlers	Manage stakeholders' expectations, by being clear and firm on the jurisdiction of the Authority	HoDs	Immediately
7.	Adoption of a common system within the COMESA, SADC or EAC region for information	Propose adoption of a similar system (RAPEX Safety Gate) like the one being used within the EU for close monitoring and information sharing	DGs Office Manager, Consumer Protection  Manager, Policy & Research	FY 25/26
8.	Challenges with testing of products and delayed feedback from KEBS	The Authority may consider establishing its laboratory for the basic commodities.	D/CCP Manager, Consumer Protection	FY25/26



## E. ANNEXURES

### *Annexure 1: Workshop Programme – Folio 29.3*

### *Annexure 2: Photos*



*Welcome of the Competition Authority of Kenya (CAK) delegation to the UOKiK Photo*



*Welcome remarks from the Vice president of the UOKiK Photo.*



*Training session - Warsaw/Łódź/Gdańsk Visit to the UOKiK laboratory in Łódź (Photo )*



*Training session - Warsaw/Łódź/Gdańsk Visit to the UOKiK laboratory in Łódź (Baby Toys Testing Lab ) Photo*



*Training session - Warsaw/Łódź/Gdańsk Visit to the UOKiK laboratory in Łódź (Jewelry testing Lab ) Photo.*



*Training session - Warsaw/Łódź/Gdańsk Visit to the UOKiK laboratory in Łódź Photo (Textile Lab)*



*Welcome of the Competition Authority of Kenya (CAK) delegation Poznan photo*



*Training session Poznań/Warsaw on Job shadowing in the area of the use of mystery shopper and e-evidence and digital tools Group Photo*



*Training session Poznań/Warsaw on Job shadowing in the area of the use of mystery shopper and e-evidence and digital tools (Photo)*



*Closing Photo at Warsaw*

***Annexure 3: Audio, Print and video recordings***

<https://uokik.gov.pl/en/uokiks-cooperation-with-the-competition-authority-of-kenya>

<https://pliki.uokik2019.serweryiq.pl/index.php/s/iticx44F7t4JHcb>

<https://pliki.uokik2019.serweryiq.pl/index.php/s/jAtxJxFacpTBAkw>

<https://pliki.uokik2019.serweryiq.pl/index.php/s/c99E8QMNRGgC8yc>

<https://pliki.uokik2019.serweryiq.pl/index.php/s/rmJpX7cJkMFts4>





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