

Orzecznictwo**Dane sprawy**

Identyfikator krajowy: Decision nr DDK 1/2009

Państwo członkowskie: Polska

Nazwa zwyczajowa: N/A

Rodzaj decyzji: Decyzja administracyjna w pierwszej instancji

Data decyzji: 28/04/2009

Sąd: Urząd Ochrony Konkurencji i Konsumentów w Warszawie

Temat:

Powód/powódka: The President of the Office of Competition and Consumer Protection

Pozwany/Pozwana: Media Markt Polska sp. z o.o. (Warsaw)

Słowa kluczowe: after-sales service, average consumer, complaints, misleading actions, professional diligence

Artykuły dyrektywy

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 2.](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1.](#)

Uwaga główna

It is contrary to the requirements of professional diligence and the code of conduct regarding complaint handling to obstruct a consumer in executing his rights, by requiring a consumer who returns a product within six months due to non-conformity, to prove the non-conformity at the moment the product was received.

Fakty

The defendant sells a wide variety of products to consumers, such as television and image systems, sound systems, cameras, DVD films, music, CD, computer games, computers and cell phones.

The object of the proceedings initiated by the President of the Office of Competition and Consumer Protection was the trader's complaint handling procedure. The trader obstructed the consumers in executing their rights resulting from the non-conformity of the goods with the agreement, by rejecting complaints lodged by consumers within six months of the reception of the good, when the consumer could not prove the non-conformity of the goods at the moment they were received.

Zagadnienie prawne

Is it an unfair commercial practice to obstruct a consumer in executing his rights, by requiring a consumer who returns a product within six months due to non-conformity with the agreement, to prove the non-conformity at the moment the product was received?

Decyzja

The President of the Office of Competition and Consumer Protection considered the defendant's practice to be contrary to the requirements of professional diligence and code of conduct regarding complaint handling. The President also considered that such commercial practice obstructs the execution of the consumer's rights.

URL: [http://decyzje.uokik.gov.pl/dec_prez.nsf/0/EDE390387B75BACAC12575C1004B81DA/\\$file/Media%20Markt%20Człystyn%20-%20projekt%20decyzji%20-%202028.04.09%20-%20final%20II%20-%20druk_%20usuni_352te%20dane%20finansowe.pdf](http://decyzje.uokik.gov.pl/dec_prez.nsf/0/EDE390387B75BACAC12575C1004B81DA/$file/Media%20Markt%20Człystyn%20-%20projekt%20decyzji%20-%202028.04.09%20-%20final%20II%20-%20druk_%20usuni_352te%20dane%20finansowe.pdf)

Pełny tekst: [Pełny tekst](#)

Powiązane sprawy

Brak wyników

Literatura prawnicza

Brak wyników

Wynik

The practice of the trader was found to be unfair. A financial penalty of PLN 748.982,44 (about 188.000 EUR) was imposed.