

/ New regulation on promoting the availability of ADR for consumers in Poland.

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Warsaw

The Polish government has adopted a new draft law describing principles of the amicable settlement of disputes between consumers and traders. It was prepared in connection with the obligation to implement recent EU legislation: a Directive on Alternative Dispute Resolution – referred to as the ‘ADR Directive’ and a Regulation on Online Consumer Dispute Resolution also known as the ‘ODR Regulation’.

New provisions are aimed at guaranteeing consumers universal access to a fast and inexpensive system for the extra-judicial settlement of disputes with traders.

ADR proceedings will become an important alternative to typical judicial proceedings, although they cannot and should not exclude them fully. No contractual provision on basis of which ADR proceedings preclude the possibility of court settlement of the dispute will be allowed on the grounds that any such provision will be deemed invalid. Using ADR proceedings will be voluntary for both parties to the dispute. It will either not entail any fees or only some minor charges will be required.

The duration of ADR proceedings may not exceed 90 days, unless the dispute under recognition is particularly complicated. It can be carried out in written or electronic form. Presence of the parties to the dispute will only be required in exceptional situations. The final judgment of the entity conducting the ADR proceedings will only bind the parties if they agreed to it.

The Act will enter into force two months after being published in the Journal of Laws, with the exception of two articles, which will be binding after 14 days. The Act will now be discussed by parliament.

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