Coordinator for negotiations to the President of the ERO

Consumer Out-of-court Dispute Resolutions

The Act of September 23rd, 2016 on Out-of-court resolution of consumer disputes (Journal of Laws, item 1823) is the implementation of the European Parliament and of the Council Directive 2013/11/EU of May 21st, 2013 on alternative methods of resolving consumer disputes and the amendment of the Regulation (EC) No. 2006/2004 and the Directive 2009/22/EC (OJ EU L, item 165 from 18.06.2013, p. 63).

It had introduced a means of providing consumers with the ability to file motions for resolving disputes with entrepreneurs to entities offering independent, impartial, transparent, effective and expeditious methods of their alternative resolution. Wherein, before filing such motion, the consumer should first of all try to resolve the dispute on his own by submitting a complaint to entrepreneur, and also by trying to contact the entrepreneur to directly resolve the dispute.

Proceedings regarding out-of-court resolution of consumer disputes, aim at resolving the dispute between the consumer and the entrepreneur resulting from the contract concluded with the consumer, and constitute an alternative to a possible action before a public court.

The initiation of a proceeding regarding the out-of-court resolution of consumer disputes discontinues the limitation period of the claim at issue. The limitation period does not commence again until the proceeding is finalized.

Out-of-court dispute resolution is based on good will and willingness to reach a consensus, thus requiring the consent of both parties.

The ADR abbreviation derives from the English phrase Alternative Dispute Resolution and is an alternative to litigation.

The Act on Out-of-court resolution of consumer disputes has amended the Act on Energy Law, constituting, inter alia, the Coordinator for negotiations to the President of the ERO ("Coordinator").

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