

POLAND

Act of 23 August 2007 on combating unfair commercial practices

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CHAPTER 3 (CIVIL LIABILITY)

Article 12

(1) In the case of unfair commercial practices, the consumer whose interest has been jeopardized or violated, may request that:

- 1) such a practice be discontinued;
- 2) the effects of such a practice be removed;
- 3) a single or multiple statement of appropriate content and appropriate form be made;
- 4) the damage as per general terms and conditions be redressed and, in particular, to request that the contract be cancelled and the benefits mutually returned and the costs associated with the purchase of the product be reimbursed by the trader;
- 5) an adequate amount of money be adjudicated for a specific social cause related to supporting the Polish culture, national heritage or consumer protection.

(2) The claims referred to in section 1(1),(3) and (5) above may also be brought by:

- 1) the Commissioner for Civil Rights Protection;
- 2) the Insurance Ombudsman;
- 3) a national or regional organization whose statutory objective is to protect consumer interests;
- 4) a district (municipal) consumer ombudsman.

Article 13

The burden of proof that a given commercial practice does not constitute an unfair misleading practice shall rest upon the trader charged with the use of the unfair commercial practice.

Article 14

The claims resulting from unfair commercial practices referred to in Article 12(1)(1-3) and (5), shall lapse upon three years. The limitation period shall commence separately for each violation.