

**REPORT OF THE 2ND INTERNATIONAL SCIENTIFIC CONFERENCE  
ON “SALES IN CONSUMER TRADE”  
LUBLIN, 14-15 MAY 2015**

*Patryk Ochwat\**

The objective of the international scientific conference entitled “Sales in consumer trade”, which was held on 14-15 May 2015 in the Collegium Iuridicum of the John Paul II Catholic University of Lublin, was to assess legal regulations to the extent of sales in a broad sense, with special reference to the provisions of a new Act on Consumer Rights. The conference was organized by the Department of Commercial Administrative Law of the John Paul II Catholic University of Lublin in cooperation with the Association of Consumer Ombudsmen. The Honorary Patronage was taken by: His Magnificence Rector of the John Paul II Catholic University of Lublin – Rev. Prof. Dr. Hab. Antoni Dębiński, President of the Office of Competition and Consumer Protection – Adam Jasser and Member of the European Parliament – Krzysztof Hetman.

The conference focused on theoretical and practical aspects of consumer sales understood in a traditional manner, distance selling and off-premises sales, as well as agreements on linked consumer credit and courier services. The sales of electricity and natural gas were also under consideration. Furthermore, the consumer problems on real estate market, considering mortgage credits and insurance were analyzed in detail.

Dr. Małgorzata Ganczar (KUL) welcomed the guests, and then, Prof. Dr. Hab. Paweł Smoleń – Vice-Rector of the John Paul II Catholic University of Lublin officially opened the conference on behalf of His Magnificence Rector of the John Paul II Catholic University of Lublin – Rev. Prof.

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\* PhD Candidate, Department of Commercial Administrative Law of the John Paul II Catholic University of Lublin.

Dr. Hab. Antoni Dębiński. Brief speeches were also delivered by: Rev. Prof. Dr. Hab. Piotr Stanisław – Dean of the Faculty of Law, Canon Law and Administration of the John Paul II Catholic University of Lublin, Prof. Dr. Hab. Magdalena Pyter – Director of the Institute of Administration of the John Paul II Catholic University of Lublin and Krzysztof Podgórski – President of the Association of Consumer Ombudsmen, District Consumer Ombudsmen in Tarnów.

As part of official opening of the conference, the invited guests delivered their opening lectures. This part of conference was chaired by Dr. Hab. Rafał Sura (KUL). The first lecturer was Dr. Aneta Wiewiórowska-Domagalska of the University in Osnabruck, who presented German experience connected with implementation of the EU Directive on consumer sales. Next, Prof. Volodymyr Kossak of the Ivan Franko Lvov State University discussed Ukrainian legal regulations in the scope of consumer sales. Then, Dr. Ludvika Mostowicz of the Catholic University of Louvain delivered a paper entitled “Asymmetries, barriers and manners of examining the compliance of typical consumer sales with law (selected models)”.

The conference was divided into 6 thematic sessions, each of which was followed by a lively discussion. The first session, which tackled issues relating to traditional consumer sales, was chaired by Dr. Hab. Marcin Szewczak (KUL). In the first place, Dr. Hab. Monika Jagielska (University of Silesia) analyzed basic practical problems of statutory warranty for physical defects. Then, Prof. Dr. Hab. Janusz Strzępka (University of Silesia) delivered a paper entitled: “Protection of purchaser (ordering party) in the system of statutory warranty for defects”. Dr. Ewa Wójtowicz (University of Wrocław) was the third speaker and she presented some observations on the purchasing consumer’s entitlement to reduction of price in light of amendments to the Civil Code introduced by the Act on Consumer Rights. The author of the next lecture entitled “Consumer on medical market” was Dr. Bartłomiej Drop (Medical University in Lublin). While Robert Łaniewski – President of the Foundation for Development of Non-Cash Transactions was convincing about the advantage of electronic payment instrument over cash and the necessity to break down mental barriers of citizens to this extent.

Dr. Michał Domagała (KUL) was a moderator of the second session devoted to media as the object of sales. This part of conference was opened

by Prof. Dr. Hab. Marcin Trzebiatowski (KUL), who delivered a paper entitled “»Ideal couple« – i.e. joint sales of energy (in particular with telecommunications services). Selected legal issues from current market practice”. Grzegorz Lot – Vice-president of the Management Board of Tauron Sprzedaż sp. z o.o. analyzed the consumer’s position on energy market. While Dr. Piotr Lissoń (Adam Mickiewicz University) was considering whether or not a prosumer may also be referred to as consumer in light of new provisions of Energy Law and Consumer Protection Law. The speech delivered by Tomasz Dec – Senior Specialist in the Eastern Branch of the Energy Regulatory Office seated in Lublin pertained to the following issue: “Protection of buyers on regulated energy market”. The last lecture in this session entitled “Functioning of energy enterprise on the changing market in light of new consumer act” was delivered by Marlena Skrzydłowska – Director of the Customer Service Department at PGE Obrót S.A.

The subject of discussions held within the next session was consumer credit as linked agreement; the chair of this session was Elżbieta Sługocka-Krupa. The issue of “Consumer credit from perspective of the Act on Consumer Rights” was the subject of speech delivered by Dr. Hab. Edyta Rutkowska-Tomaszewska (University of Wrocław). Then, Iwona Torzevska – Director of the Customer Protection Department of the Polish Financial Supervision Authority discussed the issue of “Sales of financial services dedicated to consumers”. Att. Marcin Czugań – Director of Legal and Legislation Department of the Conference of Financial Companies in Poland – also presented his observations regarding “Consumer credit as linked agreement”. Next, Katarzyna Marczyńska – Bank Arbitrator – presented the most frequent problems that are faced by borrowers concluding linked agreements. For this purpose, she analyzed the abundant decisions issued by the Bank Arbitrator to this extent. The last paper was delivered by Robert Damski – Court Enforcement Officer at the District Court in Lipno, Member of the National Council of Judicial Officers. His speech referred to “Enforcement collection proceedings as effect of recklessly concluded agreements on linked credit”.

Prof. Dr. Hab. Magdalena Pyter – Director of the Institute of Administration of the John Paul II Catholic University of Lublin welcomed numerous participants attending the 2nd day of the Conference. After the speech delivered by the said Director, the fourth session started. During

this session, the issue of functioning of consumer on real estate market was under consideration. Dr. Hab. Edyta Rutkowska-Tomaszewska (University of Wrocław) was a moderator. “Selected issues connected with unfair practices on real estate market” were the subject of considerations of Prof. Dr. Hab. Jan Olszewski (University of Rzeszów). Dorota Karczewska – Vice-president of the Office of Competition and Consumer Protection discussed the amendment to the Developers Act, while Prof. Dr. Hab. Lesław Góral (University of Łódź) discussed the issue of reverse mortgage in his speech. Then, Dr. Tadeusz Rzepecki – President of Chamber of Commerce – Polish Water Supply explained the impact of real estate legal status on sales of water. The issue of current conditions for mortgage credits in consumer trade was the subject of speech delivered by Norbert Jeziolowicz – Director of the Detail Banking and Financial Result Team of the Polish Bank Association. The lecture on practical application of the Developers Act from perspective of consumers and entrepreneurs was delivered by Konrad Płochocki – General Director of the Polish Association of Developer’s Companies. While Dr. Beata Pachuca-Smulska (University of Warmia and Mazury) was the author of a paper entitled “Consumer’s right to information and education in light of Directive 2014/17/ EU on credit agreements for consumers relating to residential immovable property”.

The issue of distance selling and off-premises sales was analyzed within the fifth session, which was chaired by Jarosław Król – President of the Management Board of the Foundation Mercatus et Civis. The speech delivered by Dr. Maja Maciejewska-Szałas (University of Gdańsk) focused on “Conclusion of agreement on off-premises consumer sales”. Some observations regarding dependencies between consumer regulation and B2B relations within the context of Article 172 of the Telecommunications Law were presented by Damian Karwala – Legal Counsel of Legal Office Kancelaria Truple Konarski Podrecki i Wspólnicy, representing the Association of Internet Industry Employers IAB (Interactive Advertising Bureau) in Poland. Dr. Piotr Kukuryk (Cracow University of Economics) discussed the issue of “Consumer’s right to withdraw from the agreement concluded in unusual circumstances”. The issues pertaining to the conclusion of agreement via Internet and performance of informative obligations connected thereto were presented by Dr. Michał Wyrwiński (Jagiellonian

University). Next, Dr. Małgorzata Ganczar (KUL) delivered a paper entitled “Costs in off-premises agreements”. In turn, “Selected issues on implementing Act on Consumer Rights” were described by Dr. Joanna Ablewicz – Publisher – Coordinator of Legal Literature at C.H. Beck Publishing House.

Dr. Hab. Rafał Biskup (KUL) was the chair of the sixth thematic session. During this session, students and doctoral students presented the results of their research in the scope of consumer law. All the speakers represented the John Paul II Catholic University of Lublin. The speech delivered by mgr [Master’s Degree] Alicja Sytek referred to the statutory warranty as a method of seeking claim by the consumer. While a paper prepared by mgr Jan Kokot concerned the selected proceeding aspects of action brought as a result of consumer sales relationship. Jan Kokot discussed the examples of strategy and outlined the methods how to reject allegations of the defendant seller before the Court. The third paper entitled “Mail order of medicinal products” was delivered by mgr Patryk Ochwat. The subject of speech delivered by Miłoslawa Malinowska and Justyna Malicka was the functioning of consumer on air transport market. Then, Kinga Ścibor presented the issue of agency services in real estate in light of a new Consumer Act. Dr. Hab. Monika Jagielska (University of Silesia) and Elżbieta Sługocka-Krupa summarized the Conference. When closing the sessions, they thanked guests, debaters and distinguished lecturers for their presence.

