NOWA TELEFONIA – PROCEEDINGS OF UOKIK

* **The President of UOKiK initiated proceedings against Nowa Telefonia.**
* **According to consumer complaints, the company’s representatives may misrepresent themselves as employees of the existing service provider.**
* **UOKiK will examine whether the company applied unfair practices.**

**[Warsaw, 1 August 2018]** The President of the Office of Competition and Consumer Protection initiated proceedings against Nowa Telefonia. UOKiK has received numerous complaints concerning this company. The complaints indicate that the company’s representatives may mislead consumers by suggesting that they are representatives of the existing service provider. Two examples can be seen below:

*… I got a call with an offer to lower my subscription fees. The woman who called me said she was an Orange employee and that I could lower the monthly subscription fee to 15 zlotys, then asked if I agreed to that. She said a courier would come if I agreed. It was never mentioned that I’d change the provider, we only talked about the fee …*

*… without any appointment, a NETIA representative came to my flat … in order to sign a new contract on more favourable terms for loyal customers. After I presented my ID, the woman indicated where I should place my signature … Everything happened so quickly, and I was convinced I was signing a contact with the provider whose services I’ve used for long years, so I thought there was nothing to worry about …*

The President of UOKiK instigated proceedings against Nowa Telefonia with respect to practices infringing collective consumer interests. UOKiK’s doubts concern the fact that representatives of Nowa Telefonia may mislead consumers by suggesting that:

* they are representatives of the existing telecommunications service provider,
* the documents they are presenting for signature concern amendment of the terms of the contract concluded with the existing service provider, when in reality consumers were supposed to concluded a new contract with Nowa Telefonia and change their service provider.

Should the allegation be confirmed, the President of UOKiK may order that the practice be changed and the results thereof be removed, as well as impose a fine of **up to 10% of the turnover generated in the previous year.**

Nowa Telefonia is not the first telecommunications company against which the President of UOKiK has instigated proceedings related to irregularities present when concluding contracts. For instance, in March 2018 UOKiK [imposed a fine in the amount of PLN 1.5 million on Twoja Telekomunikacja](https://www.uokik.gov.pl/news.php?news_id=14266), and in the summer of 2017 – [a fine amounting to nearly PLN 500 thousand on Telekomunikacja Cyfrowa](https://www.uokik.gov.pl/news.php?news_id=13547) for misrepresenting themselves as the existing service provider and misleading consumers. Similar unfair practices have been applied by electricity providers, for instance [Polski Prąd i Gaz](https://www.uokik.gov.pl/news.php?news_id=13000), which was fined over PLN 10 million in December 2016.

**How to protect yourself against changing your service provider**

* **Read all documents carefully**, pay attention to company name, logo and address. Do not sign them immediately – consult it with your family, neighbours or a lawyer beforehand.
* **Contact your existing telecommunications service provider** and ask if the provider’s representatives are delivering any documents for signature.
* **Do not provide your details**, such as full name or identity card number. **This also applies to telephone calls.** Your service provider already has such details. It may happen that the representative will want to make you sign something under the pretext of confirmation of their visit. You should never agree to something like this.
* Whenever you sign anything, **demand a copy of the signed document**.
* **You have 14 days to withdraw from a contract concluded off a company’s premises, meaning also at home**. If the company fails to inform you of the right, the period is extended to one year. You can download the [contract withdrawal form](http://www.uokik.gov.pl/download.php?id=1216) from UOKiK’s website.
* **You may exercise the right to withdraw from a contract concluded off a company’s premises even if**, at your express request, **the company begins to provide its services immediately**,for example enables the subscription. However, in such a situation you will bear the costs of the services provided to you until the moment you filed the statement of withdrawal from the contract.
* If you have been misled and the withdrawal period has elapsed, you may e.g.: **evade the legal effects of a declaration of intent made in error**, or demand in court that **the contract be declared void**.
* Have you terminated your contract and received an order for payment or a letter from court? Contact the Aquila Association, which provides legal assistance **in the judicial phase**, as soon as possible. Remember that you only have 14 days following receipt of the order for payment to defend yourself against it.

**Contact details of the Aquila Association:**

ul. Kościuszki 35a, 50-011 Wrocław, Poland
Phone: +48 71 74 000 22
Email:kontakt@prawo-konsumenckie.pl

**Additional information for consumers:**

Phone: 801 440 220 or +48 22 290 89 16 – consumer helpline
Email: porady@dlakonsumentow.pl
[Branches of the Consumer Federation](http://www.federacja-konsumentow.org.pl/63%2Ctu-znajdziesz-pomoc.html)
[Consumer spokespersons](https://uokik.gov.pl/pomoc.php) – in your town or county
[Consumer Information Centre](http://cik.uke.gov.pl/)at the Office of Electronic Communications

**Additional information for the media:**

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