Consumer protection system

1. **Basic Information**
   
   1.1 CRIS Number: **2004/016-829.02.04** Twinning No: PL2004/IB/OT/04
   
   1.2 Title: Consumer protection system
   
   1.3 Sector: Internal Market
   
   1.4 Location: Poland

2. **Objectives**

   2.1 Overall Objective(s):
   
   • further strengthening of the OCCP, Trade Inspection, consumer organisations, ombudsmen and conciliation courts in their efforts to effectively enforce consumer protection law.

   2.2 Project purpose:
   
   • strengthening professional competencies of consumer protection executives (OCCP, Trade Inspection and ombudsmen) and personnel of consumer associations
   
   • strengthening the conciliation courts’ arbiters’ professional skills
   
   • enhancing the involvement and the contribution of consumer associations to consumer protection system
   
   • providing reliable market surveillance and product safety data and information
   
   • increasing the level of consumers’ and businesses’ awareness of their rights and responsibilities, promoting consumer interests and rights

2.3 **Justification**


In the area of **consumer protection** “the role of non-governmental organisations needs to be further promoted. A more active involvement of these organisations in developing consumer product safety standards should also be encouraged.

Enforcement activities relating to the protection of the economic interests of consumers are partly developed. More efforts are needed in effectively implementing the acquis, in particular with regard to the judicial capacity concerned with consumer cases. The administrative structures in terms of both financial and human resources need to be further developed and strengthened.

Consumer information and education need to be further promoted in order to increase the level of consumers’ and businesses’ awareness of their rights and responsibilities.”

Taking into account the CMR remarks, actions in the past and on-going consumer Phare projects, as well as the needs of the OCCP, consumer associations and consumer ombudsmen, this project aims to further develop the capacities of consumer protection bodies (the Office for Competition and Consumers’ Protection, Trade Inspection, consumer associations and conciliation courts).
In the field of **Market surveillance** relating to general product safety “Poland is completing the relevant policy management structures and information system. However, the capacity of the main bodies in charge of market surveillance activities needs to be further developed and their co-ordination improved. These structures need also to be strengthened in terms of both financial and human resources.” (2003 Comprehensive Monitoring Report).

With respect to market surveillance the project aims to work out control and information standards in line with the EU requirements. The practical knowledge provided will enhance the position of the OCCP in the market surveillance system and will reinforce the control ability of Trade Inspection, in line with the EU requirements.

### 3. Description

#### 3.1 Background and justification:

The Community Strategy for Consumer Policy 2002-2006 has three basic objectives. These are:

1) a high common level of consumer protection,
2) effective enforcement of consumer protection rules, and
3) proper involvement of consumer organisations in EU policies.

This project creates effective tools for achieving these goals. It also takes account of the results achieved in this area in Poland, the future activities/aims established by the governmental consumer protection policy 2004-2006 as well as the needs of stakeholders.

The governmental strategy, as agreed with non-governmental stakeholders, has four major objectives:
- creating a safe, consumer-friendly market
- promoting social dialogue for protection of consumers and self-regulation mechanisms
- creating an effective system for information, advisory services and consumer claims handling
- conducting a pro-active information and educational policy

The activities proposed within this project will improve consumer advice activities of consumer associations, strengthen ADR (conciliation courts arbiters to be well trained and provided with necessary qualifications) and provide consumers with information on quality of products through independent testing. It will also strengthen the market surveillance capacity of the OCCP and the Trade Inspection.

All activities are result oriented and do not overlap. Overlapping and double-funding with activities financed via other Community financial instruments will be avoided.

Activities proposed in certain parts of the project are built on the activities undertaken in previous Phare projects:
- twinning – new training issues, new beneficiaries (conciliation courts) or continuation of specific topics;
grant scheme – strengthening the already existing consumer associations in order to enable them to operate independently, to contribute at EU level;

activities related to market surveillance are subsidiary to those included in 2002 PHARE project.

Activities for the benefit of consumer associations will focus on strengthening their capacity and role, with a view helping them to achieve organisational stability and independence in the near future. This project will support independent and representative consumer associations, which have the necessary experience and expertise in consumer issues and are able to conduct activities of a large and complex nature.

As regards general product safety and market surveillance, the actions proposed do not duplicate ongoing/planned actions and will achieve verifiable results. They are build upon the main activities of the 2002 PHARE project and the results of 2000 and 2001.

The activities within this project are to be covered by the following contracts:

1. Twinning contract

One of the most important objective of constant developing and extending of the system 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 to train all bodies responsible for ensuring consumer protection, i.e. the OCCP, various consumer organisations and district/municipal consumer ombudsman as well as representatives of consumer conciliation courts (ADR).

The OCCP training will be focused on case studies and exchange of practical experience.

In order to strengthen consumer associations, a series of training courses is foreseen, i.a. regarding new developments on national and EU consumer law. This should help the consumer organisation professionals to make an effective input into the elaboration of national as well as EU policies in main areas of consumer interest.

It is envisaged to provide specific training for arbiters of conciliation courts, aiming at achieving the required level of competences. With a view to enhance and promote simple and low cost means of resolving national and cross-border disputes, training sessions will focus on applied European procedures and experience gained through case studies. As the out-of-court settlements are not known enough, activities aiming to disseminate information about out-of-court conflict resolution amongst consumers and economic operators will be a part of the twinning.

Furthermore, in the market surveillance part, specific and practical workshops, especially for TI’s representatives, will be conducted by its counterparts from other EU countries.

2. Technical assistance market surveillance contract

Project’s Market Surveillance activities will focus on market analyses and laboratory examinations of specific products. Results of such analyses/examinations will be treated as the reference materials for further TI control activities.
3. Technical assistance knowledge base contract (market expertise and analysis)

The project will consist of analyses and market research to gather reliable information to provide the basis for comprehensive consumer policy development. It will also serve to strengthen the capacity of OCCP and stakeholders by providing them with objective data to use in their daily operations.

4. Grant scheme consumer associations

The grant scheme will enhance the involvement and the contribution of consumer associations in the consumer protection system. The activities will strengthen the organisational capacity of the main consumer associations and benefit consumers directly.

Technical assistance contract for information actions

Publications, educational materials, brochures; 2 conferences and 5 information actions are envisaged on 5 specific topics.

It has to be stressed that the activities planned under the Transition Facility are complementary to those previously undertaken under Phare projects (see point 3.2). Building upon results achieved so far is of a great importance and will be assured. The activities to be financed under the Transition Facility will not duplicate other efforts under previous PHARE projects nor duplication other Community efforts in the area of consumer policy. To ensure this, the project will be executed in close cooperation with DG Health and Consumer Protection, Unit B1.

The project will focus on filling the institution building gaps highlighted during the monitoring process (see point 2.3) and on other specific areas where improvement is needed.

3.2 Linked activities:

The Office for Competition and Consumer Protection has benefited from the following assistance in the area of consumer policy:

**Phare 2000, PL0004.03 Competition and Consumer Protection:** the main focus of the project was to set up a market surveillance system consistent with the EU guidelines (creation of a data base). The consumer part of the project provided assistance to improve enforcement procedures, and to improve of the professional skills of the OCCP staff, consumer ombudsmen and consumer associations. A large number of practical training courses on cases and EU law was provided by Finnish and French experts. The work under this project (i.e. the last component – twinning covenant) was completed on 21 August 2003. The results envisaged by this project created the basis for certain activities foreseen in PHARE 2003.

**Phare 2001, PL0102.03 Competition Policy and Consumer Protection:** the project included competition and consumer protection issues, and an additional component dedicated to state aid issues (Technical Assistance). The main part is a follow-up of Phare 2000 It focuses on strengthening consumer awareness in Poland through grants to consumer associations), and on improving professional skills of OCCP and TI staff and
of consumer ombudsmen based on German and Austrian experience (twinning component, ref. no. PL/IB/2001/EC/08).

The German and Austrian support was used for activities related to consumer associations (German support in creating the concept of a Polish infothek; Austrian/German support in creating concept of infoline). The German Stiftung Warentest, independent testing Institute assisted in developing expertise in comparative testing.

**Phare 2002, PL2002/000-605.02.01 Market Surveillance** – the project focuses on reinforcing the existing market surveillance technical infrastructure and on improving Polish public administration staff’s qualifications and skills in the field of New Approach Directives (five investments’ contracts for market surveillance bodies and one Technical Assistance’s contract). This project was planned as a follow-up of Phare 2000. It involves the OCCP and four other agencies which are i.a. responsible for the effective functioning of market surveillance in Poland. These include: Trade Inspection (IH), Office of Telecommunications and Post Regulation (URTiP), National Labour Inspectorate (PIP) and State Mining Authority (WUG).

The training to be undertaken under the Transition Facility is a follow up to the training under the 2002 project and will be focused on specific control capacities. The 2002 project i.a. covered upgrading professional skills of the market surveillance personnel through specialised training on new approach directives, harmonised technical norms and standards, and further developments in this respect.

**Phare 2003, PL2003/004-379/01.10 Strengthening the Consumer Protection Policy**
The main goals of this project are: effective protection of consumer rights and interests by OCCP, consumer associations, consumer ombudsmen and conciliation courts, and raising awareness of consumer rights. The main actions to achieve these goals include strengthening of relevant mechanisms (Technical Assistance) and equipment (Investment component – purchase of IT equipment) as well as education and information activities (contracts for information/education campaign, training courses for OCCP officials and consumer ombudsmen). The improved technical infrastructure (purchase of IT equipment and creation of database) supporting the daily activities of bodies involved in consumer protection will help to achieve the objectives planned under TF 2004.

### 3.3 Results:

The project, in line with its objectives, should bring the following results:

**Twinning**
- 80 to 100 persons from the OCCP and other stakeholders in the consumer area are trained on specific consumer issues.
- At least 20 persons from the OCCP are provided with specific expertise on services through practical workshops and case studies.
- At least 5 to 10 persons are trained on legislative and institutional changes resulting from the entry into force of the EU regulation on cooperation of national consumer protection authorities.
- 350 to 400 representatives of consumer associations and consumer ombudsmen are trained on different consumer-related issues, with a view to build up their capacity to
actively participate and give input into the decision-making process at national and European level.

- At least 30-35 arbiters obtain the necessary qualifications and certificate for acting as an arbiter. This would result in a higher number of cases transferred to the conciliation courts and in an overall strengthening of their role.
- The Trade Inspection’s control capacity is strengthened by training at least 30 to 40 Trade Inspectors on specific new approach directives via practical workshops and simulation of joint controls.
- At least 50 persons from the OCCP, Trade Inspectorate, other bodies carrying out market surveillance activities, consumer associations and businesses representatives are trained on the general product safety directive and specific new approach directives.

**TA 1 – market surveillance**
- Reliable market surveillance and product safety data and information are ensured through market research, laboratory tests and reports relating to electrical devices and toys.

**TA 2 – expertises**
- Market analysis and surveys of consumer awareness, attitudes and behavior on specific issues are carried out, with a view to identify consumer needs and define what consumer policy actions should be undertaken.
- Expertise and market research relating to the role of business in the case of advertising of pharmaceutical products and to infringement of consumer rights in the area of telecommunication services are provided/carry out.

**Grant scheme (consumer associations)**
- Infoline and infothek are operational and accessible to consumers.
- Relevant materials are distributed and activities conducted in schools in all regions of Poland (at least 160 schools covered).
- An advice system on (over)indebtedness and related financial services issues is set up, is operational and accessible to consumers via local offices; leaflets on prevention of (over)indebtedness problems are published.
- Independent comparative testing of at least two products is performed and the results are widely disseminated.

**TA 3 – information action**
- Public awareness of key consumer rights is enhanced via dissemination of educational materials, publications (incl. reports) and brochures at national and regional level on market surveillance (new approach directives and general product safety directive), fuel quality, abusive clauses and consumer attitudes.
- 5 information actions are executed in the above-mentioned areas through media relations: radio, TV and press are provided with relevant information; the OCCP is involved in the creation of relevant programmes and articles.

3.4 Activities:

**3.4.1. Contract 1 – Twinning**
In the years 2002 - 2003 consumer policy in Poland has been given a much higher profile. The legal framework protecting consumers was extended according the EU requirements, and consumer information and educational schemes pursued by the Office for Competition and Consumers’ Protection (the OCCP) were diversified. In line with the objectives of the Community Strategy for Consumer Policy and to ensure a comprehensive approach involving all parties concerned in the consumer protection i.a. the following activities are envisaged within the twinning:

3.4.1.1. Training courses for future and current ADR arbiters
(output: at least 30 to 35 persons trained)

- training courses for arbiters on ADR that will result in obtaining the necessary qualifications and a certificate required for acting as an arbiter:
  - series of training sessions for ADRs’ arbiters, in view of fundamental procedural changes as far as conciliation courts are concerned
  - a specific training course, specially tailored for arbiters of conciliation courts, on applied European procedures and gained experiences (case studies)
  - training on binding EU law (material and case law) and its impact on domestic legal order (in particular ADRs’ arbiters should be trained, representing both consumer and business side)

3.4.1.2. Training courses on specific consumer issues
(output: 80 to 100 persons trained)

- training courses on specific consumer issues for OCCP staff, some consumer ombudsmen, consumer association representatives, business representatives):
  - training on consumer insolvency, especially practical training for OCCP and other experts taking part in consumer insolvency procedures
  - training on consumer sales seller liability for non-compliance with the contract, in particular for business’ representatives
  - training on abusive clauses on the basis of case studies

3.4.1.3. Specific expertise on services
(Output: at least 20 persons trained)

- training courses for OCCP staff, central and regional branches; this will consist of practical experts’ support (cases) and practical workshops on financial services, insurance services and telecommunication services

3.4.1.4. Assistance on setting up enforcement cooperation
(Output: at least 5 to 10 persons trained)

Training course for OCCP staff consisting of expertise and advice concerning the necessary legislative and institutional changes resulting from the entry into force of the EU regulation on co-operation of national consumer protection authorities

3.4.1.5. Training for consumer associations and ombudsmen
(Output: 350 to 400 persons trained)
Expertise training course for consumer associations staff and consumer ombudsmen. to build up their capacity to actively participate and give input into the decision making process at the national and European level. Training on the following is envisaged:

- binding EU law and its impact on the national legal order
- legal rules and their results for consumers
- market analysis from the point of view of eventual infringements of consumer rights - proper reaction for market behaviors having impact on consumer situation
- rules for participation of consumer associations in various international forums

3.4.1.6. Training on product safety issues for market surveillance purposes
In the area of Market Surveillance the main goal is to carry out practical workshops and to obtain expertise to strengthen the control capacity of the Trade Inspection and to further develop the capacity of the OCCP in market surveillance with respect to product safety issues. The following two activities are planned:

- Training of Trade Inspectorate Inspectors of at least 30 to 40 Trade Inspectors by 5 experts in the area of specific new approach directives to give practical workshops on conformity assessment of goods with the essential requirements in relation to commercial networks and on methods for compiling controls’ results, as well as simulation of joint controls (together with TI inspectors), as follows:
  1. controls on safety of toys
  2. controls of goods on fulfilling the essential requirements of machinery directive
  3. controls of goods on fulfilling the essential requirements of low voltage directive
  4. controls of goods on fulfilling the essential requirements of personal protective equipment directive
  5. controls of goods on fulfilling the essential requirements of electromagnetic compatibility directive

- training for at least 50 persons - the OCCP’s employees (headquarters and branch offices) and representatives of TI and other MSS bodies consumer associations and relevant business organisations on the general safety of product directive and chosen new approach directives

EXPERTS’ PROFILE:
Profile of Member State’s Coordinator of the twinning (RTA):
- professional experience in consumer protection authorities or European institutions
- excellent knowledge on the EU consumer legislation and the adoption of the acquis in one or more Member States
- teaching experience
- preferable diploma in law or economics or administration
- experience in institution building
- experience in managing of international projects (experience in managing Phare projects will be seen as an advantage)
- English language knowledge
Short-Term Experts/Medium-Term Experts (ADR and specific consumer issues and specific services):
- excellent knowledge on consumer protection institutions and procedures and the EU consumer law (esp. in the telecommunications and insurance sectors)
- knowledge of ADR schemes
- preferable professional experience in law enforcement
- experience in designing and developing of training programmes
- experience in preparing teaching materials and publications

Short-Term Experts/Medium-Term Experts (consumer association issues):
- excellent knowledge on consumer protection non-governmental institutions
- preferable professional experience in managing consumer organisation
- preferable professional experience in representation of consumer interest on European/international levels
- preferable experience in the capacity building for consumer NGOs

Short-Term Experts/Medium-Term Experts (surveillance and product safety issues):
- professional experience in the field of MSS provisions
- preferable with practical experience in MSS control authorities (on –spot control inspector)
- professional experience in the field of product safety (in particular European regulations in this respect)

Output: 10 – 15 reports by experts, total number of people trained

3.4.2. Contract 2 – TA 1 market surveillance

Providing reliable market surveillance and product safety data and information is one of the aims of the project. The main goal of this assignment is to carry out market research together with laboratory tests. Elaborated reports and conclusions will be used as a base of further control planning and as a tool for identifying potential dangers on the market:

- expertise on conformity of electrical devices with the essential requirements at Polish market, including sampling of specific product types and their examination by an accredited laboratory, reporting as required, including number of non-compliant products, types of inconformity encountered, comparison with other national EU markets and statistics.

- expertise on conformity with the essential requirements of toys on the Polish market, including sampling of different types of toys and their examination by an accredited laboratory, reporting as required, including number of non-compliant products, types of inconformity encountered, comparison with other national EU markets and statistics).

Output: at least 2 analyses

3.4.3. Contract 3 – TA 2 expertises and analyses

To further develop the consumer protection system in Poland, it is necessary to build a knowledge base for policy development and consumer information. Therefore a main goal of this contract is to carry out specific market research and consumer surveys:
• market analysis and surveys of consumer awareness, attitudes and behaviour on specific issues. The results should enable to identify consumer needs, to compare with other EU Member States and to define what consumer policy activities are needed with other EU Member States.

• expertise and market research on the role of business as a source of information to consumers and the impact this has on consumers, in particular in the case of advertising for pharmaceutical products.

• expertise on infringements of consumer rights in the area of telecommunication services.

Output: at least 3 analytical reports or surveys

3.4.4. Contract 4 – Grants scheme (NGOs) - Call for proposals for consumer NGOs.

Total budget for Grants: 1 000 000 € TF + 75 000 € government contribution.

TF funded grants will cover up to a maximum of 80% of the eligible total budget of proposals from final beneficiaries.

The remaining 20% of NGOs’ own contribution will be provided by the OCCP, as third party. It means, that Polish parallel co-financing secured by OCCP will be recognized as NGOs’ own contribution.

Eligibility for grants will be restricted to consumer association which are independent and representative, have the necessary experience- and expertise, have a nation-wide organisation/ impact and are officially recognized consumer organisations. The attribution of grants should ensure a maximum of synergy with previous PHARE funding.

The purpose of this grant scheme is to further develop the capacity of the consumer associations in the area of consumer information and advice and to help strengthen their position and independence in the long term.

3.4.4.1. Development, operation and regular updating of a consumer ‘Infothek’ – c.a. 300 000€

The ‘Infothek’ is a self-information system for the direct use of consumers via Internet. It includes easily understandable, scientifically reliable and independent information on products and services for consumers, e.g. on food and nutrition, health services, household appliances, electronic devices, financial and insurance services and others.

The information is to be regularly updated on a monthly basis for the duration of this project. Subsequently, after completion of the TF project, the OCCP engages itself (budgetary means) to finance the monthly updates.

This tool aims to facilitate consumer choice. Each of the files of the Infothek should contain the following information:

- Latest information about what is new on the market
- Basic information about the product/service
- Recommendations to consumers
• Market overview or/and test results

The on-line Infothek will be of special use- to other stakeholders and relevant bodies as an information source as well – e.g. by ombudsmen in advice work and by conciliation courts.

**Output: Infothek operational on key issues, accessible via web to consumers**

3.4.4.2. Development and operation of Consumer Infoline) – c.a. 300 000€

The Info-line is a nationwide advisory service based on a single phone number, providing consumers with direct and fast information and legal advice concerning goods and services by telephone at a single number. Following the example of the Austrian info-line, the information and advice given by the Infoline will be free of charge (cost of standard telephone call) for simple inquiries. For more complicated issues, where the advice of an expert is necessary, consumers would have to pay higher rates depending on the field of expertise concerned, via higher charged expert phone lines (premium rate type).

The Infoline would be operated by qualified experts working for consumer associations. The additional goal of the initiative is to build consumer awareness by creating a new type of information tool that is convenient for consumers.

**Output: Info line operational, accessible to consumers via telephone, providing information and (legal) advice on key issues**

3.4.4.3. Education of young consumers through nation-wide consumer education activities in schools) – c.a. 75 000€

Consumer education is a priority for consumer associations. Education of young consumers is the most important since it contributes to the education of aware consumers from an early age on. So far education campaigns in schools and at regional level were not very widespread due to the lack of sufficient resources. The aim of this grant is to prepare consumer education materials for different age levels and to involve schools in the education projects.

It is envisaged to run this education activity in all regions of Poland (16 voivodeships) in schools selected on the basis of information given by consumer ombudsmen, who are responsible for particular regions. At least ten schools in each voivodeship should participate in the activity. The subjects for the materials and activities should be adapted to young people needs and will concern consumer rights and responsibilities relevant to young consumers, (presentation of typical cases and solving of problems) and the effects of advertising.

**Output: materials distributed and activities conducted in at least 160 schools**

3.4.4.4. Comparative testing of products – c.a. 200 000 €

Consumer protection system
Testing products and services is extremely important activity of consumer associations in most EU Member States. The publication of the results of such tests in magazines (such as the German “TESTmagazine”, French “Quechoisir”, Belgian “TestAchats”, or British “Which”) influences consumer choice and the behaviour of businesses. There is an increasing demand for such product information on products on the Polish market, including quality and safety aspects, as well as price.

The grant aims to finance the testing of at least two specific products and the publication of the results. The products to be tested are to be defined in line with current consumer needs for product information. The testing methods to be used should respect general criteria for product testing as practiced in other EU countries.

**Output:** at least two product tests – based on a fully representative sample of the relevant product on the Polish market - performed and results published and widely disseminated

### 3.4.4.5. Advice service to consumers on issues of (over)indebtedness and other problems related to financial services – c.a. 200 000 €

This grant aims to provide consumers with specialized help and advice regarding issues of (over)indebtedness and other problems related to financial services, and to prevent this type of problems.

This is a grant for a consumer advice service to help individual consumers facing difficulties in complying with contracts concluded for credits and other financial services and to give personalized and specialized advice and support. This could for example include help in renegotiating credit contracts with financial institutions. This help and advice is to be provided through personal contact and by specially qualified staff of consumer associations on a proximity basis through (a network of) local offices.

This grant aims to strengthen the advice function of consumer associations in this specific field and to reinforce the relevant structures of existing consumer associations covering as much as possible of Polish territory. It should also include specialized training on financial issues for staff of consumer associations.

In addition, the grant should be used to make information available to consumers in general or specific target groups to help prevent (over)indebtedness.

**Output:** advice system on (over)indebtedness and related financial services set up, operational, and accessible to consumers via local offices; publication of leaflets on prevention

### 3.4.4. bis Eligibility for grants

To be eligible for these grants, applicants must comply with the following criteria:

- be non-profit-making and not distributing their income amongst their members;
• be officially registered and recognized as a consumer association in Poland;
• be non-governmental organisation with the statutory aim to protect consumers interests,
• be directly responsible for the preparation and management of the action, not acting as a intermediary;
• be an organisation acting independently of entrepreneurs’ sponsorship;
• be experienced in the field of consumer protection (at least 3 years relevant experience must be supported by documents, annual reports, accounts, etc.)
• be able to demonstrate their capacity to manage large scale activity corresponding with the size of the project for which a grant is requested;
• be experienced in conducting activities at national level
• be non-exclusive (they do not condition their support to ethnic, ideological, political or religious adherence).

Furthermore, applicants may act individually or in consortium with partner organisations. Applicants’ partners can participate in designing and implementing the action, and the costs they incur will be eligible in the same way as those incurred by the grant Beneficiary. They must therefore satisfy the same eligibility criteria as applicants.

In developing the call for proposals, the OCCP will co-operate closely with DG SANCO in order to avoid duplication of actions undertaken at EU level and to ensure that existing gaps are filled.

3.4.5. Contract 5 TA 3 – information actions (75 000€ TF + 10 000€ co-financing)

The main priority in the education and information policy pursued by the OCCP consists in the promotion of consumer knowledge as well as of effective communication between all key market players, i.e. manufacturers, retailers and consumers. This contract aims to enhance public awareness of key consumer rights by conducting information and education actions. They will not duplicate actions part of the EU campaign in 2005.

a)  
- topic: functioning of market surveillance in the field of New Approach Directives  
- target: general public and entrepreneurs  
- instruments: publications, educational materials

b)  
- topic: functioning of market surveillance in the field of general product safety  
- target: general public and entrepreneurs  
- instruments: publications, conference, press releases, educational materials

c)  
- topic: fuel quality  
- target: general public and entrepreneurs  
- instruments: press releases, report
d)  
- topic: abusive clauses  
- target: general public  
- instruments: educational materials, publications, reports  

e)  
- topic: consumer attitudes  
- target: general public  
- instruments: surveys on consumer satisfaction, on attitudes towards advertising and on impact of advertising on young consumers  

All activities within this contract will serve the purpose of meeting the result of increasing the level of consumers’ and businesses’ awareness of their rights and responsibilities as well as promoting consumer interests and rights.  

**Outputs:** 10-15 publications including reports, educational materials, brochures; at least 2 conferences, 5 information actions executed, including media relations  

Subjects will reflect the campaigns already done in 2004 by OCCP (consumer and advertising, loans and credits, Consumer Safety Index). The publications under this contract will be devoted to topics that have not been covered yet by Phare programmes. The ToR for this contract will be established in close co-operation with DG SANCO to ensure that duplication is avoided.  

### 3.5 Lessons learned:  

With reference to Interim Evaluation No. R/PL/INT/02101, date: 24 June 2003 made by EMS Poland, the following conclusions and recommendations were considered in the process of project design:  

- **point 53, p. 12:** “PL0004.03 and PL0102.05 should increase the provision of consumer protection however the capacity of the OCCP and associated institutions need to be further developed to provide effective consumer protection comparable with Member States.”  
- **point 81, p. 17:** “The institutions with responsibility for market surveillance, generally, have been created more recently and are not as advanced as their conformity assessment counterparts. Nevertheless progress can be reported in this area also and, assuming institutional stability, governmental support and continued support and cooperation with MS institutions, the prospects for achieving and maintaining compliance with EU standards are good.”  

Bearing in mind above-mentioned recommendations the OCCP has decided to continue programming projects in the field of consumer protection aimed at supporting consumer associations (esp. enhancing their institutional capacity) as well as developing closer cooperation with Member States’ institutions.  

On the basis of experience in all OCCP Phare projects the current project is designed to avoid previous problems and obstacles, such as overestimation of twinning costs, actions becoming outdated due to long period between design and implementation.  

4. **Institutional Framework**
The Office for Competition and Consumers’ Protection will co-ordinate the project in its capacity of government consumer protection and market surveillance authority. The Department of Foreign Assistance, Budget and Administration is responsible for the overall co-ordination of the entire project (under Transition Facility 2004). The direct beneficiaries are the Department of Consumer Policy (twinning Contract, TA 2 and grants), the Department of International Co-operation and Communication (twinning Contract, TA 2) and the Department of Market Surveillance, as well as Trade Inspection (twinning Contract, and TA 1). The other direct beneficiaries are consumer associations(grant scheme), consumer ombudsmen and conciliation courts arbiters (in particular training activities).

5. Detailed Budget

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*Joint co-financing provided by the OCCP
**Parallel co-financing – NGOs’ own contribution secured by the OCCPCo-financing funds will be available.

6. Implementation Arrangements

6.1 Implementing Agency

**PAO:** Tadeusz Kozek, Under-secretary of State at the Office of the Committee for European Integration, Al. Ujazdowskie 9, 00-918 Warszawa; phone +48 22 455 52 41, fax +48 22 455 52 43

**CFCU:** Andrzej Janicki, Foundation Co-operation Fund, CFCU Director, ul. Górnośląska 4a, 00-444 Warszawa, ph. +48 22 622 88 20, fax +48 22 622 75 65

The CFCU is responsible for handling tendering, contracting and payments of contracts on behalf of the OCCP.

6.2 Twinning

**Contact person in the OCCP:**

Ms Magdalena Jaworska, 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
6.3  Non-standard aspects
n.a.

6.4  Contracts

**Contract 1 - Twinning:**
1.00 MEUR (TF) + 0.11 MEUR (parallel co-financing) = 1.11 MEUR

**Contract 2 – TA 1 – market surveillance:**
0.10 MEUR (TF) + 0.015 MEUR (joint co-financing) = 0.115 MEUR – gross value

**Contract 3 – TA 2 – expertises and analyses:**
0.15 MEUR (TF) + 0.03 MEUR (joint co-financing) = 0.18 MEUR – gross value

**Contract 4 – Grants – support to consumer associations:**
1.00 MEUR (TF) + 0.075 MEUR (joint co-financing by OCCP) + 0.268 MEUR (parallel co-financing – NGOs’ own contribution) = 1.343 MEUR

**Contract 5 – TA 3 information action**
0.075 MEUR (TF) + 0.010 MEUR (joint co-financing) = 0.085 MEUR – gross value

7.  Implementation Schedule

7.1  Start of tendering/call for proposals
1st quarter 2005

7.2  Start of project activity
1st/2nd quarter 2005

7.3  Project Completion (last payment)
1st quarter 2007

8.  Sustainability

Practical training courses (case studies, workshops, EU experts’ consultations) for the OCCP and Trade Inspection will ensure that these institutions will have the necessary capacity and relevant international contacts to co-operate with their MS counterparts effectively and directly. Moreover, actions envisaged for Trade Inspection (analyses and expertises) will be used as a basis for further planning of monitoring activities and to detect potential dangers on sensitive markets (e.g. toys for babies).

During the project consumer protection stakeholders will closely cooperate. Nation-wide information activities will bring multiplier effects by the replication of information and by involving a large number of interested parties (campaigns, education materials etc.) during the period covered by this project and in the future.

Additionally, the cooperation and joint actions between existing governmental and non-governmental consumer protection bodies will reinforce the consumer culture in Poland.

9.  Conditionality and sequencing
**Conditionality**

There are no conditionalities for project start and operation.

**Milestones and sequencing**

- Signing of the Financing Memorandum.
- Preparation of relevant technical documentation for contracts and start of tender procedures.
- Twinning activities
- Grant schemes realisation
- Providing relevant market research according to the beneficiaries specific needs
- Approval of a project’s final report.
<table>
<thead>
<tr>
<th>LOGFRAME MATRIX:</th>
<th>Programme name and number:</th>
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</thead>
<tbody>
<tr>
<td><strong>Project:</strong> Consumer protection system</td>
<td><strong>Contracting period expires</strong></td>
</tr>
<tr>
<td><strong>TOTAL BUDGET OF THE PROJECT EUR 2 833 750</strong></td>
<td><strong>Transition Facility Budget EUR: 2 325 000</strong></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Further strengthening of the OCCP, Trade Inspection, consumer organisations, ombudsmen and conciliation courts in their efforts to effectively enforce consumer protection law</td>
<td>Personnel of OCCP and Trade Inspection (in total: c.a. 100 persons) expected to perform consumer protection activities in line with EU requirements</td>
<td>Interim evaluation report</td>
</tr>
<tr>
<td></td>
<td>Capacity of existing consumer associations to implement consumer protection activities (e.g. advice services) strengthened; organisational stability and independence improved in the long term.</td>
<td>OCCP internal statistics</td>
</tr>
<tr>
<td></td>
<td>Role of ombudsmen strengthened through specific training</td>
<td>Media</td>
</tr>
<tr>
<td></td>
<td>Role of conciliation court arbiters strengthened through specific training and certification system.</td>
<td>NGOs and other stakeholders feedback and reports</td>
</tr>
<tr>
<td></td>
<td>Consumers provided with relevant information, advice and assistance on key consumer issues</td>
<td>Consumer Complaints</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project purpose</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Strengthening professional competencies of consumer protection executives (OCCP, Trade Inspection and ombudsmen) and personnel of consumer associations</td>
<td>Relevant personnel of OCCP and Trade Inspection, representatives from consumer associations, ombudsmen and conciliation court arbiters trained by the end of the project</td>
<td>Reports of experts</td>
<td>Stable state of human resources (trained staff remains within structures of the OCCP and common courts)</td>
</tr>
<tr>
<td>• Strengthening the conciliation courts’ arbiters professional skills</td>
<td>Relevant analysis (market research, laboratory tests) in the area of market surveillance carried out; results used as a basis for further control planning and</td>
<td>Monitoring progress reports</td>
<td></td>
</tr>
<tr>
<td>• Enhancing the involvement and the contribution of consumer associations to consumer protection system</td>
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<td>Media</td>
<td></td>
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<tr>
<td>• Providing reliable market surveillance and product safety</td>
<td></td>
<td>NGOs and other stakeholders reports</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Consumer Complaints</td>
<td></td>
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</tbody>
</table>
- Increasing the level of consumers’ and businesses’ awareness of their rights and responsibilities, promoting consumer interests and rights

<table>
<thead>
<tr>
<th>Results/Outputs</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Twinning</strong></td>
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<tr>
<td>• 80 to 100 persons from the OCCP and other stakeholders in the consumer area trained on specific consumer issues.</td>
<td><strong>Twinning</strong>&lt;br&gt;- Total number of persons trained by the end of the project&lt;br&gt;- Number of certificates for arbiters issued&lt;br&gt;- Number of cases transferred to conciliation courts&lt;br&gt;- Number of reports made by experts</td>
<td>Issued publication and training materials&lt;br&gt;Studies and analyses&lt;br&gt;Lists of participants&lt;br&gt;Training evaluation questioners&lt;br&gt;Media&lt;br&gt;NGOs and other stakeholders reports&lt;br&gt;Consumer complaints</td>
<td>Required experts provided&lt;br&gt;Media interest in promotion of consumer protections issues</td>
</tr>
<tr>
<td>• At least 20 persons from the OCCP provided with specific expertise on services through practical workshops and case studies.</td>
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<tr>
<td>• At least 5 to 10 persons trained on legislative and institutional changes resulting from the entry into force of the EU regulation on cooperation of national consumer protection authorities</td>
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<tr>
<td>• 350 to 400 representatives of consumer associations and consumer ombudsmen trained on different consumer-related issues</td>
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<td>• At least 30-35 arbiters obtain the necessary qualifications and certificate for acting as an arbiter</td>
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<tr>
<td>• At least 30 to 40 Trade Inspectors trained on specific new</td>
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</table>

- Identification of dangerous products on the market.
- Relevant product tests carried out
- Relevant analytical reports/surveys to help building a knowledge base for policy development and consumer information carried out
- Information/advice systems for consumers (Infothek and Infoline) operational and accessible to consumers
- Consumer education materials for different age levels prepared and distributed and activities conducted in schools
- Advice to consumers on issues of (over)indebtedness and other problems related to financial services provided
- Publications on consumer protection issues and information actions carried out
approach directives via practical workshops and simulation of joint controls.

- At least 50 persons from the OCCP, Trade Inspectorate, other bodies carrying out market surveillance activities, consumer associations and businesses representatives trained on the general product safety directive and specific new approach directives.

**TA 1 – market surveillance**

- Reliable market surveillance and product safety data and information ensured through market research, laboratory tests and reports relating to electrical devices and toys.

**TA 2 – expertises**

- Market analysis and surveys of consumer awareness, attitudes and behavior on specific issues carried out, with a view to identify consumer needs and define what consumer policy actions should be undertaken.
- Expertise and market research relating to the role of business in the case of advertising of pharmaceutical products and to infringement of consumer rights in the area of telecommunication services provided/carried out.

**Grant scheme (consumer associations)**

- Infoline and infothek operational and accessible to consumers.
- Relevant materials distributed and activities conducted in schools in all regions of Poland (at least 160 schools covered).
- Advice system on (over)indebtedness and related financial services issues set up, operational and accessible to consumers via local offices; leaflets on prevention of (over)indebtedness problems published.
- Independent comparative testing of at least two products performed and results widely disseminated.

<table>
<thead>
<tr>
<th>TA 1 – market surveillance</th>
<th>TA 2 – expertises</th>
<th>Grant scheme (consumer associations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Number of analyses carried out</td>
<td>- Number of analytical reports or surveys carried out</td>
<td>- Access of consumers and relevant stakeholders to updated information and (legal) advice on key issues via Infothek and Infoline</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Number of schools covered by education activities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Access of consumers to an advice system on (over)indebtedness and related financial services issues via local offices; publication of leaflets on prevention of (over)indebtedness problems</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Number of product tests –based on a fully representative sample of the relevant product on the Polish market-</td>
</tr>
</tbody>
</table>
**TA 3 – information action**
- Public awareness of key consumer rights enhanced via dissemination of educational materials, publications (incl. reports) and brochures at national and regional level on market surveillance (new approach directives and general product safety directive), fuel quality, abusive clauses and consumer attitudes.
- 5 information actions executed in the above-mentioned areas through media relations: radio, TV and press are provided with relevant information

<table>
<thead>
<tr>
<th>Activities</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Twinning</strong>&lt;br&gt;1. Training courses for future and current ADR arbiters&lt;br&gt;Training courses for arbiters on ADR that will result in obtaining the necessary qualifications and a certificate required for acting as an arbiter:&lt;br&gt;• series of training sessions for ADRs' arbiters, in view of fundamental procedural changes as far as conciliation courts are concerned&lt;br&gt;• a specific training course, specially tailored for arbiters of conciliation courts, on applied European procedures and gained experiences (case studies)&lt;br&gt;• training on binding EU law (material and case law) and its impact on domestic legal order (in particular ADRs' arbiters should be trained, representing both consumer and business side)&lt;br&gt;2. Training courses on specific consumer issues&lt;br&gt;Training courses on specific consumer issues for OCCP staff, some consumer ombudsmen, consumer association representatives, business representatives):&lt;br&gt;• training on consumer insolvency, especially practical training for OCCP and other experts taking part in consumer insolvency procedures</td>
<td>performed, results published and widely disseminated&lt;br&gt;<em>TA 3 – information action</em>&lt;br&gt;- Number of conferences and information actions organized&lt;br&gt;- Number of participants and feedback in media&lt;br&gt;- Contacts with media established&lt;br&gt;- Number of publications (guides, conference materials, press materials, guidelines) on consumer protection issues by the end of the project</td>
<td>Financial documentation&lt;br&gt;Monitoring progress reports&lt;br&gt;Media</td>
<td>Necessary budget reserves of national public financial resources accessible</td>
</tr>
</tbody>
</table>

2. 80 to 100 persons trained
- training on consumer sales seller liability for non-compliance with the contract, in particular for business’ representatives
- training on abusive clauses on the basis of case studies

3. **Specific expertise on services**
- Training courses for OCCP staff, central and regional branches; this will consist of practical experts’ support (cases) and practical workshops on financial services, insurance services and telecommunication services

4. **Assistance on setting up enforcement cooperation**
- Training course for OCCP staff consisting of expertise and advice concerning the necessary legislative and institutional changes resulting from the entry into force of the EU regulation on co-operation of national consumer protection authorities

5. **Training for consumer associations and ombudsmen**
- Expertise training course for consumer association staff and consumer ombudsmen. To build up their capacity to actively participate and give input into the decision making process at the national and European level. Training on the following is envisaged:
  - Binding EU law and its impact on the national legal order
  - Legal rules and their results for consumers
  - Market analysis from the point of view of eventual infringements of consumer rights - proper reaction for market behaviors having impact on consumer situation
  - Rules for participation of consumer associations in various international forums

6. **Training on product safety issues for market surveillance purposes**
- Training of Trade Inspectorate Inspectors of at least 30 to 40 Trade Inspectors by 5 experts in the area of specific new approach directives to give practical workshops on conformity assessment of goods with the essential requirements in relation to commercial networks and on

<table>
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<tr>
<th>Training Area</th>
<th>Trained Persons</th>
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</thead>
<tbody>
<tr>
<td>3. Specific expertise on services</td>
<td>At least 20 persons</td>
</tr>
<tr>
<td>4. Assistance on setting up enforcement cooperation</td>
<td>At least 5 to 10 persons</td>
</tr>
<tr>
<td>5. Training for consumer associations and ombudsmen</td>
<td>350 to 400 persons</td>
</tr>
<tr>
<td>6. Training on product safety issues for market surveillance purposes</td>
<td>At least 80-90 persons</td>
</tr>
</tbody>
</table>
methods for compiling controls’ results, as well as simulation of joint controls (together with TI inspectors), as follows:
- controls on safety of toys
- controls of goods on fulfilling the essential requirements of machinery directive
- controls of goods on fulfilling the essential requirements of low voltage directive
- controls of goods on fulfilling the essential requirements of personal protective equipment directive
- controls of goods on fulfilling the essential requirements of electromagnetic compatibility directive

- Training for at least 50 persons - the OCCP’s employees (headquarters and branch offices) and representatives of TI and other MSS bodies consumer associations and relevant business organisations on the general safety of product directive and chosen new approach directives

**Contract 2 – TA 1 market surveillance**
- Expertise on conformity of electrical devices with the essential requirements at Polish market, including sampling of specific product types and their examination by an accredited laboratory, reporting as required, including number of non-compliant products, types of nonconformity encountered, comparison with other national EU markets and statistics.
- Expertise on conformity with the essential requirements of toys on the Polish market, including sampling of different types of toys and their examination by an accredited laboratory, reporting as required, including number of non-compliant products, types of nonconformity encountered, comparison with other national EU markets and statistics.

**Contract 3 – TA 2 expertises and analyses**
- Market analysis and surveys of consumer awareness, attitudes and behaviour on specific issues. The results should enable to identify consumer needs, to compare with

<table>
<thead>
<tr>
<th>Contract 2 – TA 1 market surveillance</th>
<th>Contract 2 – TA 1 market surveillance</th>
<th>Contract 3 – TA 2 expertises and analyses</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 2 analyses carried out</td>
<td></td>
<td>At least 3 analytical reports or surveys done</td>
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</tbody>
</table>
other EU Member States and to define what consumer policy activities are needed with other EU Member States
- Expertise and market research on the role of business as a source of information to consumers and the impact this has on consumers, in particular in the case of advertising for pharmaceutical products.
- Expertise on infringements of consumer rights in the area of telecommunication services.

**Contract 4 – Grants scheme - Call for proposals for consumer associations**

1. **Development, operation and regular updating of a consumer ‘Infothek’**
   - Develop the self-information system ‘Infothek’ and regularly update it on a monthly basis for the duration of the project. Each file of Infothek should contain the following information:
     - Latest information about what is new on the market
     - Basic information about the product/service
     - Recommendations to consumers
     - Market overview or/and test results

2. **Development and operation of Consumer Infoline**
   - Develop a nationwide advisory service based on a single phone number, which provides consumers with direct and fast information and legal advice concerning goods and services by telephone at a single number. Following the example of the Austrian info-line, the information and advice given by the Infoline will be free of charge (cost of standard telephone call) for simple inquiries. For more complicated issues, where the advice of an expert is necessary, consumers would have to pay higher rates depending on the field of expertise concerned, via higher charged expert phone lines (premium rate type).

3. **Education of young consumers through nation-wide consumer education activities in schools**

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**Contract 4 – Grants scheme - Call for proposals for consumer associations**

1. Infothek operational on key issues, accessible via web to consumers

2. **Info line operational, accessible to consumers via telephone, providing information and (legal) advice on key issues**

3. **Materials distributed and activities conducted in at least 160 schools**
- Prepare consumer education materials for different age levels and involve schools in the education projects: run education activities in all regions of Poland (16 voivodeships), in schools selected on the basis of information given by consumer ombudsmen, who are responsible for particular regions. The subjects for the materials and activities should be adapted to young people needs and will concern consumer rights and responsibilities relevant to young consumers, (presentation of typical cases and solving of problems) and the effects of advertising.

4. **Comparative testing of products**
- Finance the testing of at least two specific products and the publication of the results. The products to be tested are to be defined in line with current consumer needs for product information. The testing methods to be used should respect general criteria for product testing as practiced in other EU countries.

5. **Advice service to consumers on issues of (over)indebtedness and other problems related to financial services**
- Provide consumers with specialized help and advice regarding issues of (over)indebtedness and other problems related to financial services, and to prevent this type of problems.
- This is a grant for a consumer advice service to help individual consumers facing difficulties in complying with contracts concluded for credits and other financial services and to give personalized and specialized advice and support. This could for example include help in renegotiating credit contracts with financial institutions. This help and advice is to be provided through personal contact and by specially qualified staff of consumer associations on a proximity basis through (a network of) local offices.
- This grant aims to strengthen the advice function of consumer associations in this specific field and to

4. At least two product tests – based on a fully representative sample of the relevant product on the Polish market - performed and results published and widely disseminated

5. Advice system on (over)indebtedness and related financial services set up, operational, and accessible to consumers via local offices; publication of leaflets on prevention
reinforce the relevant structures of existing consumer associations covering as much as possible of Polish territory. It should also include specialized training on financial issues for staff of consumer associations.

- In addition, the grant should be used to make information available to consumers in general or specific target groups to help prevent (over)indebtedness.

**Contract 5 TA 3 – information actions**

- Enhance public awareness of key consumer rights by conducting information and education actions in the following areas:
  a) - topic: functioning of market surveillance in the field of New Approach Directives
      - target: general public and entrepreneurs
      - instruments: publications, educational materials
  b) - topic: functioning of market surveillance in the field of general product safety
      - target: general public and entrepreneurs
      - instruments: publications, conference, press releases, educational materials
  c) - topic: fuel quality
      - target: general public and entrepreneurs
      - instruments: press releases, report
  d) - topic: abusive clauses
      - target: general public
      - instruments: educational materials, publications, reports
  e) - topic: consumer attitudes
      - target: general public
      - instruments: surveys on consumer satisfaction, on attitudes towards advertising and on impact of advertising on young consumers

**Contract 5 TA 3 – information actions**

- 10-15 publications including reports, educational materials, brochures produced on relevant topics
- At least 2 conferences, 5 information actions executed, including media relations
<table>
<thead>
<tr>
<th>Preconditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
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## ANNEX 2-4 Implementation, contracting and disbursement schedules

**Date of drafting:** 01.2004  
**Planning period:** 12.2004-2006

### PLANNED

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<th>IV ‘04</th>
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<tr>
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<td>II</td>
<td>III</td>
<td>IV</td>
<td>V</td>
<td>VI</td>
<td>VII</td>
<td>VIII</td>
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**Legend:**  
- D= design of project;  
- C= tendering and contracting;  
- I= contract implementation and payment

Consumer protection system