KRAJOWY PROJEKT ENERGETYCZNY – DECISION BY THE PRESIDENT OF UOKIK

* **The President of UOKiK, Tomasz Chróstny, has imposed more than PLN 5.6 million in fines on the company Krajowy Projekt Energetyczny, which installs photovoltaic panels.**
* **The entrepreneur’s practices made it difficult to rescind of a contract.**
* **Consumers had to pay nearly PLN 2,000 for an audit and installation concept when they cancelled services.**

**[Warsaw, 17 January 2024]** The President of UOKiK, Tomasz Chróstny, has issued a decision concerning the entrepreneur operating under the name Krajowy Projekt Energetyczny (hereinafter: KPE), which installs photovoltaic panels. This is one of [a lot of actions that the President of UOKiK](https://uokik.gov.pl/news.php?news_id=18401) is taking toward entrepreneurs operating in the photovoltaic industry.

- *We have checked the entrepreneur’s contractual templates and questioned, among other things, the obstruction in contract rescission due to the costs charged to consumers by the entrepreneur. The fees were collected illegally. After analysing the contracts, we pressed as many as 10 charges of violating the collective interests of consumers to the company -* says President of UOKiK Tomasz Chróstny.

Krajowy Projekt Energetyczny concludes contracts off-premises, that is, at consumers’ homes. According to laws, such a contract may be rescinded of within 14 days of its conclusion without any fees whatsoever. The fees may be charged in an adequate amount only if the consumer expressly and knowingly agrees that the entrepreneur has begun to perform the work or provide the service before the expiration of the 14-day rescission period.

**UOKiK has found that those who had entered into a contract with KPE and wanted to rescind of it had to pay almost PLN 2,000 for audit and preparation of an installation concept**. The entrepreneur had no right to charge such fees because they did not obtain an express consent of consumers to begin work before the 14-day rescission period expired. In one version of the contractual template, the consumer could indicate whether they accepted it or not. This was, in fact, a sham, because no matter what they chose they could still incur a cost of PLN 2,000. In addition, on its website and Facebook page, the entrepreneur reported that the audit was free. In practice, it turned out that the consumer would have to pay for this when they decided to exercise their rescission rights. It is worth mentioning that the audit itself was performed on the day the contracts were signed and, as it was evident, among other things, from consumer complaints, based on the documents presented by customers.

The President of UOKiK further questioned:

* no rescission form,
* requiring that the rescission be submitted by registered mail or in person,
* lack of written information about the rules for handling warranty claims - the entrepreneur indicated that the consumer could only use the warranty,
* no refund of money paid by consumers when they rescinded of the contract. According to the law, the entrepreneur must do so within 14 days of receiving the rescission notice. The President of UOKiK ordered the practice to cease.

It was considered a positive action of the entrepreneur that during the course of the investigation it decided to reimburse consumers for the improperly charged amounts for making the audit and the installation concept in a situation where the consumers rescinded of the contract. This action was reflected in favour of the entrepreneur in the fine mitigation process.

**The President of UOKiK imposed a fine of more than PLN 5.6 million (5,666,767 zlotys) on** **Krajowy Projekt Energetyczny.** Those who entered into contracts with KPE between 31 March 2020 and 31 March 2023 are to receive letters from the company informing them of the decision of the President of UOKiK. The information will also appear on the entrepreneur’s website and on their social media profile. The decision is not final, as it can be appealed to the court. KPE has abandoned most of the challenged practices, while in the case of one practice - not returning the money paid in – the President of UOKiK ordered an immediate change in the practice.

**Consumer Support:**

Consumer Helpline: 801 440 220 or 222 66 76 76
E-mail: porady@dlakonsumentow.pl
[Consumer Ombudsmen](https://uokik.gov.pl/pomoc.php) – in your town or district