

ADR scheme	
EU/EEA member state	POLAND
Name in original language	Bankowy Arbitraz Konsumencki
Name in English	Banking Ombudsman
Contact details for consumers	
Address	ul. Kruczkowskiego 8, PL-00-380 Warsaw
Phone number	+48 22 486 8431
Fax number	+48 22 486 8100
E-mail address	arbiter@zbp.pl
Website address	http://www.zbp.pl/site.php?s=ZjA0YjhiNTkwODU4
How the ADR scheme works	
Type of ADR scheme	<input type="checkbox"/> public <input type="checkbox"/> established by law <input checked="" type="checkbox"/> private <input checked="" type="checkbox"/> voluntary
Limits	<p>The Ombudsman considers only cases involving individual consumer, i.e. natural person making transaction with a bank in purpose not strictly connected with economic activity. The case may refer to a dispute with a member of the Polish Bank Association, or with a bank which is not a member of this organization, provided that it has declared submission to Ombudsman rulings and actions (accepted in advance the binding nature of Ombudsman decision). The cases which may be considered by Ombudsman are:</p> <ul style="list-style-type: none"> ▪ financial claims not executed or executed improperly by bank or other financial activities undertaken in favour of the client, ▪ claims up to PLZ 8000 (ca. EUR 1 850), ▪ disputes which arose after 1 July 2001. <p>The value of a dispute does not include interest and other costs. (if there is a number of disputes concerning single customer, their value is aggregated).</p> <p>The scope of Ombudsman proceedings does not include cases involving the State Treasury services, in particular credits subsidized by the State.</p> <p>The Ombudsman may refuse a request to decide a case, if it is inadmissible, the contents of the application is not understandable and it has not been completed or corrected despite previous calls of the Bank Ombudsman, or recognition of such a case requires a procedure involving hearing of witnesses and experts, what in Ombudsman opinion is possible only in proceeding before public court.</p> <p>The Ombudsman will reject the application, if:</p> <ul style="list-style-type: none"> ▪ the dispute between the same parties is being considered by the state court, court of conciliation or has already been adjudicated, ▪ the conclusion of dispute belongs to court of conciliation.

Are there prior formalities to be complied with?		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no Completion of complaint procedure within a bank and furnishing a complaint to the Banking Ombudsman are required. The procedure starts on customer request. A written application (precisely indicating the consumer and the bank and precisely indicating the request and its value) shall be submitted to the Ombudsman. The application should also include a document confirming the result of the bank's internal complaint procedure or a consumer's statement that there was no reply from the bank to his letter of complaint within the 30 days term. The initial fee of PLZ 50 (EUR 12) is required to be paid when submitting an application. If the value of a dispute is lower than PLZ 50 (EUR 12) a fee equals to PLZ 20 (EUR 4,5). The Ombudsman will take no action unless the fee is paid. The fee will be returned to the customer if the Ombudsman decides in his favor.
Does the consumer have to pay a fee?		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If the consumer has to pay a fee, how much is it (in euro)?		EUR 12 (PLZ 50)
Does the ADR scheme answer enquiries about its work?		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Does the ADR scheme try to help the parties reach a negotiated settlement?		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Does the ADR scheme issue a decision upholding or rejecting the complaint?		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If the ADR scheme issues a decision, what is its effect?	<input type="checkbox"/> recommendation, not binding on either party <input checked="" type="checkbox"/> binding on the financial institution but not the consumer <input type="checkbox"/> binding on both the financial institution and the consumer	
Any necessary explanation about the decision	The decision of the Ombudsman is binding for the bank. The customer is free to put the case before the state court if unsatisfied with the ruling.	
Average time for ADR scheme to resolve a complaint		4–5 weeks
Language(s) in which the ADR scheme operates		
Language(s) in which a complaint can be made	Polish, English	
Language(s) in which any decision can be issued	Polish, English	

Observations

Any additional useful information not already covered by the other sections of this form

Ms. Katarzyna Marczyńska is the Banking Ombudsman. She is a former judge with considerable experience in cases concerning banking.

When adjudicating the case the Ombudsman acts in accordance with the Rules of the Procedure for the Banking Ombudsman. The procedure before the Ombudsman is a written procedure (Ombudsman may call parties to a hearing if required). On the first stage of the procedure the complainant submits to the Ombudsman an application which needs to indicate the parties, the subject of the case and the claim with its value. Such application is forwarded by the Ombudsman to a bank which presents its opinion to the charges mentioned in the application. The bank should propose a solution in its reply to the Ombudsman. The reply of the bank is presented to the complainant who recognises its contents and shall present his opinion to the presented proposals. The consumer agrees with the bank or demands a different solution. If there is an approval, Ombudsman takes a judgement which contains a compromise (settlement). If the approval can not be reached by the parties and the complainant does not accept the proposals of the bank, Ombudsman takes a judgement based on: documents collected in the case, opinions of the parties expressed within the proceeding and the legal regulations in force. The complainant is free to choose the way of redressing the dispute. Paragraph 16 of the Ombudsman's Rules states that consumer may at all stages withdraw his claim. The procedure before the Ombudsman does not deprive the consumer of his right to bring an action before the public court to settle the dispute.

All parties involved in the proceeding may, at all of its stages, be represented or assisted by third party, lawyer, other representative, municipal ombudsman of consumers or consumer organisation's representative.