

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

2011/0374(COD) - 21/05/2013 - Final act

PURPOSE : to establish a new system for out-of court on line dispute resolution for consumers.

LEGISLATIVE ACT : Regulation (EU) n° 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR).

CONTENT : the Regulation aims to provide a European online dispute resolution platform ('ODR platform') facilitating the independent, impartial, transparent, effective, fast and fair out-of-court resolution of disputes between consumers and traders online.

The Regulation shall apply to the out-of-court resolution of disputes concerning **contractual obligations stemming from online sales or service contracts between a consumer resident in the Union and a trader established in the Union** through the intervention of an ADR entity listed in accordance with [Directive 2013/11/EU](#) and which involves the use of the ODR platform.

The ODR platform : the ODR platform shall be a **single point of entry** for consumers and traders seeking the out-of-court resolution of disputes covered by the Regulation. It shall be an **interactive website which can be accessed electronically and free of charge** in all the official languages of the institutions of the Union. The ODR platform should be accessible, in particular, through the 'Your Europe portal' established in accordance with Decision 2004/387/EC.

The Commission shall develop the ODR platform and be responsible for its operation, including all the translation functions necessary for the purpose of this Regulation, its main-tenance, funding and data security. The development, operation and maintenance of the ODR platform shall ensure that **the privacy of its users is respected from the design stage** ('privacy by design') and that the ODR platform is **accessible and usable by all**, including vulnerable users ('design for all'), as far as possible.

La Commission développera la plateforme et sera responsable de son fonctionnement, y compris de toutes les fonctions de traduction nécessaires, ainsi que de sa maintenance, de son financement et de la sécurité des données.

Functions of the platform : the platform shall:

- provide **general information** regarding the out-of-court resolution of contractual disputes between traders and consumers arising from online sales and service contracts ;
- allow consumers and traders to submit complaints by filling in an **electronic complaint form** available in all the official languages of the institutions of the Union and to attach relevant documents;
- transmit complaints to an ADR entity competent to deal with the dispute concerned ;
- offer, free of charge, **an electronic case management tool** which enables ADR entities to conduct the dispute resolution procedure with the parties through the ODR platform.

Testing of the ODR platform: by 9 January 2015, the Commission shall test the technical functionality and user-friendliness of the ODR platform and of the complaint form, including with regard to translation.

Network of ODR contact points : each ODR contact point shall host at least two ODR advisors. The ODR contact points shall provide support to the resolution of disputes by

facilitating communication between the parties and the competent ADR entity, which may include, in particular: (i) assisting with the submission of the complaint and, where appropriate, relevant documentation; (ii) providing the parties and ADR entities with general information on consumer rights and explanations on the procedural rules applied by the ADR entities identified.

Submission of a complaint : the complaint form shall be **user-friendly and easily accessible** on the ODR platform. A complaint submitted to the ODR platform shall be processed if all the necessary sections of the electronic complaint form have been completed. Upon receipt of a fully completed complaint form, the ODR platform shall, in an easily understandable way and without delay, transmit to the respondent party, in one of the official languages of the institutions of the Union chosen by that party, the complaint together with the certain data, such as:

- information that the parties have to agree on an ADR entity in order for the complaint to be transmitted to it, and that, if no agreement is reached by the parties or no competent ADR entity is identified, the complaint will not be processed further;
- information about the ADR entity or entities which are competent to deal with the complaint, if any are referred to in the electronic complaint form.

Before submitting their complaint to an ADR entity through the ODR platform, consumers should be encouraged by Member States to contact the trader by any appropriate means, with the aim of resolving the dispute amicably.

Consumer information: traders established within the Union engaging in online sales or service contracts shall provide, on their websites, an electronic link to the ODR platform. That link shall be easily accessible for consumers.

Reports: by 9 July 2018 and every three years thereafter the Commission shall submit

a report on the application of the Regulation, including in particular on the user-friendliness of the complaint form and the possible need for adaptation of the information listed in the Annex.

ENTRY INTO FORCE : 08/07/2013.

APPLICATION : from 09/01/2016, à l'exception des certaines dispositions.

DELEGATED ACTS : the Commission shall have the power to adopt delegated acts to adapt the information which a complainant is to provide in the electronic complaint form made available on the ODR platform. The power to adopt delegated acts is conferred for an indeterminate period of time from 8 July 2013 (which may be tacitly extended for the same periods). The European Parliament or the Council may object to a delegated act within two months of notification of that act (which may be extended by two months). If Parliament or Council or Council express objections, the delegated act shall not enter into force.