

REGULATIONS OF THE BANK CONSUMER ARBITRATION

Part I

General Provisions

§ 1

1. The Regulations shall be applicable for resolving, by the Bank Ombudsman, disputes between the consumers - customers of the bank and banks in the scope of monetary claims due to default or improper performance of banking activities or other activities for the benefit of the consumer performed by the bank.
2. For the purposes of the Regulations, it is assumed that a consumer shall be a natural person who enters into a contract with the bank for a purpose not connected with business operations.

§ 2

1. The subject of the proceedings before the Bank Ombudsman shall be solely disputes between consumers and banks - members of the Polish Bank Association (ZBP) which have arisen after 1 July 2001 where the value of the object of the dispute does not exceed PLN 12,000. In case of disputes pertaining to mortgage credits, the value of the object of the dispute cannot exceed PLN 20,000.
2. The subject of the proceedings before the Bank Ombudsman shall also include disputes between consumers and banks not being members of the National Bank Association which stated that they shall submit to the decision of the Bank Ombudsman and carry out the dispositions thereof.
3. The value of the object of the dispute shall not include interest, nor other costs demanded in addition to the main claim.
4. In case of seeking to satisfy more than one claim at the same time, their value shall be added up.

§ 3

1. The subject of the proceedings before the Bank Ombudsman shall not include cases connected with the benefits provided by the State Treasury, in particular those pertaining to housing savings books and budget subsidised loans.
2. Proceedings before the Bank Ombudsman are not proceedings before an arbitration tribunal as defined by the provisions of the Code of Civil Procedure.

§ 4

1. The ruling authority shall be the Bank Ombudsman and the Deputy Bank Ombudsman which shall be appointed by the Polish Bank Association.

2. The provisions of the Regulations concerning the Bank Ombudsman shall be applied accordingly to the Deputy Bank Ombudsman.

§ 5

1. The Bank Ombudsman shall be appointed for a period of 4 years.
2. A Bank Ombudsman can be a person who meets all the following conditions:
 - a) holding a Polish citizenship and having permanent residence on the territory of the Republic of Poland,
 - b) having held the post of a judge at a court of law for 7 years or having worked as an attorney or legal counsel,
 - c) is considered a moral authority,
 - d) enjoys the full scope of public rights.
3. A Bank Ombudsman shall assume their duties after taking the following oath before the Management Board:

“By assuming the post of a Bank Ombudsman I solemnly swear to uphold the law and impartially settle disputes between banks and consumers.”
4. The term of the Bank Ombudsman shall expire:
 - a) upon expiry of a period of 4 years,
 - b) upon death,
 - c) upon tendering a resignation,
 - d) upon dismissal.
5. Dismissal of the Bank Ombudsman can be effected only upon:
 - a) conviction by way of a binding court ruling for a committed crime,
 - b) inability to perform their duties.

§ 6

A Bank Ombudsman Office shall be attached to the Bank Ombudsman.

§ 7

1. The seat of the Bank Ombudsman shall be Warsaw.
2. The Bank Ombudsman shall use a round seal with the first and last name thereof, a marking of the Bank Ombudsman with the Polish Bank Association, indication of the seat.
3. Additionally, the Bank Ombudsman shall make use of a rectangular stamp with the address, phone and fax numbers, and email address.

Part II

Initiation of Proceedings Before the Bank Ombudsman

§ 8

1. Proceedings before the Bank Ombudsman shall be initiated upon request of the

consumer.

2. An application for initiating the proceedings shall be submitted in written or electronic form. Additionally, any and all appendices to the application as well as procedural writs directed to the Bank Ombudsman shall be effected in written or electronic form.
3. The language of the applications for initiating the proceedings as well as the language thereof shall be Polish.

§ 9

1. The application for initiating the proceedings before the Bank Ombudsman should include:
 - a) an accurate designation of the consumer by indicating their first and last name, place or residence, and, if applicable, correspondence address. It is also advisable to include a telephone and fax number, or email address,
 - b) designation of the bank by indicating its name, branch, and address of the registered office,
 - c) an accurate designation of the demand, its succinct substantiation, and possible indication of evidence material in the form of documents which should be attached to the application,
 - d) a statement of the value of the object of the dispute,
 - e) a signature of the consumer.
2. The application shall be accompanied by a document which confirms conclusion of complaint proceedings at the bank or a consumer's statement that they failed to receive the bank's answer to their complaint within 30 days.
3. The Bank Ombudsman shall call the consumer to complete their application or appendices within 7 days under pain of not examining the case.
4. On order of the Bank Ombudsman, the Secretariat of the Bank Ombudsman Office shall without delay send the parties a confirmation of submitting an application on initiating the proceedings which is conformant with the requirements of the Regulations.

§ 10

1. The application for initiating proceedings before the Bank Ombudsman may be submitted directly by the consumer or a representative thereof at the Bank Ombudsman Office, or sent via email to the address of the Bank Ombudsman.
2. Alongside the application, the consumer shall pay a fee of PLN 50, by transfer to the Bank Ombudsman's account.
3. Should the value of the object of the dispute be lower than PLN 50, the payment mentioned in passage 2 shall be PLN 20.
4. The Bank Ombudsman shall refrain from any actions until the payment mentioned in passages 2 and 3 is made.
5. An application without paying the fee shall be returned.

Part III

Application Examination by the Bank Ombudsman

§ 11

After the consumer pays the fee mentioned in § 10 passages 2 and 3, the Bank Ombudsman shall decide on referring the case for examination or refusal to do so.

§ 12

1. The Bank Ombudsman shall deny examination of the dispute when:
 - a) the object thereof exceeds the categories of disputes falling under the jurisdiction of the Bank Ombudsman,
 - b) the consumer fails to meet the requirements mentioned in § 9 passage 2,
 - c) the dispute is frivolous or the application for initiating the proceedings before the Bank Ombudsman shall inconvenience the other party,
 - d) the case for the same complaint between the same parties is ongoing or has been examined by the Bank Ombudsman, another entity or court with appropriate jurisdiction,
 - e) the value of the object of the dispute shall be higher than the amount defined in § 2 passage 1,
 - f) examining the dispute would cause serious disruptions in the operations of the Bank Ombudsman.
2. Alongside the refusal to examine the dispute, the Bank Ombudsman shall order a reimbursement of half of the fee paid by the consumer.
3. In case of refusal to examine the dispute, the Bank Ombudsman shall inform the consumer and the bank about the reason therefor within three weeks from the date of submitting the application for initiating the proceedings before the Bank Ombudsman which meets the requirements defined in the Regulations.

§ 13

1. After directing the case for examination, the Office of the Bank Ombudsman shall send the bank an excerpt of the application and appendices, and call the bank to answer the application within 14 days.
2. The deadline mentioned in passage 1 may be extended by the Bank Ombudsman for important reasons.
3. The Bank may answer the application in writing, by mail or email.
4. A lack of an answer to the application from the Bank does not constitute an obstacle for examining the case.

§ 14

1. The bank's answer to the application should include a statement whether it accepts the demand stated therein in full, in part, or whether it applies for a dismissal thereof.
2. The answer to the application should include a detailed substantiation and referrals to legal provisions, contracts, and regulations applicable to the case, as well as

proof in the form of documents.

§ 15

1. The consumer may at any time withdraw the application for the Bank Ombudsman to examine the case.
2. In the case mentioned in passage 1, the fee shall not be reimbursed.

§ 16

1. The Bank Ombudsman should, at every stage of the proceedings, attempt to convince the consumer and bank to resolve the dispute amiably by reaching an agreement.
2. In particular, the Bank Ombudsman should explain to the consumer the legal uncertainties which arose in connection with the case using language which is universally understood and free of specialist phrases.

§ 17

Should it prove impossible to resolve the dispute amiably by way of reaching a mutual agreement between the consumer and bank, the Bank Ombudsman shall resolve the dispute during a closed session.

§ 18

1. In exceptional cases caused by the nature of the dispute, the Bank Ombudsman shall convene a hearing to which he will invite to attend both the bank and the consumer.
2. The hearing shall take place in the presence of the consumer or a representative thereof as well as the bank's representative, should they be in attendance.
3. Failure to appear by any of the parties shall not be a hindrance for conducting the hearing, unless the calls have not been properly served.

Part IV

Bank Ombudsman's Ruling

§ 19

1. After examining the case during a closed door session or conducting a hearing, the Bank Ombudsman shall issue a ruling.
2. The date of issuing the ruling shall be the date of concluding the proceedings before the Bank Ombudsman.
3. The ruling should include:
 - a) a date of issuing the ruling,
 - b) indication of the parties,
 - c) designation of the subject of the case,
 - d) the ruling of the Bank Ombudsman,
 - e) a ruling in regards to the costs of the proceedings,

- f) a substantiation of the ruling.
4. The Bank Ombudsman cannot rule on the costs of legal representation.
 5. The substantiation should include a succinct description of the actual condition and explanation of the legal basis of the ruling along with citation of the legal provisions.
 6. The ruling shall be signed by the Bank Ombudsman and affixed with a round stamp.
 7. The ruling shall be issued within 90 days from the date of submitting the application on initiating the proceedings which is compliant with the requirements of the Regulations.
 8. In case of a particularly complicated dispute, the deadline mentioned in passage 7 may be extended.
 9. The Bank Ombudsman shall notify the consumer and bank about any deadline extension, indicating the expected date of concluding the proceedings.
 10. A ruling excerpt shall be immediately served by the Office of the Bank Ombudsman to the consumer and bank by registered mail.

§ 20

1. The Bank Ombudsman shall assign a part of the issued rulings to be published in the IT system maintained by the Polish Bank Association.
2. Prior to their publication, the rulings shall be anonymised in regards to data enabling identification of the parties as well as trade and product names.

Part V

Costs of the Proceedings

§ 21

Should the bank lose the case, it shall reimburse the consumer for the fee paid thereby.

§ 22

1. Should the bank lose the case, it shall bear the costs of the proceedings before the Bank Ombudsman.
2. The costs of the proceedings shall be defined by the Bank Ombudsman in the ruling, in the amount corresponding to the entire proportional fee in the civil case set out by the provisions of the Act on Court Fees in Civil Cases.
3. The Bank shall pay the costs of the proceedings within 14 days of receiving the ruling excerpt.
4. The amounts of costs of proceedings and consumer fees paid by the bank shall be used to cover the costs of operations of the Bank Ombudsman.

Part VI

Bank Ombudsman's Ruling Enforceability

§ 23

1. The Bank Ombudsman's rulings shall be final for the bank.
2. The bank shall execute the ruling of the Bank Ombudsman no later than within 14 days from receiving the ruling excerpt.

§ 24

1. The Bank Ombudsman's rulings shall not be final for the consumer.
2. In order to pursue the claim, the consumer may bring an action before a court of law.
3. The mutual agreement reached before the Bank Ombudsman shall be formulated as a ruling with an indication that it was issued in result of the agreement reached by the consumer and bank.
4. In the case mentioned in passage 3, the costs of proceedings before the Bank Ombudsman shall not be set and the consumer shall receive a reimbursement of half of the paid fee.

Part VII

Final Provisions

§ 25

1. The files of cases concluded with the Bank Ombudsman issuing a ruling shall be stored at the Office of the Bank Ombudsman for a period of one year. After expiry of this period, the files shall be destroyed.
2. The consumer and bank may receive excerpts of documents from the files.
3. Issuance of document excerpts shall be subject to a processing fee in the amount corresponding to the fees defined by the Act on Court Fees in Civil Cases.

The above translation is not an official text.

Only the original text in Polish is binding.