1. **BASIC INFORMATION**

1.1. **CRIS number**: 2003/004-379/01.10  
1.2. **Title**: Strengthening the consumer protection policy  
1.3. **Sector**: Internal Market  
1.4. **Location**: Poland

2. **OBJECTIVES**

2.1. **Wider objective**  
- Effective protection of consumer rights and interests by OCCP, consumer NGOs, consumer advocates as well as conciliation courts  
- Rising awareness of consumer rights

2.2. **Immediate objectives**  
- Strengthening the consumers’ confidence and position as well as increasing the monitoring of the observance of consumer rights  
- Reinforcement of the position (capacity and resources) of consumer NGOs, advocates and conciliation courts in order to optimise effects of their activity  
- Ensuring the consumer information and education  
- Effective and systematic monitoring and control of e-commerce to secure the observance of consumers’ rights

2.3. **Accession Partnership and National Programme for the Adoption of the Acquis priorities**

**Accession Partnership - Consumers and health protection**  
Continue alignment of legislation, strengthen market surveillance and enforcement including through a strengthening of consumer organisations and consumer awareness.

**NPAA - Chapter 23: Consumers and health protection**  
Priority 23.1: Strengthening consumers’ position and increasing effectiveness of controlling the observance of their rights  
**Final objective**  
Increase of consumer access to justice by elaborating simplified procedures of consumer redress and setting up an institutional infrastructure for consumer courts; and by this strengthening the consumers’ position and increasing effectiveness of controlling the observance of their rights.  
**Intermediate objectives**  
Elaboration of simplified procedures of consumer redress and creating conditions for observing them; Strengthening the role of consumer rights advocates and consumer NGO’s.

**Action Plan - Chapter 23 - Consumers and health protection**  
Strengthen market surveillance and enforcement including through a strengthening of consumer organisations and consumer awareness.  
In particular, attention should be given to market surveillance and enforcement of general product safety as well as enforcement of economic and legal interests of consumers.

**The Regular Report**  
In 2000, the OCCP received 1016 complaints and requests for advice concerning consumer rights. (…)  
There was a rapid acceleration in the rate of complains during 2001, with during the first half of the year 1601 complaints received.  
The legal position of the OCCP has been strengthened through the new Act on Competition and Consumer Protection, which came into force in April 2001. The law establishes a regulatory basis for cooperation between government authorities and consumer organisations, including ways of financing consumer associations and organisations.  
The system of consumer advocates at regional and sub-regional level is being developed through the training and appointing of advocates. There are currently (June 2001) 295 such advocates.
Additional issues to be covered include raising the level of awareness, support and co-operation with consumer organisations and the general public. Careful attention will have to be paid to ensure that sufficient resources are available so that consumer complaints are dealt with in an effective and timely manner. A continuation and extension of existing efforts to disseminate knowledge of new legal regulations among the staff of the OCCP and Trade Inspectorate, ministries and other governmental institutions, courts, entrepreneurs and consumers, will be required so as to ensure the effective operation of consumer protection.

2.4. **Contribution to National Development Plan**: N/A

2.5. **Cross Border Impact**: N/A

3. **Description**

3.1. **Background and justification**
For consumer protection policy to be effective consumers’ protection bodies should have the capacity and resources to protect their rights and promote their interests in effective way. The main actions to achieve this should include strengthening of relevant mechanisms and equipment as well as of education and information activities. This project is specifically tailored to the needs of consumer NGOs, consumer advocates, and conciliation courts as well as certain needs of the OCCP. Moreover, this project will address the objectives and priorities identified in the Commission’s Decision No. 283/1999/EC of the European Parliament and Council of 25 January 1999 establishing a general framework for the Community activities in favour of consumers. However, the objectives of consumer protection policy cannot be achieved effectively without the close co-operation of all institutions and parties concerned. To this end the necessary tools enabling such co-operation are envisaged in the framework of this project i.a. creation of consumer complaints database (software and hardware), ensuring on-line co-operation among all bodies (hardware), education and information activities. All of proposed activities are aimed also at giving new impetus to the actions undertaken in favour of consumers.

**The Office for Competition and Consumer Protection**
Since 1996, it performs a function of the government consumer protection authority. Nowadays, the relevant Departments of the Office are established and have developed their respective structures, systems and skills appropriate to their different working environments. However, the consumer protection policy is considerably decentralized, by its definition, and the Office for Competition and Consumer Protection co-operates in this field with other government institutions, subordinate agencies, local authority offices, as well as the non-governmental sector. The tasks resulting from the new Act of 15 December 2000 are being performed by the President of the OCCP with the support of the employees of Warsaw headquarters and 9 branch offices. Moreover, the Chief Inspectorate of the Trade Inspection (TI) with its 16 voivodeship inspectorates is subordinated to the President of the OCCP. The Act of 15 December 2000 on Trade Inspection clearly defines its role of an executive body of the OCCP. As it is pointed out in the Regular Report, the number of consumer complains is rapidly growing. It is not due only to the market situation, but is also connected with rising level of consumers’ awareness of their rights and protection of interests as well as of protective measures at their disposal. In the year 2000 the President of the OCCP issued 178 decisions on abandonment of monopolistic practices that by violation of competition rules infringed consumer rights. The Office sent also over 500 summonses to entrepreneurs requesting abandonment of unfair practices (mostly misleading advertising). In the year 2001 the OCCP together with the TI had over 200 000 contacts with consumers and entrepreneurs – written and oral advice, information, instructions and mediations. A prevailing number of these contacts had a character of complaint. In the first half of 2002, 2192 consumer cases were submitted to the OCCP, from which 1854 were settled. At the same time the number of legal consultations provided by the Trade Inspection was calculated on the level of 92 631 from which 69 071 were provided for consumers and 23 560 for entrepreneurs.
Consumer Advocates
The provisions of the Act on competition and consumer protection define obligations of the OCCP in the field of development of consumer organisations and support for consumer advocates. As provided by Article 32 of this Act: "the tasks in the field of the protection of consumer interests in the scope determined by the Act and by separate provisions shall be performed also by the territorial self-government as well as by consumer organisations and other institutions, which statutory tasks include the protection of consumer interests". In Article 34.1, it is clearly stated that: „The tasks of the district self-government in the field of the protection of consumer rights shall be performed by the district consumer advocate”. The institution of consumer advocates was introduced in the end of 1998, and currently (November 2002) there are 373 advocates appointed by local governmental authorities. All of consumer advocates are part of the public sector. As provided by Article 36 of the Act of 15 December 2000: The consumer advocate shall be employed in the district starosty; All functions in the scope of labour law in relation to the consumer advocate shall be performed by the starost1.
They play a very important role in the protection of consumer rights and interests as they are near customer and their help and advice are easily accessible on small, local markets where awareness of consumer protection law is much lower than in the cities. The basic powers and obligations of consumer advocates, as provided by Article 37 of the Act of 15 December 2000, are the following:

- The tasks of consumer advocate shall, in particular include the following:
  - providing free of charge consumer advice and legal information in the scope of protection of consumer interests
  - bringing forward motions for proclaiming and amending local regulations in the scope of consumer protection
  - addressing entrepreneurs in cases pertaining to protection of consumer rights and interests
  - co-operation with the territorially competent Office for Competition and Consumers Protection delegation, with organs of Trade Inspection and with consumer organisations
  - performance of other tasks prescribed by the present Act and by separate provisions

- The consumer advocate may, in particular, bring an action on consumers’ behalf and, with their consent, join lawsuits in cases pertaining to consumer interests

- In cases concerning misdemeanours to the detriment of consumers, the consumer advocate is acting as a public prosecutor in the meaning of provisions of the Misdemeanour Code

- The entrepreneur addressed by the consumer advocate acting pursuant to provisions of section 1 item 3, is under obligation to provide the advocate with requested explanations and information and to assume an attitude in relation to comments and opinions of the advocate

As it was already mentioned, the consumer advocates have working contacts with the OCCP branch offices and on 30 March 2001 the President of the OCCP appointed the Committee of Consumer Advocates composed of 9 advocates, in order to establish efficient co-operation platform.

Consumer organisations
The consumer movement in Poland is developing dynamically and it is an essential element of the consumer protection system even though it has operated for a short time (since 1981) and is not extensive in its scale. Consumer NGOs activities are limited by their self-financing capacity, therefore financial support to consumer NGOs is provided by the Polish Government. Office for Competition and Consumer Protection controls an allocation of financial resources which are given for NGOs in a form of public procurement. However, budgetary allocations for the consumer NGOs are not sufficient for the full-functioning of the organisations and the decreasing amount of the resources devoted to NGOs hardly allows for purchase of the necessary technical equipment.

The above-mentioned Act in its Article 39 defines - the activities for which NGOs are entitled. They consist mainly of representing consumer rights and interests in relation to the public and self-government authorities, giving opinion on draft consumer protection laws, providing free of charge consumer and legal advice, elaborating, editing and distributing educational materials, performing product quality tests and publishing their results. Consumer NGOs are authorised to take legal action on behalf of individual consumers.

There are two main NGOs in Poland, which are active in the field of consumer protection, namely the Federation of Consumers and Association of Polish Consumers. In the year 2001, only the Federation of Consumers gave over 100.000 advises by phone and 3.900 in writing.

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1 Starost, appointed by the district council, is the president of the executive body of a district (one of the three levels in Polish administration, i.e. voivodeship, district, county) – Act of 5 June 1998 on Territorial (district) self-government
One of the most important things realized recently, is the co-operation agreement between Office for Competition and Consumer Protection, Federation of Consumers, Association of Polish Consumers and Committee of Consumer Advocates, which was signed in Warsaw on 12 July 2002. The Agreement has as its objective to integrate the activity for the protection of consumers’ interests. The Agreement will constitute the basis of appointing and working out the formula of activity for Consumer Council, composed of the Office for the Competition and Consumer Protection, consumers organizations and Committee of Consumers Advocates as well as the representatives of entrepreneurs and according to the settlements of the Parties also other actors acting for the consumer protection. Consumer Council is a consultative body for the President of OCCP.

What is more, within organisational structure of the Trade Inspection 35 permanent courts of conciliation are functioning. It is a very useful tool for out-of-court settlement of consumer disputes, although admittance of court’s competence is voluntary, once the referral is done, verdicts are of binding character. In the three first quarters of the year 2001, 2355 cases were submitted, out of which in 692 (29.4%) entrepreneurs refused to admit court’s competence. In the court’s proceedings 267 verdicts have been proclaimed (140 verdicts on behalf of consumers), in 943 cases parties have came to terms. In the first half of 2002, 1603 cases were submitted, from which 199 verdicts have been proclaimed (107 verdicts on behalf of consumers) and in 467 cases involved parties have came to terms. Only the above-mentioned numbers prove that creation of a database is indispensable. Such database will categorise the available data and will make it more accessible thus assure that consumer complaints are dealt in an effective and timely manner i.a. by way of eliminating the duplication of works in similar cases as well as cutting-down the time of necessary procedures.

The presented above description of the activities of consumer advocates, conciliation courts and organisations gives a very clear picture of the deep involvement of these institutions in the settlement of consumer disputes. They prepare reports for the President of the OCCP, but only in hard copies and only yearly (advocates) or quarterly (TI), thus the access to up-to-date information is limited. Receiving of the accurate information in electronic form would enable the Office to take the necessary measures more efficiently and in shorter period of time. Having such data, the President may take legal action for the protection of consumer collective interests and prevent further claims. The basic problem for solving this situation is the lack of IT equipment to present on-line reports. The budgetary constrains of self-governments does not allow to equip consumer advocates and the position of consumer NGOs is even more difficult. Similarly, in the case of courts of conciliation there are financial shortcomings because the courts are subordinated to the voivodeship authorities and usually their needs are not considered between priorities.

In order to provide all envisaged beneficiaries with necessary tools for performing their duties it is of a great importance to supply them with the relevant PC sets (each of planned computer set should be upgraded with Internet modem and license for programmes LEX Omega and Temida - legal texts and adjudication).

Equipment is to be provided for ca. 400 working posts (321 consumer advocates, 30 Federation of Consumers, 4 Association of Polish Consumers, 35 courts of conciliation, 10 the OCCP).

What is more, high quality printing equipment (laser printers and colour laser printers) would be a great help for beneficiaries. Complete IT sets for OCCP and advocates working in the areas of biggest population are necessary for proper and wide dissemination of the results of the day-to-day work. High standard of documents prepared for and on behalf of consumers (e.g. for court cases) would contribute not only towards strengthening consumer confidence but also towards smoother and more efficient cooperation between OCCP, consumer advocates, NGOs, and courts of conciliation. Printing equipment is to be provided for 71 working posts (10 laser printers and 15 colour laser printers - the OCCP and TI, 20 laser printers and 26 colour laser printers - consumer advocates).

In addition to activities aimed at creation of the consumer complaints database and on-line system of contacts, an educational and promotion campaign addressed to a wide audience may be undertaken. Certain number of specified by the OCCP educational materials, CD-ROMs, audio, video and printed materials according to requirements could be prepared. Such contract would allow a large-scale activity resulting in preparation of the high quality information and education materials to be distributed among all parties involved in consumer protection. There is a need to conduct complex information activity in order to achieve maximum effectiveness of envisaged activities throughout the period covered by this project and in the future.
One of the most important objectives is to assure the systematic upgrading of qualifications of individuals involved in consumer protection policy.

Acting in line with relevant needs, this project will provide the possibility for training for consumer advocates in the field of future amendments to be introduced into currently binding law as well as in the field of most important problems identified in the course of advocates’ daily activity.

Moreover, the implementation of effective and systematic monitoring and control of e-commerce is necessary in order to meet the expectations of consumers. To this end there is a need i.a. to assure the effective exchange of data, exchange of experiences, co-operation among all involved parties – governmental institutions, local authorities, NGOs, international institutions as well as data collection (monitoring) in particular aspects of e-commerce.

And finally, conducting certain activities which would intensify the social interactions among consumers, consumer institutions and entrepreneurs which would be in line with assumptions of Information Society. Presented above short, overall description shows that the consumer protection policy to be successful needs to be strengthened and the most important needs are reflected in this project.

3.2. Linked activities
As regards projects related to the area covered by this particular project, the Office for Competition and Consumer Protection benefited from the presented below assistance, however it has to be stressed that activities planned in PHARE 2003 are complementary to the previous ones and continuation of achieved results is of great importance and will be assured.

Bearing in mind that PHARE 2003 project address the issues which have not yet been covered by pre-accession assistance in such wide scope, doubling of efforts or activities is excluded.

Phare 2000, PL0004.03: the main focus of the project consists in creating market surveillance system consistent with the EU models, in its antitrust part the project foresees legal assistance in drafting secondary legislation and in improving existing enforcement procedures, as well as improvement of professional skills of the OCCP staff. There is a component concerning grants for consumer NGOs. Results envisaged to be achieved in the course of implementation of this project will create the basis for certain activities foreseen in PHARE 2003.

Phare 2001, PL0102.05: project addressing competition and consumer protection in its main part is a follow-up of Phare 2000, with additional component dedicated to state aid issues. The final talks as regards the twinning covenant with German - Austrian consortium are taking place at this moment. State aid component will be implemented under Technical Assistance and subject to tendering. The project foresees also grants for consumer organisations on analogous conditions as in the case of Phase 2000.

Phare 2002 – Market Surveillance – the main goal to be achieved is the effective enforcement of acquis communautaire in the field of free movement of goods in the Single Market through a smooth transition from existing inspection system in Poland to the market surveillance system, in line with the EU requirements. This project is foreseen as a follow-up and an assessment of results of Phare 2000 - component focused on market surveillance.

3.3. Results

- database for consumer complaints created - the OCCP in possession of up-to-date data on consumer complaints (envisaged hardware and software provided)
- consumer advocates, organisations and courts of conciliation able to provide on-line information to the OCCP (envisaged hardware provided)
- consumer advocates, organisations, courts of conciliation and OCCP able to co-operate in close and efficient way – well developed system of contacts (envisaged hardware provided)
- qualifications of consumer advocates upgraded - specialised training on binding regulations and most important problems provided
- information and education campaign realized - consumer protection provisions promoted as well as awareness of consumer rights raised
- effective and systematic monitoring and control of e-commerce assured.

3.4. Activities

Contract 01 – TA (software)
The goal of this component is to design an IT system for the purpose of database of consumer complaints and to make this system operational. This would enable the President of the Office for
Competition and Consumer Protection to receive, on permanent basis, on-line information from consumer advocates and organisations as well as from courts of conciliation. Having such information, organised by way of database, will put the President of the OCCP in a position to start immediate preventive actions and more efficiently enforce consumer redress. What is more, such system would also improve the fulfilment of the duties of all project beneficiaries by allowing them permanent on-line contact and easy access to any information collected by others. Additionally, the technical parameters of equipment necessary for system implementation should be determined by software designer. Beside the technical development of such a system itself, it would also require relevant training for end users in maintenance and management of created IT system.

It is envisaged to organize such training in each of voivodeship (16) for at least municipal consumer advocates, relevant representatives of NGOs and conciliation courts.

Phare 0.35 M€ + national co-financing 0.05 M€ = total 0.40 M€

Contract 02 - Investment

Envisaged purchases, specified below, are calculated carefully and reflect real needs connected with proposed activities and results to be achieved. Taking into account the necessity to provide or strengthen the relevant institutions/organizations, namely OCCP, consumer organisations, advocates and conciliation courts, the investment component is devoted to provide them with required hardware (i.e. necessary, lacking at this moment, tools to use database) and certain specialist software.

The other aspect justifying the need to have an investment part in such a scope is connected with the assurance of efficient and effective exercising of their duties imposed by relevant law. In the framework of this component the following purchases are envisaged:

- purchase of relevant hardware - ca. 400 sets (321 - consumer advocates, 30- Federation of Consumers, 4 - Association of Polish Consumers, 35 - courts of conciliation, 10 - OCCP)
- Technical specification of PC sets will be based on the guidelines of software provider
- purchase of 30 laser printers and 41 colour laser printers (10 laser printers and 15 colour laser printers – OCCP/TI, 20 laser printers and 26 colour laser printers - consumer advocates)

The difference in the number of consumer advocates (373) and the number of computers for them (321) is due to the fact that some of municipal consumer advocates already have the necessary equipment. As the OCCP wants to make the best use of Phare financial resources, we do not find buying additional hardware for well equipped offices justified. The same refers to envisaged number of printers.

In case of each project beneficiary - it is most important in case of consumer advocates, equipment will be transferred to end users taking into account the following indicator: the number and quality of equipment owned at present. Therefore there is no infringement of requirement of equal treatment of all possible beneficiaries in either of these cases.

Envisaged hardware:

<table>
<thead>
<tr>
<th>Description</th>
<th>Price (€)</th>
<th>Quantity</th>
<th>Total (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price – ca. 2200 € for one desktop PC</td>
<td>880 000</td>
<td>400</td>
<td></td>
</tr>
<tr>
<td>Price – ca. 4000 € for one colour laser printer</td>
<td>164 000</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Price – ca. 1200 € for one laser printer</td>
<td>36 000</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

Phare 0.81 M€ + national co-financing 0.27 M€ = total 1.08 MEUR

Contract 03 – TA (campaign)

Initiatives undertaken for the benefit of consumers should follow an integrated approach and complement one another. Therefore, the relevant advocacy measures should be assumed to promote the endeavours taken to strengthen the protection of consumers’ rights. The information campaign would allow to meet this objective.

As the aim is to promote protection of consumer rights to the widest possible audience the envisaged main means to achieve that aim are:

- creating a website for consumers containing up-to-date information and legislation, the most important events in the field of consumer protection, links to the international organisations cooperating with Polish consumer movement, etc. The newsletter will be an integral part of this website
- preparing educational materials, CD-ROMs, audio, video and printed materials.
We propose to engage professional agency to prepare materials specified by the OCCP, promoting consumer protection provisions and disseminating awareness of consumer rights. For example:
The edition of CD-ROMs aiming at dissemination of consumer knowledge. Ca. 20 different spots, 3,000 copies CD-ROMs on given topics, would enable beneficiary institution to display them on different occasions, as well as to distribute them among schools (containing materials for teachers) consumers, associations of entrepreneurs, self-government authorities and pupils at schools, and distribute them free of charge.
Our intention is to produce two kinds of such materials, namely one set of ten spots addressed to mature audience and the second one intended for children and young people. The OCCP will elaborate subjects to be treated and an agency would design graphic and propose professional and attractive form. The subject to be treated will be elaborated in time of approaching start of project implementation in order to choose the most suitable and up-to-date subjects (e.g. some specific unfair contract terms, some type of misleading advertising, warning about a particular unfair market practice, explanation of provisions of the recently transposed directives).
What is more, certain number of specified by the OCCP audio/video and printed materials meeting set requirements could be prepared.
The OCCP will contact nation-wide TV broadcasters in order to agree upon emission of the produced material.
Phare 0.49 M€ + national co-financing 0.15 M€ = total 0.64 M€

Contract 04 – TA (training)
Training for consumer advocates in the field of possible future amendments to be introduced into currently binding law as well as in the field of most important problems identified in the course of advocates’ daily activity.
It is foreseen to conduct relevant training for all consumer advocates (presently 373) twice in the period covered by project in order to assure that they are provided with necessary updated information, incl. newly adopted legislation.
Phare 0.25 M€

Contract 05 – TA (e-commerce)
In order to achieve the envisaged results, there is a need to provide specific training for the certain group of OCCP employees in the field of monitoring and control methods, co-operation with consumer inspections and institutions (as regards the abovementioned aspects of e-commerce), which are already applied in EU Member States.
Moreover, the specific training in up-to-date EU and MS law in the scope of e-commerce would be necessary, taking into account the current level of experiences gained by the EU MS.
In addition to the training activities, it should be assured within this project to prepare relevant training materials i.e. expertise, opinions, guidelines and consultations as well.
As regards the educational materials, there is a strong need to prepare relevant materials (e.g. newsletters, FAQ) for consumers and small and medium size entrepreneurs, in the scope of consumer rights in e-commerce concerning the provisions for promotion and marketing of services, rules for on-line agreements, obligations and rights of parties involved, settlement of disputes, etc.
Phare 0.10 M€ + 0.03 M€ national co-financing =0.13 M€

3.5. Lessons learned
The existing recommendations of OMAS/EMS are not relevant to the project (only PL9905.04 State aids control). Till now, Phare 2000 Programme has not been evaluated by external auditors, so no recommendations or assessments of OMAS/EMS can be presented.
Due to the early stage of implementation process of the Phare 2001 and only recently approved Phare 2002, at the moment of preparing this fiche, it is not possible to give any recommendations or assessments of OMAS/EMS.

4. Institutional framework
The Office for Competition and Consumer Protection will co-ordinate the project in its capacity of government consumer protection authority. Department of Foreign Assistance, Budget and
Administration supported by the Department of Consumer Policy is responsible for the co-ordination of this project. However, the main beneficiaries are consumer advocates, consumer NGOs and courts of conciliation.

After completion of tender procedures, delivery of equipment and acquiring equipment ownership from the CFCU, the OCCP will transfer the ownership of the relevant equipment to the targeted beneficiaries, i.e. consumer advocates and organisations, as well as courts of conciliation.

5. **Detailed Budget**

<table>
<thead>
<tr>
<th>Contract 1 TA (database)</th>
<th>Investment Support (IN) €</th>
<th>Institution Building (IB) €</th>
<th>Technical Assistance €</th>
<th>Total Phare (IN+IB) €</th>
<th>National co-financing €</th>
<th>TOTAL €</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>350 000</td>
<td>350 000</td>
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<td>Contract 2 INV (IT equipment)</td>
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<td>Contract 3 TA (information/education)</td>
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<td>490 000</td>
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<td>640 000</td>
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<td>Contract 4 TA (training)</td>
<td>250 000</td>
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<td></td>
<td>250 000</td>
<td></td>
</tr>
<tr>
<td>Contract 5 TA (e-commerce)</td>
<td>100 000</td>
<td>100 000</td>
<td>30 000</td>
<td>-</td>
<td>130 000</td>
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<tr>
<td>TOTAL PROJECT</td>
<td>810 000</td>
<td>1 190 000</td>
<td>2 000 000</td>
<td>500 000</td>
<td>-</td>
<td>2 500 000</td>
</tr>
</tbody>
</table>

The co-financing funds for the project implementation will be available.

6. **Implementing Arrangements**

6.1. **Implementing agency**

PAO: Ms Krystyna Gurbiel, Under-Secretary of State, Office of the Committee for European Integration, Aleje Ujazdowskie 9, 00-918 Warszawa, Telephone number: +48 22 455 52 41/42, fax: +48 22 455 52 43

CFCU: Mr Piotr J. Zaprzalek, Acting Director of the Central Finance and Contracts Unit “Co-operation Fund” ul. Górnoślaska 4a, 00-444 Warszawa, ph. +48 22 622 84 64, fax +48 22 622 72 12

The CFCU is responsible for handling tendering, contracting and payments of contracts on behalf of the OCCP which itself is responsible for preparing projects and managing their technical implementation.

6.2. **Twinning and Twinning Light**: N/A

6.3. **Non-standard aspects**

Tender procedures and contracts will be carry out according to the *Practical Guide for Phare, Ispa & Sapard*

Contact person in the OCCP:
Ms Magdalena Jaworska, Acting Director, Department of Foreign Assistance, Budget and Administration, phone: +48 22 827 67 27, fax: +48 22 827 08 43, e-mail: mjaworska@uokik.gov.pl
Ms Joanna Wrona, Deputy Director, Department of Consumer Policy, phone: +48 22 55 60 152.

6.4. **Contracts**

Joint co-financing will be applicable to the co-financing regarding the investment contract.

**Contract 1 - TA**

0.35 M€ (PHARE) + 0.05 M€ (national co-financing) = 0.40 M€

The total amount of 0.40 M€ will be devoted to creation of consumer complaints database

**Contract 2 – Investments**

0.81 M€ (PHARE) + 0.27MEUR (national co-financing) = 1.08 M€ – joint co-financing

The total amount of 1.20 M€ will be devoted to IT equipment

**Contract 03 - TA**

0.49 M€ (PHARE) + 0.15 M€ (national co-financing) = 0.64 M€

The total amount of 0.64MEUR will be devoted to educational and promotion campaign

**Contract 04 - TA**

0.25 M€ (PHARE)

The total amount of 0.25 M€ will be devoted to the training courses for consumer advocates

**Contract 05 - TA**
0.10 M€ (PHARE) + 0.03 M€ (national co-financing) = 0.13 M€
The total amount of 0.13 M€ will be devoted to ensuring the effective and systematic monitoring and control of e-commerce

7. IMPLEMENTATION SCHEDULE

? Start of tendering: fourth quarter 2003
? Start of project activity: first quarter 2004
? Project completion: third quarter 2005

8. EQUAL OPPORTUNITY

The project will be opened to both, women and men, on the equal bases. The guarantee of equal opportunities for men and women is Polish Labour Code, which excludes discrimination in employment. Candidate suitability will be judged solely on merits, including professional experience.

9. ENVIRONMENT N/A

10. RATES OF RETURN N/A

11. INVESTMENT CRITERIA N/A

12. CONDITIONALITY AND SEQUENCING

12.1 Conditionally

? full co-operation of beneficiary institutions (consumer advocates and organisations, courts of conciliation) with the OCCP in establishing consumer complaints database and in data gathering
? local government authorities willing to cover operational costs of the system
? budget of consumer organisations sufficient to cover operational costs of the system

12.2 Sequencing

? elaboration of the database software
? making system operational; training for end users
? promotional campaign addressed to the wide audience
? delivery of IT equipment
? training courses for advocates – in the whole time of project implementation
? activities related to the e-commerce monitoring.
## ANNEX 1 - PROJECT LOGICAL FRAMEWORK MATRIX

### PROJECT TITLE: STRENGTHENING THE CONSUMER PROTECTION POLICY - NGOS, ADVOCATES, CONSUMER INFORMATION AND EDUCATION

**Programme number**: 2

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective protection of consumer rights and interests by OCCP, consumer NGOs, consumer advocates as well as conciliation courts; Rising awareness of consumer rights</td>
<td>Number of consumer complaints</td>
<td>Criteria established by the OCCP</td>
</tr>
<tr>
<td></td>
<td>Time of reaction on complaints</td>
<td>Documentation of OCCP, NGOs, advocates</td>
</tr>
<tr>
<td></td>
<td>Necessary tools for consumer protection bodies in place</td>
<td>TI</td>
</tr>
<tr>
<td></td>
<td>Consumers’ opinions – opinion pools</td>
<td>Media</td>
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<tr>
<th>Project purpose</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
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<tr>
<td>Strengthening the consumers’ confidence and position as well as increasing the monitoring of the observance of consumer rights; Reinforcement of the position (capacity and resources) of consumer NGOs, advocates and conciliation courts in order to optimise effects of their activity; Ensuring the consumer information and education; Effective and systematic monitoring and control of e-commerce to secure the observance of consumers’ rights;</td>
<td>Data flow between consumer advocates, consumer NGOs, courts of conciliation and the OCCP</td>
<td>Documentation of OCCP, NGOs, advocates</td>
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<td></td>
<td>Number of consumer complaints</td>
<td>TI</td>
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<td>Time of reaction on complaints</td>
<td>Collected data about consumer complains</td>
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<td>Change in consumer attitudes as regards the efficiency of protection of their rights.</td>
<td>Consumers’ opinions – opinion pools</td>
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<td>Number of trained persons</td>
<td>Media</td>
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<tr>
<th>Results/Outputs</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
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<tr>
<td>Number of consumer complaints</td>
<td>Documentation of OCCP, NGOs, advocates</td>
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<tr>
<td>Time of reaction on complaints</td>
<td>TI</td>
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<td>Work of consumer advocates and NGOs</td>
<td>Statistics</td>
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<td>more efficient - evaluation of the effectiveness of their work (number of cases)</td>
<td>Media</td>
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<td>Number of trained persons</td>
<td>Documentation on the training provided - number of participants completing the training</td>
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<td>Reports of the experts contracted</td>
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<td></td>
<td>Proper elaboration of software for consumer complaints database;</td>
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<td>Consumer advocates and NGOs and courts of conciliation collect and transmit data to the OCCP;</td>
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<td>Proper designing of educational materials - significant impact on target audience;</td>
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<td>Local government authorities willing to cover operational costs of the system;</td>
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<td>Budget of consumer organisations sufficient to cover operational costs of the system.</td>
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provided; information and education campaign realized - consumer protection provisions promoted as well as awareness of consumer rights raised; effective and systematic monitoring and control of e-commerce assured.

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<tr>
<th>Activities</th>
<th>Means</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>Elaboration of software for consumer protection database. Making system operational. Training for end users. Delivery of IT equipment for consumer advocates, NGOs OCCP, and courts of conciliation Educational and promotion campaign addressed to a wide audience Training for consumer advocates - in the field of possible future amendments to be introduced into currently binding law as well as in the field of most important problems identified in the course of advocates' daily activity Implementation of effective and systematic monitoring and control of e-commerce</td>
<td>INV contract for hardware, TA contract for software TA contract for educational/information campaign TA contract for training for consumer advocates TA contract for e-commerce monitoring</td>
<td>Documentation of OCCP, NGOs, advocates and TI</td>
<td>Data base made operational and well functioning of the whole system; Consumer advocates and NGOs, as well as courts of conciliation more efficient in the implementation of their tasks; Educational materials resulting in a significant increase of consumer awareness; Local government authorities willing to cover operational costs of the system; Budget of consumer organisations sufficient to cover operational costs of the system.</td>
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| Preconditions | Granting appropriate financial means for the project. |

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**ANNEXES 2-3-4: DETAILED IMPLEMENTATION CHART, CONTRACTING AND DISBURSEMENT SCHEDULE OF THE PROJECT**

**PROJECT TITLE: NGOS FOR SUSTAINABLE DEVELOPMENT**

| Date of Drafting | 09.12.2002 |
| Planning period | 2002 - 2005 |

**PLANNED IMPLEMENTATION SCHEDULE PER QUARTERS**

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Legend: D = design of sub-projects; C = tendering and contracting; I = contract implementation and payment.