

Online dispute resolution for consumer disputes (Regulation on consumer ODR)

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The Committee on Internal Market and Consumer Protection adopted the report by Róa Gräfin von THUN UND HOHENSTEIN (EPP, PL) on the proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR).

The parliamentary committee recommends that the position of the European Parliament adopted at first reading under the ordinary legislative procedure should be to amend the Commission's proposal as follows:

European online dispute resolution (ODR) platform: this should also facilitate the **independent** out-of-court resolution of disputes between consumers and traders online.

Scope of the Regulation: the Regulation should apply to the out-of-court resolution of disputes concerning contractual obligations between consumers resident in the Union and traders established in the Union stemming from the online sale of goods or provision of services, which are covered by the [Directive on consumer alternative dispute resolution \(ADR\)](#). Members propose that the Regulation also applies to **domestic online transactions** in order to allow for a true level playing field in the area of electronic commerce.

Access to the platform: Member call for the ODR platform to be accessed only through the '**Your Europe**' portal thematic website, as this portal is an existing single point of entry for both consumers and traders looking for help or information about their rights under Union legislation. The ODR platform should be given prominence on the 'Your Europe' portal.

Functions of the platform: the ODR platform should provide general **information** regarding the out-of-court settlement of contractual disputes between traders and consumers arising from the online sale of goods or provision of services. Among other things, it would:

- inform the the trader about the complaint submitted against him;
- **identify one or more ADR entities** which are competent to deal with the dispute, and provide information to the parties on the costs of their procedure, the average length of the procedure and the binding or non-binding nature of its outcome;
- if no competent ADR entity can be identified, inform the complainant party that it was not possible to identify a competent ADR entity;
- **invite the parties to agree** on the competent ADR entity to use to settle their dispute or, if more than one ADR entity has been identified, invite them to agree on one of the competent ADR entities;
- offer, free of charge, an **electronic case management tool** which enables the parties and the ADR entity to conduct the dispute resolution procedure online via the platform;
- provide the parties and the ADR entity with an **electronic translation** function;
- provide information in a clear and unambiguous manner.

The ODR platform should provide **an online guide for those seeking assistance** in completing electronic claim forms. The platform shall also offer the complainant party the services of a contact point in **completing his electronic claim form** should he/she so desire.

Data protection: the development, operation, user-friendliness and maintenance of the platform should respect the principles of '**privacy by design**' (respect for privacy from the design stage) and, as far as possible of 'design for all' (useable by all, including the vulnerable, without the need for any particular adjustment).

The Commission shall provide parties to an ADR procedure with a **guide** containing clear and specific information regarding the treatment of their personal data by the ODR platform. ADR entities shall be subject to rules of **professional secrecy** or other equivalent duties of confidentiality laid down in the legislation of the Member State where they are based.

Network of ODR facilitators: Members recommend that a more **important role** should be accorded to ODR contact points. The latter should, on request of parties, assist and facilitate their communication with the ADR entity. They should, in particular:

- assist with the submission of the complaint and, where appropriate, relevant documentation,
- provide the parties and ADR entities with general information on consumer rights in relation to the sale of goods or the provision of services which apply in the Member State of the contact point which hosts the contact points concerned;
- provide the parties with explanations on the rules of procedure applied by the ADR entities identified;
- inform the complainant party of other means of redress when a dispute cannot be resolved via the ODR platform.

The Commission, in cooperation with Member States, should **provide appropriate training for contact points** for consumer disputes in order for these to acquire the necessary expertise to perform their duties.

Deadlines: Members propose that upon receipt of a fully completed complaint form, the ODR platform should in an easily understandable way and **without delay** transmit to the respondent party in the language of the contract or website, the required information. Where the parties fail to reply to the platform or to agree on one competent ADR entity within **20 days**, the complaint shall not be processed further.

An amendment provides for the **extension of the time period for dispute resolution is extended to 90 days**, in line with the provisions of the ADR Directive (the Commission proposes a time period of 30 days from the introduction of the complaint).

Implementing and delegated acts: to ensure that the European Parliament fulfils its role of oversight for the benefit of consumers, it is proposed that the implementing powers requested by the Commission in relation to (i) the functions of the platform, (ii) the modalities of cooperation between ODR facilitators, and (iii) the modalities of the electronic complaint form are replaced by delegated acts.