Draft Compromise Amendments on the ODR proposal

CA1

Amendment 126, 128

Proposal for a regulation
Article 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>The purpose of this Regulation is to contribute to the functioning of the internal market, and in particular its digital dimension, and to the achievement of a high level of consumer protection by providing a platform facilitating the impartial, transparent, effective and fair out-of-court resolution of disputes between consumers and traders online.</td>
<td>The purpose of this Regulation is to contribute to the effective functioning of the internal market, and in particular its digital dimension, and to the achievement of a high level of consumer protection by providing an online platform facilitating the independent, impartial, transparent, effective and fair out-of-court resolution of disputes between consumers and traders online.</td>
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</tbody>
</table>

Or. fr

Amendment

This Regulation shall apply to the out-of-court resolution of contractual disputes arising from the online sale of goods or provision of services between consumers and traders through the intervention of an alternative dispute resolution entity which is established on a durable basis, complies with the quality criteria set out in Chapter II of [Office of Publications please insert number of Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)], have been notified to the Commission in accordance with Article 17 (2) of [Office of Publications please insert number of Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)] and involving the use of a European online dispute resolution platform.

Or. en
Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The Commission shall establish a European online dispute resolution platform, (hereinafter ‘ODR platform’).

Amendment

1. The Commission shall establish a European online dispute resolution platform, (hereinafter ‘ODR platform’) and make it accessible also via the Your Europe Portal thematic ODR website and provide prominent links to the platform also on other Commission websites offering consumer information, such as the ECC Net website.
Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission

5. The Commission shall be responsible for the ODR platform as regards its development, its operation, its maintenance and as regards data security.

Amendment

5. The Commission shall be responsible for the ODR platform as regards its development and operation, including all translation functionalities necessary for the purpose of this regulation, maintenance, its funding and data security. The development, operation, user-friendliness and maintenance of the platform shall respect the principles ‘privacy by design’ (respect for privacy from the design stage) and, as far as possible ‘design for all’ (useable by all, including the vulnerable, without the need for any particular adjustment).

Or. en
CA 5

Amendment 184, 185

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. The Commission shall at least once every year convene a meeting of members of the ODR facilitators’ network in order to permit an exchange of best practice, and a discussion of any recurring problems encountered in the operation of the ODR platform.

Amendment

4. The Commission shall at least twice every year convene a meeting of members of the ODR contact points network in order to permit an exchange of best practice, and a discussion of any recurring problems encountered in the operation of the ODR platform.

Or. en
CA 6

Amendment 56, 253, 255

Proposal for a regulation
Article 9 – paragraph 1 – point a

*Text proposed by the Commission*

(b) if, following the notification of the dispute to the parties, the parties agree to institute proceedings before the entity, accomplish the conclusion of the dispute resolution procedure within 30 days from when the *proceedings have been instituted*. In the case of complex disputes, the ADR entity may extend this time limit;

*Amendment*

(b) if, following the notification of the dispute to the parties, the parties agree to institute proceedings before the entity, accomplish the conclusion of the dispute resolution procedure within a *timeframe of 90 calendar days from the time* when the *entity has received the complete complaint file*. In the case of complex or technical disputes, the ADR entity may extend this time limit *in order to guarantee high-quality dispute resolution*;

Or. en
Text proposed by the Commission

1. Access to information, including personal data, related to a dispute and stored in the database referred to in Article 10 shall be granted, for the purposes referred to in Article 9, only to the ADR entity to which the dispute was transmitted in accordance with Article 8. Access to the same information shall be granted also to ODR facilitators for the purposes referred to in Article 6(3).

Amendment

1. Access to information, including personal data, related to a dispute and stored in the database referred to in Article 10 shall be granted, for the purposes referred to in Article 9, only to the ADR entity to which the dispute was transmitted in accordance with Article 8. Access to the same information shall be granted also to consumer advisors, in so far as it is necessary, for the purposes referred to in Article 6(2) and (3).
Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Traders established within the Union engaging in the cross-border online sale of goods or provision of services shall inform consumers about the ODR platform and about their e-mail address. This information shall be made easily, directly, prominently and permanently accessible on the traders’ websites and, if the offer is made by e-mail or another textual message transmitted by electronic means, in that message. It shall include an electronic link to the ODR platform’s homepage. Traders shall also inform consumers about the ODR platform when the consumer submits a complaint to the trader, a consumer complaint handling system operated by the trader or to a company ombudsman.

Amendment

1. Traders established within the Union that engage in the online sale of goods or provision of services shall inform consumers about their e-mail address and about the existence of the ODR platform and provide an electronic link to its website. This information shall be mentioned in a clear and comprehensible manner. It shall include an electronic link to the ODR platform's homepage. Traders shall also inform consumers about the ODR platform when the consumer submits a complaint to the trader, a consumer complaint handling system operated by the trader or to a company ombudsman.

Or. en
(8) This Regulation should apply to the out-of-court resolution of contractual disputes between consumers and traders that arise from the online sale of goods or provision of services by traders across borders. It should not apply to disputes between consumers and traders that arise from the online sale of goods or provision of services if at least one of them is not established or resident in a Member State of the Union at the time when the consumer orders such goods or services or the trader and the consumer are established or resident in the same Member State.

Or. en
(14) This Regulation aims at creating an online dispute resolution ('ODR') platform at European level. The ODR platform should take the form of an interactive website offering a single point of entry to consumers and traders seeking to resolve disputes out-of-court which have arisen from a cross-border e-commerce transaction. It should allow consumers and traders to submit complaints by filling in an electronic complaint form available in all official languages of the Union and transmit complaints to an alternative dispute resolution ('ADR') entity competent to deal with the dispute concerned. The platform should offer to ADR entities and the parties the possibility of conducting the dispute resolution procedure via the platform.

(14) This Regulation aims at creating an online dispute resolution ('ODR') platform at European level. The Commission should be responsible for the establishment and maintenance of the ODR platform. The ODR platform should take the form of an interactive website offering a single point of entry to consumers and traders seeking to resolve disputes out-of-court which have arisen from e-commerce transactions. The 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. It should allow consumers and traders to submit complaints by filling in an electronic complaint form available in all official languages of the Union and inform them of the possibility of seeking assistance from ODR contact points if necessary in completing the form correctly. It should transmit complaints to an alternative dispute resolution ('ADR') entity competent to deal with the dispute concerned. The ODR platform should be interoperable with existing ADR entities operating online. The complaint form should contain only that information which is necessary to identify the ADR entity or entities competent to deal with a dispute.
(14a) The ODR platform should allow consumers and traders to submit complaints by filling in an electronic complaint form available in all official languages of the Union and transmit complaints electronically to an alternative dispute resolution ('ADR') entity competent to deal with the dispute concerned.

The platform should 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. ADR entities should be able to use this and customise it for their procedures. The tool should allow parties and ADR entities to upload relevant statements and evidence. The tool should, in accordance with the ADR procedure applied by the relevant ADR entity, automatically set deadlines to parties e.g. for making submissions. It should also provide for a restricted access website on the ODR platform, which can be accessed by the parties, the ADR entity and if necessary by the consumer advisors.