



**Asia-Pacific
Economic Cooperation**

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Session: Keynote

The European Union Consumer Online Dispute Resolution Platform: 5 Years On

Submitted by: University of Leicester



**Public-Private Dialogue on Promoting
Consumer Protection in the Dispute
Resolution and Redress Mechanisms in E-
Commerce
27-29 April 2021**



UNIVERSITY OF
LEICESTER

The EU Consumer ODR Platform: 5 Years On

*Professor Pablo Cortés
Chair in Civil Justice
Leicester School of Law
University of Leicester*

*Promoting Consumer Protection in the
Dispute Resolution and Redress
Mechanisms in eCommerce
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The rationale behind the EU legislation

- Effective redress increases consumer trust in the market
- ODR is particularly suited to promote e-commerce and cross-border trade
- In 2010 the EC found that 60% of traders refused to sell in another EU economy due to the risk of disputes
- EC surveyed ADR in the EU and found:
 - **Patchy coverage**
 - **Varied quality**
 - **Lack of awareness** (3% of consumers & 9% of traders used ADR)
- Justified to take legislative action

The EU Legal Framework

Aims: increase consumer access to justice and cross-border trade within the EU

Goals:

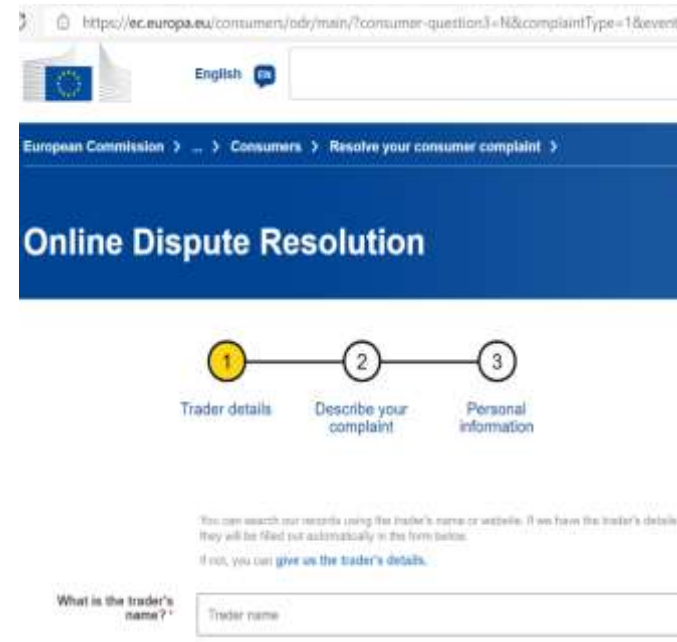
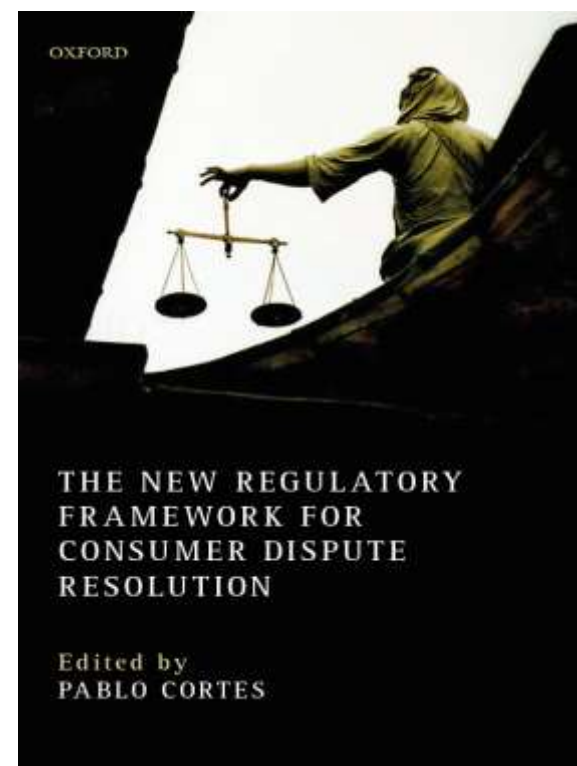
- **ADR Directive 2013/11/EU**

- Availability of ADR
- Quality assurance
- Awareness

- **ODR Regulation (EU) 524/2013**

- *Consumers can submit ecommerce claims against EU traders and choose an ADR

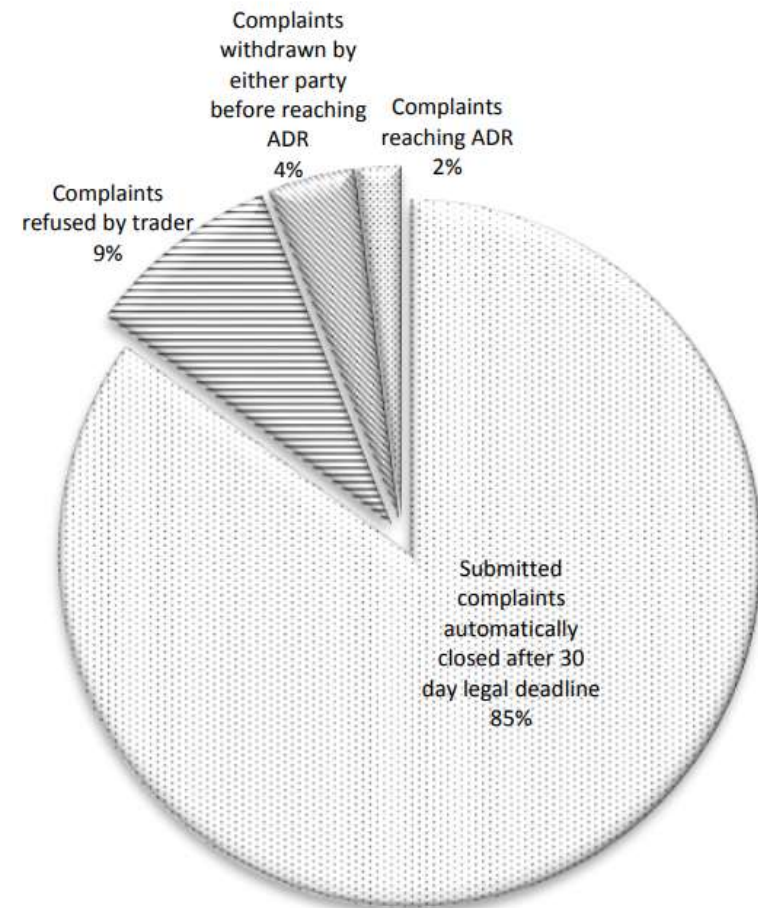
ec.europa.eu/consumers/odr



EU ODR Platform after its first 5 years

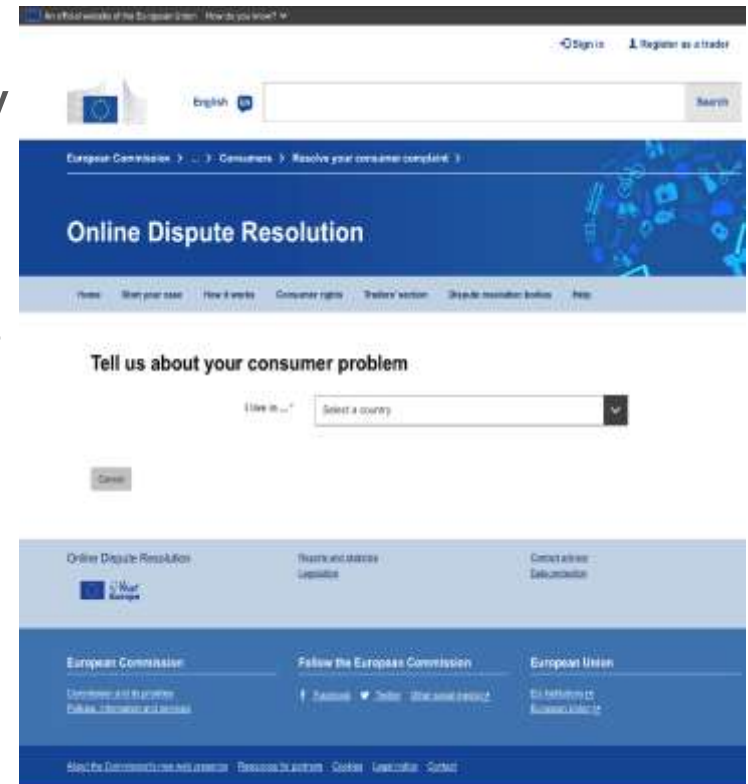
- Operational since 15 February 2016
- 111k+ claims
- 2,8 million visitors p.a.
- 55% domestic and 45% cross-border
- >400 certified ADR/ODR bodies
- Clearly below its potential

The complaints life-cycle



Recent changes to the ODR Platform

- New **self-test tool**
 - Contacting the trader bilaterally (draft claim), the ECC or an ADR entity
 - Information on consumer rights
- Direct negotiation between the parties
- Traders can register with the platform in advance
- The Commission plans to develop new features



Have the aims and goals been realised?

- Aims:
 - Increased access to justice?
 - Promoted trade?
- Goals:
 - Full coverage (*optional participation)
 - Minimum quality standards monitored by competent authorities and via the reporting requirements
 - Increased awareness



Proposal

- Increase trust in the market will be achieved if consumers choose traders based on their adherence to ODR
 - Trustmark
 - Mandatory participation for traders in regulated sectors
 - Opt-in model for the rest
 - link should be easily accessible (e.g. via its customer services)
 - trader details should have been previously uploaded
 - reply complaints within the 30 days
- If it remains available for all traders, then consumers must be able to identify if traders are adhered to an ADR and be offered more information on non-ADR options (e.g. charge backs)

Concluding remarks

- Effective redress will increase consumer trust in commerce
- Domestic ODR infrastructure before cross-border
- Common standards for ADR/ODR
- Single gateway for ODR
- ODR platform should start with direct negotiation and ensure engagement
- Growth of ODR will increase access to justice

