

## ODR REGULATION

## FIVE - COLUMN DOCUMENT

*Compromise cell in green: The text can be deemed as already adopted*

*Compromise cell in amber: The issue still needs further discussion at the informal trialog meeting*

*Compromise cell in red: The issue still needs to be negotiated in depth*

Proposal	IMCO Report	Council Text	Final text
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on online dispute resolution for consumer disputes (Regulation on consumer ODR)			Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on online dispute resolution for consumer disputes (Regulation on consumer ODR)
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,			Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
Having regard to the proposal from the European Commission,			Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national Parliaments,			After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee,			Having regard to the opinion of the European Economic and Social Committee,
After consulting the European Data Protection Supervisor,			After consulting the European Data Protection Supervisor,
Acting in accordance with the ordinary legislative procedure,			Acting in accordance with the ordinary legislative procedure,
Whereas:			Whereas:
(1) Article 169(1) and point (a) of Article 169(2) of the Treaty on the Functioning of the European Union (TFEU) provide that the Union is to contribute to the attainment of a high level of consumer protection through the measures adopted pursuant to Article 114 thereof. Article 38 of the Charter of Fundamental Rights of the European Union provides that Union policies shall ensure a high level of consumer protection.			(1) Article 169(1) and point (a) of Article 169(2) of the Treaty on the Functioning of the European Union (TFEU) provide that the Union is to contribute to the attainment of a high level of consumer protection through the measures adopted pursuant to Article 114 thereof. Article 38 of the Charter of Fundamental Rights of the European Union provides that Union policies shall ensure a high level of consumer protection.
(2) In accordance with Article 26(2) TFEU, the Internal Market is to comprise an area without internal frontiers in which the free movement of goods and services is ensured. In order for consumers to have confidence in and benefit from the digital dimension of the Internal Market, it is necessary that they have access to easy and low-cost ways of resolving disputes which arise from the sale of goods or the supply of services online. This is particularly important when consumers shop cross-border.			(2) In accordance with Article 26(2) TFEU, the Internal Market is to comprise an area without internal frontiers in which the free movement of goods and services is ensured. In order for consumers to have confidence in and benefit from the digital dimension of the Internal Market, it is necessary that they have access to easy and low-cost ways of resolving disputes which arise from the sale of goods or the supply of services online. This is particularly important when consumers shop cross-border.
(3) In its Single Market Act, the Commission has identified legislation on alternative dispute resolution which			(3) In its Single Market Act, the Commission has identified legislation on alternative dispute resolution which

includes an electronic commerce dimension as one of the twelve levers to boost growth and strengthen confidence in the Single Market.			includes an electronic commerce dimension as one of the twelve levers to boost growth and strengthen confidence in the Single Market.
	<p><b>AM 1</b></p> <p><i>(3a) The fragmentation of the Single Market impedes efforts to boost competitiveness and growth. Furthermore, the uneven availability, quality and awareness of simple, efficient and low-cost means of resolving disputes arising from the sale of goods or provision of services across the Union constitutes a barrier within the Single Market which undermines consumers' and traders' confidence in shopping and selling across borders.</i></p>		<p><i>(3a) The fragmentation of the Single Market impedes efforts to boost competitiveness and growth. Furthermore, the uneven availability, quality and awareness of simple, efficient and low-cost means of resolving disputes arising from the sale of goods or provision of services across the Union constitutes a barrier within the Single Market which undermines consumers' and traders' confidence in shopping and selling across borders.</i></p>
	<p><b>AM 2</b></p> <p><i>(3b) Realising the potential of online trade would make a substantial contribution to returning the Union to economic growth, but doing so requires the proper integration of the ODR platform and the ADR entities as outlined in Directive .../.../EU<sup>1</sup>.</i></p>		<p><i>Covered by Recital 5</i></p>
(4) The European Council has invited the Parliament and the Council to adopt, by the end of 2012, a first set of priority measures to bring a new impetus to the Single Market.			(4) The European Council has invited the Parliament and the Council to adopt, by the end of 2012, a first set of priority measures to bring a new impetus to the Single Market.
	<p><b>AM 3</b></p>		<p><i>(5) The Internal Market is a reality for</i></p>

<p>(5) The Internal Market is a reality for consumers in their daily lives, when they travel, buy and make payments. Consumers are key players in the Internal Market and should therefore be at its heart. The digital dimension of the Internal Market is becoming vital for both consumers and traders. Consumers increasingly make purchases over the internet and an increasing number of traders sell online. Consumers and traders should feel confident in carrying out transactions in a digital environment.</p>	<p>(5) The Internal Market is a reality for consumers in their daily lives, when they travel, buy and make payments. Consumers are key players in the Internal Market and should therefore be at its heart. The digital dimension of the Internal Market is becoming vital for both consumers and traders. Consumers increasingly make purchases over the internet and an increasing number of traders sell online. Consumers and traders should feel confident in carrying out transactions in a digital environment. <b><i>In the current crisis, measures to boost economic growth, job creation and consumer recovery are essential. While the digital market provides a valuable opportunity to achieve these objectives, the Union must be capable of establishing a full digital internal market if it is to take advantage of that opportunity. It is essential, on the one hand, to dismantle existing barriers and, on the other hand, to boost consumer confidence. The existence of a reliable and efficient online dispute settlement system could also greatly help achieve this increase in consumer confidence in the Union.</i></b></p>		<p><i>consumers in their daily lives, when they travel, buy and make payments. Consumers are key players in the Internal Market and should therefore be at its heart. The digital dimension of the Internal Market is becoming vital for both consumers and traders. Consumers increasingly make purchases over the internet and an increasing number of traders sell online. Consumers and traders should feel confident in carrying out transactions online, in a digital environment. In the current crisis, Measures to boost economic growth, job creation and consumer recovery are essential. While The digital market provides a valuable opportunity to achieve these objectives, the Union must be capable of establishing a full digital internal market if it is to take advantage of that opportunity. so it is essential, on the one hand, to dismantle existing barriers and, on the other hand, to boost consumer confidence. The availability existence of a reliable and efficient online dispute settlement system resolution could greatly help achieve this goal. increase in consumer confidence in the Union.</i></p>
<p>(6) Being able to seek easy and low-cost dispute resolution can boost consumers' and traders' confidence in the digital market. Consumers and traders, however,</p>			<p>(6) Being able to seek easy and low-cost dispute resolution can boost consumers' and traders' confidence in the digital market. Consumers and</p>

<p>still face barriers to finding out-of-court solutions in particular to their disputes arising from a cross-border online transaction. Thus, such disputes currently are often left unresolved.</p>			<p>traders, however, still face barriers to finding out-of-court solutions in particular to their disputes arising from a cross-border online transaction. Thus, such disputes currently are often left unresolved.</p>
<p>(7) Online dispute resolution offers a simple and low-cost out-of-court solution to disputes arising from cross-border online transactions. However, there is currently a lack of mechanisms that allow consumers and traders to resolve such disputes via electronic means. This leads to consumer detriment, acts as a barrier to cross-border online transactions, creates an uneven playing field for traders and thus hampers the development of electronic commerce.</p>	<p><b>AM 4</b></p> <p>(7) Online dispute resolution offers a simple, <i>effective</i> and low-cost out-of-court solution to disputes arising from <b>both</b> cross-border <b>and domestic</b> online transactions. However, there is currently a lack of mechanisms that allow consumers and traders to resolve such disputes via electronic means. This leads to consumer detriment, acts as a barrier <b>in particular</b> to cross-border online transactions, creates an uneven playing field for traders and thus hampers the <b>overall</b> development of electronic commerce.</p>		<p>(7) Online dispute resolution offers a simple, effective and low-cost out-of-court solution to disputes arising from online transactions. However, there is currently a lack of mechanisms that allow consumers and traders to resolve such disputes via electronic means. This leads to consumer detriment, acts as a barrier, in particular, to cross-border online transactions, creates an uneven playing field for traders and thus hampers the overall development of online commerce.</p>
<p>(8) This Regulation should apply to the out-of-court resolution of <b>contractual</b> disputes between consumers and traders <b>that arise</b> from the online sale of goods or provision of services by traders <b>across borders</b>. 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</p>	<p><b>AM 5</b></p> <p>(8) This Regulation should apply to the out-of-court resolution of disputes <b>concerning contractual obligations</b> between consumers <b>resident in the Union</b> and traders <b>established in the Union stemming</b> from the online sale of goods or provision of services, <b>which are covered</b> by <b>Directive.../.... EU [Directive on consumer ADR]. This should include disputes arising from the sale or provision of digital content for</b></p>	<p>(8) This Regulation should apply to the out-of-court resolution of <del>contractual</del> disputes <b>concerning contractual obligations</b> between consumers <b>resident in the Union</b> and traders <b>established in the Union stemming from cross-border</b> <del>that arise from the online sales contracts or of goods or provision of services</del> <b>contracts, which are covered by Directive.../.... EU [Office of Publications please insert number of Directive of the European Parliament and the Council on</b></p>	<p>(8) This Regulation should apply to the out-of-court resolution of disputes submitted by consumers resident in the Union against traders established in the Union which are covered by Directive.../.... EU [Office of Publications please insert number of Directive of the European</p>

<p>consumer orders such goods or services <i>or the trader and the consumer are established or resident in the same Member State.</i></p>	<p><i>remuneration. Although in particular consumers and traders carrying out cross-border online transactions will benefit from such an online dispute resolution mechanism, this Regulation should also apply to domestic online transactions in order to allow for a true level playing field in the area of electronic commerce. This should include disputes arising from the sale or provision of digital content for remuneration.</i> 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.</p>	<p><b>alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/ED (Directive on consumer ADR)</b><sup>1</sup>, by traders across borders. <b>This should include disputes arising from the sale or provision of digital content for remuneration.</b> It should not apply to disputes between consumers and traders that arise from the online sales <del>contracts of goods or provisions</del> <b>or services contracts</b> 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.</p>	<p><i>Parliament and the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/ED (Directive on consumer ADR)].</i></p> <p><i>(8a) In order to ensure that the ODR platform can also be used for ADR procedures which allow traders to submit complaints against consumers, this Regulation should also apply to the out-of-court resolution of disputes submitted by traders against consumers where the relevant ADR procedures are offered by ADR entities listed in accordance with article 17(2) of the Directive.../.... EU [Office of Publications please insert number of Directive of the European Parliament and the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/ED (Directive on consumer ADR)]. The application of this Regulation to such disputes does not establish any obligation on Member States to ensure that the ADR entities offer such procedures.</i></p>
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<sup>1</sup> *OJ L .../..., p. ...*

			<i>(8b) Although in particular consumers and traders carrying out cross-border online transactions will benefit from the ODR platform, this Regulation should also apply to domestic online transactions in order to allow for a true level playing field in the area of <u>online commerce</u>.</i>
(9) This Regulation should be without prejudice to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, Regulation (EC) No 44/2001 of the Council of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (“Rome II”) and Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (“Rome I”).		(9) This Regulation should be without prejudice to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters <sup>2</sup> , Regulation (EC) No 44/2001 of the Council of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <sup>3</sup> ; <del>Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (“Rome II”)</del> <sup>4</sup> and Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (“Rome I”).	(9) This Regulation should be without prejudice to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters <sup>5</sup> .
(10) The definition of “consumer” should cover natural persons who are acting			(10) The definition of “consumer” should cover natural persons who are

<sup>2</sup> OJ L 136, 24.5.2008, p. 3.

<sup>3</sup> OJ L 12, 16.1.2001, p. 32.

<sup>4</sup> OJ L 199, 31.7.2007, p. 40.

<sup>5</sup> OJ L 136, 24.5.2008, p. 3.

<p>outside their trade, business, craft or profession. However, if the contract is concluded for purposes partly within and partly outside the person's trade (dual purpose contracts) and the trade purpose is so limited as not to be predominant in the overall context of the supply, that person should also be considered as a consumer.</p>			<p>acting outside their trade, business, craft or profession. However, if the contract is concluded for purposes partly within and partly outside the person's trade (dual purpose contracts) and the trade purpose is so limited as not to be predominant in the overall context of the supply, that person should also be considered as a consumer.</p>
<p>(11) The definition of 'online sale of goods or provision of services' should cover a transaction for the online sale of goods or provision of services where the trader, or the trader's intermediary, has offered goods or services through a website or by other electronic means and the consumer has ordered those goods or services on that website or by other electronic means. This should also cover cases where the consumer has accessed the website or other information society service through a mobile electronic device such as a mobile telephone.</p>	<p><b>AM 6</b></p> <p>(11) The definition of 'online sale of goods or provision of services' should cover a transaction for the online sale of goods or provision of services where the trader, or the trader's intermediary, has offered goods or services through a website or by other electronic means and the consumer has ordered those goods or services on that website or by other electronic means. This should also cover cases where the consumer has accessed the website or other information society service through a mobile electronic device such as a mobile telephone. <i>Services which are not provided by electronic processing/inventory systems, such as services provided via voice telephony or telefax, such as telephone or telefax consultation of a doctor, telephone or telefax consultation of a lawyer, or telephone or telefax direct marketing, should not be regarded as services provided by electronic means.</i></p>	<p>(11) The definition of 'online <del>sales or of goods or provision of services</del> <b>contract</b> should cover a transaction for the online sale of goods or provision of services <b>sales or service contract</b> where the trader, or the trader's intermediary, has offered goods or services through a website or by other electronic means and the consumer has ordered those goods or services on that website or by other electronic means. This should also cover cases where the consumer has accessed the website or other information society service through a mobile electronic device such as a mobile telephone.</p>	<p>(11) The definition of 'online <del>sales or of goods or provision of services</del> <b>contract</b> should cover a transaction for the online sale of goods or provision of services <b>sales or service contract</b> where the trader, or the trader's intermediary, has offered goods or services through a website or by other electronic means and the consumer has ordered those goods or services on that website or by other electronic means. This should also cover cases where the consumer has accessed the website or other information society service through a mobile electronic device such as a mobile telephone.</p>

<p>(12) <b><i>This Regulation should not apply to disputes between consumers and traders that arise from the cross-border sale of goods or provision of services offline.</i></b> This Regulation should not apply to disputes between traders.</p>	<p><b>AM 7</b></p> <p>(12) This Regulation should not apply to disputes between traders.</p>	<p>(12) This Regulation should not apply to disputes between consumers and traders that arise from the cross-border sales <del>contracts of goods or provisions</del> <b>or services contracts</b> offline. This Regulation should not apply to disputes between traders <b>or to complaints submitted by traders against consumers.</b></p>	<p><del>(12) This Regulation should not apply to disputes between consumers and traders that arise from sales contract or services contracts concluded offline and to disputes between traders.</del></p>
<p>(13) This Regulation should be seen in conjunction with Directive .../.../EU [Office of Publications insert reference number] of the European Parliament and of the Council of [Office of Publications insert date of adoption] on alternative dispute resolution for consumer disputes (Directive on consumer ADR) which requires Member States to ensure that all disputes between consumers and traders resident or established in the Union which arise from the sale of goods or provisions of services can be submitted to an alternative dispute resolution entity.</p>			<p>(13) This Regulation should be seen in conjunction with Directive .../.../EU [Office of Publications insert reference number] of the European Parliament and of the Council of [Office of Publications insert date of adoption] on alternative dispute resolution for consumer disputes (Directive on consumer ADR) which requires Member States to ensure that all disputes between consumers and traders resident or established in the Union which arise from the sale of goods or provisions of services can be submitted to an alternative dispute resolution entity.</p>
	<p><b>AM 8</b></p> <p><b><i>(13a) Before submitting their dispute to an ADR entity via the ODR platform, consumers should be encouraged by Member States to make every effort to contact the trader via their website, email, or other electronic means as appropriate, with the aim of resolving the dispute amicably.</i></b></p>		<p><del><b><i>(13a) Before submitting their dispute to an ADR entity via the ODR platform, consumers should be encouraged by Member States to make every effort to contact the trader via their website, email, or other electronic means as appropriate contact the trader by any appropriate means, with the aim of resolving the dispute amicably.</i></b></del></p>

<p>(14) This Regulation aims at creating an online dispute resolution ('ODR') platform at European level. <b>The ODR</b> 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 <b>transaction</b>. 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.</p>	<p><b>AM 9</b></p> <p>(14) This Regulation aims at creating an online dispute resolution ('ODR') platform at European level. The <b>Commission should be responsible for the establishment and maintenance of that platform</b>, which 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 <b>transactions</b>. <b>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</b>. 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 <b>inform them of the possibility of seeking assistance from contact points if necessary in completing the form correctly</b>. It should transmit complaints to an alternative dispute resolution ('ADR') entity competent to deal with the dispute concerned. The <b>ODR</b> platform should <b>be interoperable with existing ADR entities operating online</b>. <b>The complaint form should contain only that information which is necessary to identify the ADR entity or entities competent to deal with a dispute</b>.</p>	<p>(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. <b>The Commission should provide the technical facilities for the functioning of the platform, including the platforms' for translation functions. The Commission should also on the ODR platform give information to the consumers about the possibility of requesting assistance from the ODR facilitators</b>. The platform should offer to ADR entities and the parties the possibility of conducting the dispute resolution procedure via the platform. <b>The platform should also 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 will be able to use this and customise it for their procedures. The tool will allow parties and ADR entities to upload relevant statements and evidence. The tool will, in accordance with the ADR procedure applied by the relevant ADR entity, automatically set deadlines to parties e.g. for making submissions. The tool will provide for a</b></p>	<p><i>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 online transactions. The</i></p>
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		restricted access website on the ODR platform, which can be accessed by the parties, the ADR entity and if necessary by the ODR facilitators. Consumers should be encouraged to contact the trader and thus directly seek an amicable solution of the dispute before they submit a complaint to the ODR platform.	
	<p><b>AM 10</b></p> <p><i>(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.</i></p>		<p><i>ODR platform should provide general information regarding the out-of-court resolution of contractual disputes between traders and consumers arising fr online sales and service contracts. 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 to attach relevant documents. It should transmit complaints to an alternative dispute resolution ('ADR') entity competent to deal with the dispute concerned.</i></p>
	<p><i>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. That tool should allow parties and ADR entities to upload relevant statements and evidence. In accordance with the ADR procedure applied by the relevant ADR entity, it should automatically set deadlines to parties, inter alia for making submissions. It should also provide for a</i></p>		<p><i>The ODR platform should offer, free of charge, an electronic case management tool which enables ADR entities to conduct the dispute resolution procedure with the parties via the ODR platform. ADR entities should not be obliged to use the case management tool.</i></p>

	<i>restricted access website on the ODR platform, capable of being accessed by the parties, the ADR entity and if necessary by the contact points.</i>		
	<p><b>AM 11</b></p> <p><i>(14b) The Commission should provide the technical facilities necessary for the functioning of the platform, including translation functions. The tool should offer an electronic translation function to the parties and the ADR entity. This function should be capable of dealing with all necessary translations and should be supported by translators. The Commission should also provide, on the ODR platform, information for consumers about the possibility of requesting assistance from the contact points. However, consumers should be encouraged to contact the trader first and thereby directly seek an amicable solution to the dispute before they submit a complaint to the ODR platform.</i></p>		<p><i>(14b) The Commission should be responsible for development, operation and maintenance of the ODR platform and provide all technical facilities necessary for the functioning of the platform. The ODR platform should offer an electronic translation function which enables the parties and the ADR entity to have information, which is exchanged through the ODR platform and is necessary for the resolution of the dispute, translated, where appropriate. This function should be capable of dealing with all necessary translations and should be supported by human intervention, if necessary. The Commission should also provide, on the ODR platform, information for complainants about the possibility of requesting assistance from the ODR contact points.</i></p>
	<p><b>AM 12</b></p> <p><i>(14c) The ODR platform should 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</i></p>		<p><i>(14c) The ODR platform should enable the secure interchange of data with ADR entities and respect the underlying principles of the European Interoperability Framework adopted pursuant to Decision 2004/387/EC of</i></p>

	<p><i>for help or information about their rights under Union legislation. The ODR platform should be given prominence on the 'Your Europe'-portal.</i></p>		<p><i>the European Parliament and of the Council of 21 April 2004 on interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC)*.</i></p> <p><i>[*ADD FOOTNOTE: OJ L 144, 30.4.2004, p. 62 (Decision located in OJ L 181, 18.5.2004, p. 25).]</i></p> <p><i>(14d) The ODR platform should be made accessible, in particular, through the Your Europe portal established in accordance with Annex II to Decision 2004/387/EC, which provides access to pan-European, multilingual online information and interactive services to businesses and citizens in the EU*. The ODR platform should be given prominence on the 'Your Europe Portal'.</i></p> <p><i>[*ADD FOOTNOTE: OJ L 144, 30.4.2004, p. 62 (Decision located in OJ L 181, 18.5.2004, p. 25).]</i></p>
<p>(15) An ODR system at European level should build on existing ADR entities in the Member States and respect Member States' legal traditions. ADR entities to which a complaint has been transmitted via the ODR platform should therefore</p>	<p><b>AM 13</b></p> <p>(15) An ODR system at European level should build on existing ADR entities in the Member States and respect Member States' legal traditions. ADR entities to which a complaint has been transmitted via the ODR platform should therefore</p>	<p>(15) An ODR system at European level should build on existing ADR entities in the Member States and respect Member States' legal traditions. ADR entities to which a complaint has been transmitted via the ODR platform should therefore apply their own rules of procedure, including rules on cost. However,</p>	<p><b>(15) An ODR platform at European level should build on existing ADR entities in the Member States and respect Member States' legal traditions. ADR entities to which a complaint has been transmitted via the ODR platform should therefore</b></p>

<p>apply their own rules of procedure, including rules on cost. However, this Regulation intends to establish some common rules applicable to those procedures that will safeguard their effectiveness. <b><i>This should include rules ensuring that such dispute resolution is accomplished expeditiously.</i></b></p>	<p>apply their own rules of procedure, including rules on cost. However, this Regulation intends to establish some common rules applicable to those procedures that will safeguard their effectiveness. <b><i>The parties should be able to access the ODR Platform established by this Regulation, without being required to be physically present for the procedure. However, it should be possible for both parties to decide that their physical presence is necessary.</i></b></p>	<p>this Regulation intends to establish some common rules applicable to those procedures that will safeguard their effectiveness. This should include rules ensuring that such dispute resolution is accomplished expeditiously <b>does not require the physical presence of the parties or their representatives before the ADR entity. However, the parties may decide that physical presence is necessary.</b></p>	<p><b>apply their own rules of procedure, including rules on cost. However, this Regulation intends to establish some common rules applicable to those procedures that will safeguard their effectiveness. This should include rules ensuring that such dispute resolution does not require the physical presence of the parties or their representatives before the ADR entity. However, the parties may agree that physical presence is necessary.</b></p>
<p>(16) Ensuring that all ADR entities notified to the Commission in accordance with Article 17(2) of Directive .../.../EU [= Directive on consumer ADR] Office of Publications insert reference number] are linked electronically to the <i>European ODR platform</i> should allow the full coverage in out-of-court redress online for <b>cross-border</b> disputes arising from the online sale of goods or provision of services.</p>	<p><b>AM 14</b>  (16) Ensuring that all ADR entities notified to the Commission in accordance with Article 17(2) of Directive .../.../EU [= Directive on consumer ADR] Office of Publications insert reference number] are linked electronically to the ODR platform should allow the full coverage in out-of-court redress online for disputes arising from the online sale of goods or provision of services.</p>	<p>(16) Ensuring that all ADR entities notified to the Commission in accordance with Article 17(2) of Directive .../.../EU [= Directive on consumer ADR] Office of Publications insert reference number] are linked electronically to the European ODR platform should allow the full coverage in out-of-court redress online for cross-border disputes arising from the online <b>sales contracts of goods or provisions or services contracts.</b></p>	<p><i>(16) Ensuring that all ADR entities listed in accordance with Article 17(2) of Directive .../.../EU [= Directive on consumer ADR] Office of Publications insert reference number] are registered with the ODR platform should allow for full coverage in online out-of-court resolution for disputes arising from the online sales or service contracts.</i></p>
<p>(17) This Regulation does not prevent the functioning of any existing <del>online</del> <b>(must read "alternative")</b> dispute resolution entity operating within the Union. It should not prevent ADR entities from dealing with <b>cross-border</b> online disputes which have been submitted to them by a means other than the ODR platform.</p>	<p><b>AM 15</b>  (17) This Regulation does not prevent the functioning of any existing online dispute resolution entity operating within the Union. It should not prevent ADR entities from dealing with online disputes which have been submitted to them by a means other than the ODR platform.</p>		<p><i>(17) This Regulation does not prevent the functioning of any existing dispute resolution entity operating online or ODR mechanism within the Union. It should not prevent dispute resolution entities or mechanisms from dealing with online disputes which have been submitted directly to them.</i></p>

<p>(18) <i>A network of online dispute resolution facilitators</i> should provide support to <i>the resolution of disputes relating to complaints submitted via</i> the ODR platform. <i>That network should be composed of contact points for ODR in the Member States which host</i> online dispute resolution <i>facilitators</i>.</p>	<p><b>AM 16</b></p> <p>(18) <i>Contact points should be established to provide support to consumers seeking to resolve their dispute with a trader through</i> the ODR platform. <i>Contact points should assist with the submission of the complaint and provide general information in relation to</i> online dispute resolution <i>procedures. Contact points should not be obliged to translate any documents or obliged to resolve disputes directly.</i></p>	<p>(18) A network of online dispute resolution facilitators should provide support to the resolution of disputes relating to complaints submitted via the ODR platform. That network should be composed of contact points for ODR in the Member States which host online dispute resolution facilitators. <b>Upon request the ODR facilitators should provide support to the resolution parties of involved in disputes relating to complaints submitted via the platform. The aim of the facilitators support is to assist with the submission of the complaint and to provide only general information in relation to the handling of the complaint</b> online dispute resolution procedures. This general information could include i.a. information on the cost for the procedure, the language or languages in which the procedure will be conducted, the average length of the ADR procedure and the binding or non-binding nature of the outcome of the procedure. The facilitators should not act as case handlers <del>in relation</del> with regard to the dispute. This Regulation should not oblige ODR facilitators to translate documents related to the dispute.</p>	<p><i>ODR contact points hosting at least two ODR advisors should be designated in each Member State. The ODR contact points should support the parties involved in a dispute submitted via the ODR platform without being obliged to translate documents related to those disputes. Member States should have the possibility to confer the responsibility for the ODR contact points on their centres of the European Consumer Centre Network. Member States should make use of this possibility in order to allow ODR contact points to fully benefit from the experience of the centres of the European Consumer Centre Network in facilitating the settlement of disputes between consumers and traders. The Commission should establish a network of ODR contact points to facilitate their cooperation and work and provide, in cooperation with Member States, appropriate training for ODR contact points</i></p>
		<p>(18a) The provision of ODR facilitators in this Regulation are without prejudice to confidentiality provisions in national legislation in relation to alternative dispute resolution.</p>	
	<p><b>AM 17</b></p>		<p>(19) The right to an effective remedy</p>

<p>(19) The right to an effective remedy and the right to a fair trial are fundamental rights guaranteed in Article 47 of the Charter of Fundamental Rights of the European Union. Online dispute resolution procedures cannot be designed to replace court procedures <b>and</b> should <b>not</b> deprive consumers or traders of their rights to seek redress before the courts. Nothing in this Regulation should, therefore, prevent parties from exercising their right of access to the judicial system.</p>	<p>(19) The right to an effective remedy and the right to a fair trial are fundamental rights guaranteed in Article 47 of the Charter of Fundamental Rights of the European Union. Online dispute resolution procedures <b>are not intended to and</b> cannot be designed to replace court procedures, <b>nor</b> should <b>they</b> deprive consumers or traders of their rights to seek redress before the courts. Nothing in this Regulation should, therefore, prevent parties from exercising their right of access to the judicial system.</p>		<p>and the right to a fair trial are fundamental rights guaranteed in Article 47 of the Charter of Fundamental Rights of the European Union. Online dispute resolution procedures are not intended to and cannot be designed to replace court procedures, nor should they deprive consumers or traders of their rights to seek redress before the courts. Nothing in this Regulation should, therefore, prevent parties from exercising their right of access to the judicial system.</p>
<p>(20) The processing of information under this Regulation should be subject to strict guarantees of confidentiality and should comply with the rules on the protection of personal data laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and in Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. These rules should apply to the processing of personal data carried out under this Regulation by the various actors of the platform, whether they act alone or jointly with other actors of the platform.</p>			<p>(20) The processing of information under this Regulation should be subject to strict guarantees of confidentiality and should comply with the rules on the protection of personal data laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and in Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. These rules should apply to the processing of personal data carried out under this Regulation by the various actors of the platform, whether they act alone or jointly with other actors of the</p>

<p>(21) Data subjects should be informed about the processing of their personal data in the ODR platform, and their rights with regard to that processing, by means of a comprehensive privacy notice to be made publicly available by the Commission and explaining, in a clear and simple language, the processing operations performed under the responsibility of the various actors of the platform, in accordance with Articles 11 and 12 of Regulation (EC) No 45/2001 and with national legislation adopted pursuant to Articles 10 and 11 of Directive 95/46/EC.</p>	<p><b>AM 18</b></p> <p>(21) Data subjects should be informed about, <i>and give their consent to</i>, the processing of their personal data in the ODR platform, and their rights with regard to that processing, by means of a comprehensive privacy notice to be made publicly available by the Commission and explaining, in a clear and simple language, the processing operations performed under the responsibility of the various actors of the platform, in accordance with Articles 11 and 12 of Regulation (EC) No 45/2001 and with national legislation adopted pursuant to Articles 10 and 11 of Directive 95/46/EC.</p>		<p>platform.</p> <p><b><u>(21) Data subjects should be informed about, and give their consent to, the processing of their personal data in the ODR platform, and their rights with regard to that processing, by means of a comprehensive privacy notice to be made publicly available by the Commission and explaining, in a clear and simple language, the processing operations performed under the responsibility of the various actors of the platform, in accordance with Articles 11 and 12 of Regulation (EC) No 45/2001 and with national legislation adopted pursuant to Articles 10 and 11 of Directive 95/46/EC.</u></b></p>
			<p><i>(21a) This Regulation is without prejudice to provisions on confidentiality in national legislation relating to alternative dispute resolution.</i></p>

<p>(22) Traders should inform consumers on their websites about the ODR platform and provide an electronic link to its homepage. They should also provide such information when a consumer submits a complaint to the trader, a consumer complaint handling system operated by the trader or a company ombudsman. This obligation should be without prejudice to Article 10(1)-(3) of Directive .../.../EU [Office of Publications insert reference number] concerning the information of consumers by traders about the ADR procedures by which those traders are covered and about whether or not they commit to use alternative dispute resolution procedures to resolve disputes with consumers. Furthermore, this obligation should be without prejudice to Articles 6(1)(t) and 8 of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights. Article 6(1)(t) of Directive 2011/83/EU stipulates for consumer contracts concluded at a distance or off premises that the trader has to inform the consumer about the possibility of having recourse to an out-of-court complaint and redress mechanism to which the trader is subject, and the methods for having access to it, before the consumer is bound by the contract.</p>		<p>(22) Traders <b>engaging in online sales or service contracts</b> should inform consumers <b>about their e-mail address. When the trader is obliged or commits to use ADR entities to resolve cross border disputes with consumers, he shall also inform the consumer on their his websites and if the offer is made by a mail or another textual message transmitted by electronic means, in that message</b> about the existence of the ODR platform and provide an electronic link to its homepage. They should also provide such information when a consumer submits a complaint to the trader, a consumer complaint handling system operated by the trader or a company ombudsman. This obligation should be without prejudice to Article 10(1)-(3) of Directive .../.../EU [Office of Publications insert reference number] concerning the information of consumers by traders about the ADR <b>entity or ADR entities</b> procedures by which those traders are covered, <del>and about whether or not they commit to use alternative dispute resolution procedures</del> <b>when the trader commits to use these entities</b> to resolve disputes with consumers. Furthermore, this obligation should be without prejudice to Articles 6(1)(t) and 8 of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights<sup>6</sup>. Article 6(1)(t) of Directive 2011/83/EU stipulates for consumer contracts concluded at a distance or off premises that the trader has to inform the consumer about the possibility of having recourse to an out-of-court complaint and redress mechanism to which the trader is subject,</p>	<p>(22) In order to ensure broad consumer awareness of its existence, traders established within the Union engaging in online sales or service contracts should provide on their websites an electronic link to the ODR platform. Traders should also inform of their email address so that consumers have a first point of contact. A significant proportion of online sales and service contracts are concluded using the online intermediaries, which bring together or facilitate online transactions between consumers and traders. These are online platforms which allow traders to make their products and services available to consumers. Such online intermediaries should therefore have the same obligation to provide an electronic link to the ODR platform. This obligation should be without prejudice to Article 10(1)-(3) of Directive .../.../EU [Office of Publications insert reference number] concerning the information of consumers by traders about the ADR procedures by which those traders are covered and about whether or not they commit to use alternative dispute resolution procedures to resolve disputes with consumers. Furthermore, this obligation should be without prejudice to Articles 6(1)(t) and 8 of Directive 2011/83/EU of the European</p>
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		and the methods for having access to it, before the consumer is bound by the contract.	Parliament and of the Council of 25 October 2011 on consumer rights. Article 6(1)(t) of Directive 2011/83/EU stipulates for consumer contracts concluded at a distance or off premises that the trader has to inform the consumer about the possibility of having recourse to an out-of-court complaint and redress mechanism to which the trader is subject, and the methods for having access to it, before the consumer is bound by the contract. For the same consumer awareness reasons, Member States should encourage consumer associations and business associations to provide an electronic link to the website of the ODR platform.
<p>(23) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the type of information which a complainant is to provide in the electronic complaint form made available on the ODR platform. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament</p>	<p><b>AM 19</b></p> <p>(23) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the <b><i>functions of the ODR platform, the modalities of cooperation between the contact points and the type of information</i></b> which a complainant is to provide in the electronic complaint form made available on the ODR platform, <b><i>as well as the modalities of that electronic complaint form</i></b>. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing</p>		<p><i>(23) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the type of information which a complainant is to provide in the electronic complaint form made available on the ODR platform. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament</i></p>

and Council.	and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.		<i>and Council.</i>
<p>(24) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission in respect of the functioning of the ODR platform, the modalities for the submission of a complaint and co-operation within the ODR facilitators' network. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. The advisory procedure should be used for the adoption of implementing acts relating to the electronic complaint form given its purely technical nature. The examination procedure should be used for the adoption of the rules concerning the modalities of cooperation between the ODR facilitators of the network of online dispute resolution facilitators.</p>			<p>(24) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission in respect of the functioning of the ODR platform, the modalities for the submission of a complaint and co-operation within the ODR facilitators' network. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. The advisory procedure should be used for the adoption of implementing acts relating to the electronic complaint form given its purely technical nature. The examination procedure should be used for the adoption of the rules concerning the modalities of cooperation between the ODR facilitators of the network of online dispute resolution facilitators.</p>

			<i>(24a) In the application of this Regulation, the Commission should consult, where appropriate, the European Data Protection Supervisor.</i>
<p>(25) Since the objectives of this Regulation, namely to set up a European online dispute resolution platform for cross-border online disputes governed by common rules, <i>because of the scale and effects of the action, cannot be sufficiently achieved by the Member States and therefore</i> be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p>	<p><b>AM 20</b></p> <p>(25) Since the objectives of this Regulation, namely to set up a European online dispute resolution platform for cross-border <b>and domestic</b> online disputes governed by common rules, <i>cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects,</i> be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p>		<p><i>(25) Since the objectives of this Regulation, namely to set up a European online dispute resolution platform for online disputes governed by common rules, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</i></p>
<p>(26) This regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and specifically Articles 7, 8, 38 and 47 thereof,</p>			<p>(26) This regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and specifically Articles 7, 8, 38 and 47 thereof,</p>
<b><u>CHAPTER I - General Provisions</u></b>			

**Article 1 - Subject matter**

<p>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.</p>	<p><b>AM 21</b></p> <p>The purpose of this Regulation is to contribute to the <i>effective</i> functioning of the internal market, and in particular its digital dimension, and to the achievement of a high level of consumer protection by providing <i>an online</i> platform facilitating the <i>independent</i>, impartial, transparent, effective and fair out-of-court resolution of disputes between consumers and traders online.</p>	<p>The purpose of this Regulation is, <b>through the achievement of a high level of consumer protection</b>, to contribute to the <b>proper</b> functioning of the internal market, and in particular its digital dimension, <del>and to the achievement of a high level of consumer protection</del> by providing a platform facilitating the impartial, transparent, effective and fair out-of-court resolution of disputes between consumers and traders online.</p>	<p>The purpose of this Regulation is, through the achievement of a high level of consumer protection, to contribute to the proper functioning of the internal market, and in particular its digital dimension, by providing an online platform facilitating the independent, impartial, transparent, effective and fair out-of-court resolution of disputes between consumers and traders online.</p>
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**Article 2 - Scope**

1. This Regulation shall apply to the out-of-court resolution of disputes concerning contractual obligations stemming from the online sales or service contracts between a consumer resident in the Union and a trader established in the Union through the intervention of an alternative dispute resolution entity listed in accordance with Article 17(2) of Directive .../.../EU [Directive on consumer ADR] and which involves the use of a European online dispute resolution platform.
2. This Regulation shall apply to the out-of-court resolution of disputes as referred to in paragraph 1, which are initiated by a trader against a consumer, in so far as the legislation of the Member State where the consumer is habitually resident allows for such disputes to be resolved through the intervention of an ADR entity.
3. Member States shall inform the Commission about whether or not their legislation allows for disputes as referred to in paragraph 1, which are initiated by a trader against a consumer, to be resolved through the intervention of an ADR entity. Competent authorities shall, when they send the list referred to in Article 17(2) of Directive .../.../EU [Directive on consumer ADR], inform the Commission about which ADR entities deal with such disputes.
4. The application of this Regulation to disputes as referred to in paragraph 1, which are initiated by a trader against a consumer, does not establish any obligation on Member States to ensure that ADR entities offer procedures for the out-of-court resolution of such disputes.

**Article 3 - Relationship with other Union legislation**

This Regulation is without prejudice to Directive 2008/52/EC, Regulation (EC) No 44/2001, Regulation (EC) No 864/2007 and Regulation (EC) No 593/2008.		This Regulation is without prejudice to Directive 2008/52/EC, Regulation (EC) No 44/2001, Regulation (EC) No 864/2007 and Regulation (EC) No 593/2008.	This Regulation is without prejudice to Directive 2008/52/EC.
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#### Article 4 - Definitions

*For the purposes of this Regulation:*

- (a) "consumer" means a consumer as defined in point (a) of Article 4 of [directive on ADR];
- (b) "trader" means a trader as defined in point (b) of Article 4 of [directive on ADR];
- (c) the place of establishment of the trader shall be determined in accordance with Article 4(c) of [directive on ADR];
- (d) "sales contract" means a sales contract as defined in point (da) of Article 4 of [directive on ADR];
- (e) "service contract" means a service contract as defined in point (db) of Article 4 of [directive on ADR];
- (f) "online sales or service contract" means a sale of goods or provision of services sales or service contract where the trader, or the trader's intermediary, has offered goods or services on a website or by other electronic means and the consumer has ordered such goods or services on that website or by other electronic means;
- (g) "online intermediary" means an information society service provider, as defined in Article 2(b) of Directive 2000/31/EC [Directive on electronic commerce], which facilitates relations between consumers and traders engaging in online sales and service contracts by means of an online market place. (j) "electronic means" means electronic equipment for the processing (including digital compression) and storage of data which is entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;
- (h) 'alternative dispute resolution procedure' (hereinafter 'ADR procedure') means a procedure for the out-of-court resolution of disputes as referred to in Article 2.
- (i) "alternative dispute resolution entity", (hereinafter "ADR entity") means an ADR entity as defined in point (e) of Article 4 of [directive on ADR];
- (j) The place of establishment of the ADR entity shall be determined in accordance with Article 4(f) of Directive ..././EU [Directive on consumer ADR].
- (k) "complainant party" means the consumer or the trader that has submitted a complaint via the European online dispute resolution platform;
- (l) "respondent party" means the consumer or the trader against whom a complaint has been submitted via the European online dispute resolution platform;
- (m) 'competent authority' means a public authority as defined in Article 4 (fa) of [directive on ADR].
- (n) "personal data" means any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

#### CHAPTER II - European online dispute resolution platform

**Article 5 - Establishment of the European online dispute resolution platform**

1. The Commission shall develop a European online dispute resolution platform<sup>7</sup> (hereinafter 'ODR platform') and be responsible for its operation, including all the translation functions necessary for the purpose of this Regulation, its maintenance, funding and data security. The ODR platform shall be user-friendly. 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 the vulnerable users ('design for all'), as far as possible.

2. The ODR platform shall be a single point of entry for consumers and traders seeking the out-of-court resolution of disputes covered by this Regulation. It shall be an interactive website which can be accessed electronically and free of charge in all official languages of the Union.

3. The Commission shall make the ODR platform accessible, as appropriate, through its websites providing information to citizens and businesses in the EU and, in particular, through the Your Europe portal established in accordance with Decision 2004/387/EC<sup>7</sup>.

4. The ODR platform shall have the following functions:

(a) providing an electronic complaint form which can be filled in by the complainant party in accordance with Article 7;

(b) informing the respondent party about the complaint.

(c) identifying the competent ADR entity or entities and transmitting the complaint to the ADR entity, which the parties have agreed to use, in accordance with Article 8;

(d) offering an electronic case management tool free of charge, which enables the parties and the ADR entity to conduct the dispute resolution procedure online via the ODR platform;

(e) providing the parties and ADR entity with the translation of information which is necessary for the resolution of the dispute and is exchanged through the ODR platform;

(f) providing an electronic form by means of which ADR entities shall transmit the information referred to in [Article 9];

(g) providing a feedback system which allows the parties to express their views on the functioning of the ODR platform and on the ADR entity which has handled their dispute;

(h) making publicly available the following:

(i) general information on alternative dispute resolution as a means of out-of-court dispute settlement;

(ii) information on ADR entities listed in accordance with Article 17(2) of Directive .../.../EU [Directive on consumer ADR] which are competent to deal with disputes covered by this Regulation;

(iii) an online guide about how to submit complaints via the ODR platform

(iv) information, including contact details, on ODR contact points designated by the Member States in accordance with Article 6(1);

(v) statistical data on the outcome of the disputes which were transmitted to ADR entities via the ODR platform.

<sup>7</sup> OJ L 144, 30.4.2004, p. 62 (Decision located in OJ L 181, 18.5.2004, p. 25).

5. The Commission shall ensure that the information referred to in paragraph 4(h) is accurate, up to date and provided in a clear, comprehensible and easily accessible way.

6. deleted

7. ADR entities listed in accordance with Article 17(2) of Directive ....../.../EU [Directive on consumer ADR] which are competent to deal with disputes covered by this Regulation shall be registered electronically with the ODR platform.

8. The Commission shall adopt measures concerning the modalities for the exercise of the functions provided for in paragraph 4 through implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(3).

#### **Article 5a - Testing of the ODR platform**

1. The Commission shall, no later than 18 months after the entry into force of this Regulation, test the technical functionality and user-friendliness of the ODR platform and of the complaint form, including with regard to translation. The testing shall be carried out and evaluated in cooperation with experts in online dispute resolution from the Member States and consumer and trader representatives. The Commission shall submit a report to the European Parliament and the Council of the result of the testing and take the appropriate measures to address potential problems in order to ensure the effective functioning of the ODR platform.

2. In the report referred to in paragraph 1, the Commission shall also describe the technical and organisational measures it intends to take to ensure that the ODR platform meets the privacy requirements set out in Regulation (EC) No 45/2001

#### **Article 6 - Network of online dispute resolution contact points**

1. Each Member State shall designate one ODR contact point and communicate its name and contact details to the Commission. Member States may confer responsibility for the ODR contact points on their centres of the European Consumer Centre Network, on consumer associations or on any other body. Each ODR contact point shall host at least two online dispute resolution advisors (hereinafter 'ODR advisors').

2. The ODR contact points shall provide support to the resolution of disputes relating to complaints submitted via the platform by fulfilling the following functions:

(a) if requested, facilitating communication between the parties and the competent ADR entity. This 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 in relation to the sales and service contracts which apply in the Member State of the ODR contact point which hosts the ODR advisor concerned;

- (iii) providing information on the functioning of the ODR platform,
  - (iv) providing the parties with explanations on the rules of procedure applied by the ADR entities identified
  - (v) informing the complainant party of other means of redress when a dispute cannot be resolved via the platform;
- (b) submitting, based on the practical experience gained from the performance of their functions, every two years an activity report to the Commission and to the Member States;

*2a. ODR contact point shall not be obliged to perform the functions listed in paragraph 2 in the case of disputes where the parties are habitually resident in the same Member State.*

*Notwithstanding the previous subparagraph, the Member States may decide, taking into account national circumstances, that ODR contact point performs one or several functions listed in paragraph 2 in the case of disputes where the parties are habitually resident in the same Member State.*

4. The Commission shall establish a network of contact points (hereinafter the 'contact point network') which shall enable cooperation between contact points and contribute to the performance of the functions set out in paragraph 2.
5. The Commission shall at least twice every year convene a meeting of members of the 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.
6. The Commission shall adopt the rules concerning the modalities of the cooperation between the ODR facilitators through implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(3).

#### Article 7 - Submission of a complaint

1. In order to submit a complaint to the ODR platform the complainant party shall fill in the electronic complaint form which shall be available on the platform's website. The complainant party may attach to the complaint form any documents in electronic form in support of his complaint.		1. In order to submit a complaint to the ODR platform the <b>consumer</b> shall fill in the electronic complaint form which shall be available on the platform's website. The <b>consumer</b> may attach to the complaint form any documents in electronic form in support of his complaint.	1. In order to submit a complaint to the ODR platform the complainant party shall fill in the electronic complaint form. The complaint form shall be user-friendly and easily accessible on the ODR platform.
	<p><b>AM 66</b></p> <p><i>1a. The ODR platform shall provide an online guide for those seeking assistance in completing electronic claim forms.</i></p>		<i>Covered by Article 5(4)(h)(iii)</i>
2. The information to be submitted by the complainant party shall be sufficient to	2. The information to be submitted by the complainant party shall be sufficient to	2. The information to be submitted by the complainant party <b>consumer</b> shall be sufficient	<i>2. The information to be submitted by the complainant party shall be</i>

<p>determine the competent ADR entity. <i>This</i> information <i>is</i> described in the Annex.</p>	<p>determine the competent ADR entity. <i>That</i> information <i>shall be entered in the electronic complaint form, the model of which is</i> described in the Annex.</p>	<p>to determine the competent ADR entity. This information is described in the Annex.</p>	<p><i>sufficient to determine the competent ADR entity. This information is described in the Annex. The complainant party may attach documents in support of the complaint.</i></p>
<p>3. The ODR platform shall provide the parties with information about the ADR entity or entities identified by the ODR platform as competent; if more than one option is available, the ODR facilitators of the Member States concerned shall provide the parties with details of the various entities so identified and advise them of the advantages and disadvantages of the procedures applied by each of these entities in order to enable the parties to make an informed choice.</p>		<p>3.The ODR platform shall provide the parties with information about the ADR entity or entities identified by the ODR platform as competent; <del>if more than one option is available, the ODR facilitators of the Member States concerned shall provide the parties with details of the various entities so identified and advise them of the advantages and disadvantages of the procedures applied by each of these entities in order to enable the parties to make an informed choice.</del></p>	
<p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 to adapt the information listed in the Annex, taking into account the criteria by which the ADR entities notified to the Commission in accordance with Article 17(2) of Directive .../.../EU [<i>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</i> (Directive on consumer ADR)] that deal with disputes covered by this Regulation define their</p>	<p><b>AM 68</b></p> <p>4. The Commission shall be empowered to adopt delegated acts, <i>after consulting the European Data Protection Supervisor</i>, in accordance with Article 16 to adapt the information listed in the Annex, taking into account the criteria by which the ADR entities notified to the Commission in accordance with Article 17(2) of Directive .../.../EU [Directive on consumer ADR] that deal with disputes covered by this Regulation define their respective scopes of application.</p>		<p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 to adapt the information listed in the Annex, taking into account the criteria by which the ADR entities notified to the Commission in accordance with Article 17(2) of Directive .../.../EU [<i>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</i> (Directive on consumer ADR)] that deal with disputes covered by this Regulation define their</p>

respective scopes of application.			respective scopes of application.
5. The Commission shall lay down the modalities of the electronic complaint form <b>by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).</b>	<p><b>AM 69</b></p> <p>5. The Commission shall <b><i>be empowered to adopt delegated acts, in accordance with Article 16, laying down the modalities of the electronic complaint form, taking into account technical progress. Before adopting those delegated acts, the Commission shall consult the European Data Protection Supervisor.</i></b></p>		5. The Commission shall lay down the modalities of the electronic complaint form <b><i>by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).</i></b>
6. Only data which are accurate, relevant and not excessive in relation to the purposes for which they are collected shall be processed through the electronic complaint form and its attachments.			6. Only data which are accurate, relevant and not excessive in relation to the purposes for which they are collected shall be processed through the electronic complaint form and its attachments.
<b><u>Article 8 - Processing and transmission of a complaint</u></b>			
1. <i>A complaint submitted to the ODR platform shall be processed if all the necessary sections of the electronic complaint form have been completed.</i>			
1a. <i>If the complaint form has not been fully completed, the complainant party shall be informed that the complaint cannot be processed further, unless the missing information is provided.</i>			
2. <i>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 EU languages chosen by that party, the complaint together with the following information:</i>			

- (a) the 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 shall not be processed further;
- (b) information about the ADR entity or entities which are competent to deal with the complaint, if any are mentioned in the electronic complaint form or are identified by the ODR platform on the basis of the information provided in that form;
- (c) in the event that the respondent party is a trader, an invitation to state within 10 calendar days:
- whether the trader commits to, or is obliged to use a specific ADR entity to resolve disputes with consumers; and
  - unless the trader is obliged to use a specific ADR entity, whether the trader is willing to use any ADR entity or entities from the list referred to in (b);
- (d) in the event that the respondent party is a consumer and the trader is obliged to use a specific ADR entity, an invitation to agree within 10 calendar days on that ADR entity, or in the event that the trader is not obliged to use a specific ADR entity, an invitation to select one or more ADR entities from the list referred to in (b);
- (e) the name and contact details of the ODR contact point in the Member State where the respondent party is established or resident, as well as a brief description of the functions referred to in Article 6(2)(a);
3. Upon receipt from the respondent party of the information referred to in paragraph 2(c) or (d), the ODR platform shall in an easily understandable way and without delay communicate to the complainant party, in one of the official EU languages chosen by that party, the following information:
- (a) the information referred to in paragraph (2)(a);
- (b) in the event that the complainant party is a consumer, information about the ADR entity or entities stated by the trader in accordance with paragraph (2)(c) and an invitation to agree within 10 calendar days on an ADR entity;
- (c) in the event that the complainant party is a trader and the trader is not obliged to use a specific ADR entity, information about the ADR entity or entities stated by the consumer in accordance with paragraph 2(d) and an invitation to agree within 10 calendar days on an ADR entity;
- (d) the name and contact details of the ODR contact point in the Member State where the complainant party is established or resident, as well as a brief description of the functions referred to in Article 6(2)(a);
4. The information referred to in paragraph (2)(b) and paragraph (3)(b) and (c) shall include a description of the following characteristics of each ADR entity:
- (a) the name, contact details and website address of the ADR entity;
- (b) the fees for the ADR procedure, if applicable;
- (c) the language or languages in which the procedure can be conducted;
- (d) the average length of the procedure;
- (e) the binding or non-binding nature of the outcome of the procedure;
- (f) the grounds on which the ADR entity may refuse to deal with a given dispute in accordance with Article 5(4) of Directive ....../EU [Directive on consumer ADR].
5. The ODR platform shall automatically and without delay transmit the complaint to the ADR entity that the parties have agreed to use in accordance with paragraphs (2) and (3).
6. The ADR entity to which the complaint has been transmitted shall without delay inform the parties about whether it accepts or refuses to deal with the dispute in accordance with its procedural rules as referred to in Article 5(4) and (5) of Directive ....../EU [Directive on consumer ADR]. The ADR entity which has accepted to deal with the dispute shall also inform the parties of its rules of procedure and, if applicable, of the costs of the concerned dispute resolution procedure.
8. Where within 30 calendar days after submission of the complaint form the parties fail to agree on an ADR entity, or the ADR entity refuses to deal with the dispute, the complaint shall not be processed further. The complainant party shall be informed of the possibility of contacting an ODR advisor for general information on other means of redress.

**Article 9 - Resolution of the dispute**

The ADR entity to which a complaint has been transmitted in accordance with Article 8 shall:

(a) in the event that the ADR entity has accepted to deal with the dispute, accomplish the conclusion of the dispute resolution procedure within the deadline referred to in article 8(d) of Directive .../.../EU [Directive on consumer ADR];

(b) only require the physical presence of the parties or their representatives, if the parties deem it necessary

(c) without delay transmit the following information to the ODR platform:

(i) date of receipt of the complaint file;

(ii) subject-matter of the dispute;

(iii) date of conclusion of the dispute resolution procedure;

(iv) the result of that procedure.

(d) not be required to conduct ADR procedure through the ODR platform

**Article 10 - Database**

The Commission shall take the necessary measures to establish and maintain an electronic database in which it shall store the information processed in accordance with Article 5(3) and Article 9(c).	<b>AM 98</b> The Commission shall take the necessary measures to establish and maintain an electronic database in which it shall store the information processed in accordance with Article 5(3) and Article 9(1)(b).	The Commission shall take the necessary measures to establish and maintain an electronic database in which it shall store the information processed in accordance with Article 5(3) and Article 9(e1) <b>taking due account of Article 12(2) of this Regulation.</b>	The Commission shall take the necessary measures to establish and maintain an electronic database in which it shall store the information processed in accordance with Article 5(4) and Article 9(c) <b>taking due account of Article 12(2) of this Regulation.</b>
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**Article 11 - Processing of personal data**

1. Access to information, including	<b>AM 99</b> 1. Access to information, including	1. Access to <b>necessary</b> information, including	1. Access to information, including
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<p>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 <b>ODR facilitators</b> for the purposes referred to in Article 6(3).</p>	<p>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 <b>contact points, in so far as it is necessary</b>, for the purposes referred to in Article 6(2) and (3).</p>	<p>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 <del>dealing with the complaint</del> <b>supporting the parties only</b> for the purposes referred to in Article 6(32).</p>	<p>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 <b>contact points, in so far as it is necessary</b>, for the purposes referred to in Article 6(2) and (3).</p>
<p>2. The Commission shall have access to information processed in accordance with Article 9 for the purposes of monitoring the use and functioning of the ODR platform and drawing up the reports referred to in Article 17. It shall process personal data of the users of the platform in so far as it is necessary for the operation and maintenance of the platform, including for the purposes of monitoring the use of the platform by ADR entities and <b>ODR facilitators</b>.</p>	<p><b>AM 100</b></p> <p>2. The Commission shall have access to information processed in accordance with Article 9 for the purposes of monitoring the use and functioning of the ODR platform and drawing up the reports referred to in Article 17. It shall process personal data of the users of the platform in so far as it is necessary for the operation and maintenance of the platform, including for the purposes of monitoring the use of the platform by ADR entities and <b>contact points</b>.</p>	<p>2. The Commission shall have access to information processed in accordance with Article 9(1) for the purposes of monitoring the use and functioning of the ODR platform and drawing up the reports referred to in Article 17. It shall process personal data of the users of the platform <b>only</b> in so far as it is necessary for the operation and maintenance of the platform, including for the purposes of monitoring the use of the platform by ADR entities and ODR facilitators.</p>	<p>2. The Commission shall have access to information processed in accordance with Article 9 for the purposes of monitoring the use and functioning of the ODR platform and drawing up the reports referred to in Article 17. It shall process personal data of the users of the ODR platform in so far as it is necessary for the operation and maintenance of the ODR platform, including for the purposes of monitoring the use of the ODR platform by ADR entities and <b>ODR contact points</b>.</p>
<p>3. Personal data related to a dispute shall be kept in the database referred to in paragraph 1 only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights, and shall be automatically deleted, at the latest, after 6</p>	<p><b>AM 101</b></p> <p>3. Personal data related to a dispute shall be kept in the database referred to in paragraph 1 only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights, and shall be automatically deleted, at the latest, after 6</p>	<p>3. Personal data related to a dispute shall be kept in the database referred to in paragraph 1 only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights, and shall be automatically deleted, at the latest, after 6 months following the date of conclusion of the dispute which has been transmitted to the ODR</p>	<p>3. Personal data related to a dispute shall be kept in the database referred to in paragraph 1 only for the time necessary to achieve the purposes for which they were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights, and shall be automatically deleted, at the latest, after</p>

<p>months following the date of conclusion of the dispute which has been transmitted to the ODR platform in accordance with Article 9(c)(iii). The above-mentioned retention period shall also apply to personal data kept in national files by the ADR entity or the <b>ODR facilitator</b> which dealt with the dispute concerned, except if the rules of procedure applied by the ADR entity or any specific provisions of national law provide for a longer retention period.</p>	<p>months following the date of conclusion of the dispute which has been transmitted to the ODR platform in accordance with Article 9(c)(iii). The above-mentioned retention period shall also apply to personal data kept in national files by the ADR entity or the <b>contact point</b> which dealt with the dispute concerned, except if the rules of procedure applied by the ADR entity or any specific provisions of national law provide for a longer retention period.</p>	<p>platform in accordance with Article 9(1)(e)(iii). The above-mentioned retention period shall also apply to personal data kept in national files by the ADR entity or the ODR facilitator which dealt with the dispute concerned, except if the rules of procedure applied by the ADR entity or any specific provisions of national law provide for a longer retention period.</p>	<p>6 months following the date of conclusion of the dispute which has been transmitted to the ODR platform in accordance with Article 9(c)(iii). The above-mentioned retention period shall also apply to personal data kept in national files by the ADR entity or the <b>ODR contact point</b> which dealt with the dispute concerned, except if the rules of procedure applied by the ADR entity or any specific provisions of national law provide for a longer retention period.</p>
<p>4. Each <b>ODR facilitator</b> and each ADR entity shall be regarded as a controller, in accordance with Article 2(d) of Directive 95/46/EC, with respect to their own data processing activities under this Regulation and shall be responsible to ensure that these activities comply with data protection rules laid down in national legislation adopted pursuant to Directive 95/46/EC. In relation to its responsibilities under this Regulation and the processing of personal data involved therein, the Commission shall be regarded as a controller in accordance with <i>Article 2(d)</i> of Regulation (EC) No 45/2001.</p>	<p><b>AM 102</b></p> <p>4. Each <b>contact point</b> and each ADR entity shall be regarded as a controller, in accordance with Article 2(d) of Directive 95/46/EC, with respect to their own data processing activities under this Regulation and shall be responsible to ensure that these activities comply with data protection rules laid down in national legislation adopted pursuant to Directive 95/46/EC. In relation to its responsibilities under this Regulation and the processing of personal data involved therein, the Commission shall be regarded as a controller in accordance with <i>point (d) of Article 2</i> of Regulation (EC) No 45/2001.</p>	<p>4. Each ODR facilitator and each ADR entity shall be regarded as a controller, in accordance with Article 2(d) of Directive 95/46/EC, with respect to their own data processing activities under this Regulation and shall be responsible to ensure that these activities comply with data protection rules laid down in national legislation <b>in the Member State where the ADR entity is established</b> adopted pursuant to Directive 95/46/EC. In relation to its responsibilities under this Regulation and the processing of personal data involved therein, the Commission shall be regarded as a controller in accordance with Article 2(d) of Regulation (EC) No 45/2001.</p>	<p>4. Each ODR advisor shall be regarded as a controller with respect to their own data processing activities under this Regulation, in accordance with Article 2(d) of Directive 95/46/EC, and shall ensure that these activities comply with national legislation adopted pursuant to Directive 95/46/EC in the Member State of the ODR contact point hosting the ODR advisor.</p> <p>(New) 5. Each ADR entity shall be regarded as a controller with respect to its data processing activities under this Regulation, in accordance with Article 2(d) of Directive 95/46/EC, and shall ensure that these activities comply with national legislation adopted pursuant to Directive 95/46/EC in the Member State where the ADR entity is established.</p>

			(New) 6. In relation to its responsibilities under this Regulation and the processing of personal data involved therein, the Commission shall be regarded as a controller in accordance with Article 2(d) of Regulation (EC) No 45/2001.
	<p><b>AM 103</b></p> <p><i>4a. 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 under Articles 11 and 12 of Regulation (EC) No 45/2001 and the relevant national legislation adopted under Articles 10 and 11 of Directive 95/46/EC, and informing them of their rights in this respect.</i></p>		<i>Covered by Recital 21</i>
<b><u>Article 12 - Data confidentiality and security</u></b>			
<p>(1) <b>ODR facilitators and ADR entities</b> shall be subject to rules of professional secrecy or other equivalent duties of confidentiality laid down in <i>national legislation</i>.</p>	<p><b>AM 104</b></p> <p>(1) ODR Contact points shall be subject to rules of professional secrecy or other equivalent duties of confidentiality laid down in <i>the legislation of the Member State</i></p>	<p>1. ODR facilitators and ADR entities shall be subject to rules of professional secrecy or other equivalent duties of confidentiality laid down in <del>the national</del> <b>legislation of the Member State of their ODR contact point. 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 established.</b></p>	<p>(1) ODR contact points shall be subject to rules of professional secrecy or other equivalent duties of confidentiality laid down in the legislation of the Member State concerned.</p>
	<i>ADR entities shall be subject to rules of</i>		<i>Covered by Recital 21a</i>

	<i>professional secrecy or other equivalent duties of confidentiality laid down in the legislation of the Member State where they are based.</i>		
2. The Commission shall take the appropriate technical and organisational measures to ensure the security of information processed under this Regulation, including appropriate data access control, a security plan and a security incident management, in accordance with Article 22 of Regulation (EC) No 45/2001.	<b>AM 105</b> 2. The Commission shall take the appropriate technical and organisational measures to ensure the security of information processed under this Regulation, including appropriate data access control, a security plan, <b>privacy impact assessment</b> and a security incident management, in accordance with Article 22 of Regulation (EC) No 45/2001.		2. The Commission shall take the appropriate technical and organisational measures to ensure the security of information processed under this Regulation, including appropriate data access control, a security plan and a security incident management, in accordance with Article 22 of Regulation (EC) No 45/2001.

### Article 13 - Consumer information

1. Traders established within the Union engaging in online sales or service contracts and online intermediaries established within the Union, which provide traders with a possibility to offer goods or services on their websites, shall provide on their websites an electronic link to the ODR platform. This link should be easily accessible for consumers. Traders established within the Union engaging in online sales or service contracts shall also state their e-mail address.

1a. Traders established within the Union, engaging in the online sales or service contracts who are committed or obliged to use ADR entity or ADR entities to resolve disputes with consumers shall inform consumers about the existence of the ODR platform and the possibility of using the ODR platform for resolving their disputes and provide an electronic link to its website and, if the offer is made by e-mail, in that e-mail. The information shall also be provided, where applicable, in the general terms and conditions applying to online sales and service contract.

2. The provisions in paragraph 1 are without prejudice to Article 10 of Directive .../.../EU [Directive on consumer ADR] and the provisions on consumer information on out-of-court redress procedures contained in other Union legislation, which shall apply in addition to the provisions of this Article.

3. The list of ADR entities referred to in Article 17(4) of Directive .../.../EU [Office of Publications insert reference number] and its updates shall be published in the ODR platform.

4. Member States shall ensure that ADR entities, the centres of the European Consumer Centre Network, the competent authorities defined in Article 15(1) of Directive .../.../EU [Office of Publications insert reference and, where appropriate, the bodies designated in accordance with Article 11(2) of Directive .../.../EU [Office of Publications insert reference number] provide an electronic link to the website of the ODR platform.

4a. Member States shall encourage consumer associations and business associations to provide an electronic link to the website of the ODR platform.			
5. When traders are obliged to provide information in accordance with paragraphs 1 and 1(a) and with the provisions referred to in paragraph 2, they shall, where possible, provide this information together.			
<b>Article 14</b>		<i>Monitoring</i>	<i>Monitoring</i>
<b>Monitoring</b>		<b>Role of the competent authority</b>	<b>Role of the competent authorities</b>
The compliance by ADR entities with the obligations set in this Regulation shall be monitored by the competent authorities which have been established by Member States in accordance with Article 15(1) of Directive .../.../EU [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)].		The compliance by ADR entities with the obligations set in this Regulation shall be <del>monitored</del> <b>assessed</b> by the competent authorities which have been established by Member States in accordance with Article 15(1) of Directive .../.../EU [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)]	<i>The competent authority of each Member State shall assess whether the ADR entities established in their territory comply with the obligations set out in this Regulation.</i>
<b><u>CHAPTER III - Final provisions</u></b>			
<b>Article 15</b>	<b>AM 108</b>		<b>Committee procedure</b>
<b>Implementing acts</b>	<i>deleted</i>		
<b>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</b>			<i>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</i>
<b>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</b>			<i>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</i>

<p>3. <i>Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.</i></p>			<p>3. <i>Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</i>  4. <i>Where the opinion of the committee under paragraphs 2 and 3 is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.</i></p>
<b><u>Article 16 - Exercise of the delegation -</u></b>			
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>			<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>
<p>2. <i>The delegation of power</i> referred to in <i>Article 7(4)</i> shall be conferred for an indeterminate period of time from the <i>[Office of Publications insert same date as in Art. 18(1) = date of entry into force of this Regulation]</i>.</p>	<p><b>AM 109</b>  2. <i>The power to adopt delegated acts</i> referred to in <i>Articles 5 (6), 6 (5) and 7(4)</i> shall be conferred <i>on the Commission</i> for an indeterminate period of time from ... * .</p>		<p>2. <i>The delegation of power</i> referred to in <i>Article 7(4)</i> shall be conferred for an indeterminate period of time from the <i>[Office of Publications insert same date as in Art. 18(1) = date of entry into force of this Regulation]</i>.</p>
<p>3. The delegation of <i>powers</i> referred to in Article 7(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of</p>	<p><b>AM 110</b>  3. The delegation of <i>power</i> referred to in <i>Articles 5 (6), 6 (5) and 7(4)</i> may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day</p>		<p>3. The delegation of <i>powers</i> referred to in Article 7(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the</p>

the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.			5. A delegated act adopted pursuant to Article 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.
	<b>AM 111</b> <i>Article 16a</i> <b>Penalties</b>	<b>Article 16a</b> <b>Penalties</b>	
	<i>Member States shall lay down rules on penalties applicable to infringement of this Regulation and shall take all the measures necessary to ensure that those rules are implemented. The penalties should be effective, proportionate and dissuasive.</i>	<b>Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to Article 13 of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.</b>	<b><u>Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.</u></b>

		<b>Article 16b</b> <b>Amendment to Regulation (EC) No 2006/2004</b>	
		<b>In the Annex to Regulation (EC) No 2006/2004 the following point is added:</b>	<b>In the Annex to Regulation (EC) No 2006/2004 the following point is added:</b>
		<b>"21. Regulation .... of the European Parliament and of the Council of .... on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (OJ L..., ..., p. ...): Article 13."</b>	<b>"21. Regulation .... of the European Parliament and of the Council of .... on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (OJ L..., ..., p. ...): Article 13."</b>
		<b>Article 16c</b> <b>Amendment to Directive 2009/22/EC</b>	
		<b>In the Annex to Directive 2009/22/EC the following point is added:</b>	<b>Directive 2009/22/EC is amended as follows:</b>
			<b>In Article 1(1) and (2) the words "Directives listed in Annex I" are replaced with the words "Union acts listed in Annex I".</b>
			<b>In the heading of Annex I the words "LIST OF DIRECTIVES" are replaced with the words "LIST OF UNION ACTS".</b>
			<b>In the Annex the following point is added:</b>
		<b>"15. Regulation .... of the European Parliament and of the Council of .... on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (OJ L..., ..., p. ...): Article 13."</b>	<b>"15. Regulation .... of the European Parliament and of the Council of .... on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) (OJ L..., ..., p. ...):</b>

**Article 17 - Reports**

Every *three years* and for the first time no later than *five years* after the entry into force of this Regulation the Commission shall submit to the European Parliament and the Council a report on the application of this Regulation. The report shall be accompanied, if necessary, by proposals for adaptations to this Regulation.

**AM 112**

Every *two years* and for the first time no later than ...\* the Commission shall submit to the European Parliament and the Council a report on the application of this Regulation, *in particular on the level of acceptance of the online signposting platform and the practicability of the complaint form and the possible needs to adapt the information listed in the Annex, taking into account the criteria by which the ADR entities notified to the Commission in accordance with Article 17(2) of Directive ..../.../EU Directive on consumer ADR] that deal with disputes covered by this Regulation define their respective scopes of application, as well as the possibilities of further development of interactive means of communication.* The report shall be accompanied, if necessary, by proposals for adaptations to this Regulation.

1. *The Commission shall report to the European Parliament and the Council on the functioning of the ODR platform on a yearly basis and for the first time one year after the ODR platform has become operational.*

2. *Every three years and for the first time no later than five years after the entry into force of this Regulation the Commission shall submit to the European Parliament and the Council a report on the application of this 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 of this Regulation. The report shall be accompanied, if necessary, by proposals for adaptations to this Regulation.*

3. *Where the reports referred to in paragraphs (1) and (2) are to be submitted in the same year, only one joint report shall be submitted.*

**Article 18 - Entry into force**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.			1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. This Regulation shall apply from [Office of Publications insert date = 6 months after implementation deadline for 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 as to be inserted in that Directive in accordance with Art 22(1) of that Directive], except for Article 5(1), (4), (5) and (6), Article 6(1), (2) and (6), Article 7(4) and (5), Article 10, Article 15 and Article 16 which shall apply from the date on which this Regulation enters into force.		2. This Regulation shall apply from [Office of Publications insert date = 6 months after implementation deadline for 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 as to be inserted in that Directive in accordance with Art 22(1) of that Directive], except for Article 5(1), (4), (5) and (6), Article 6(1), (2) and (6), Article 7(4) and (5), Article 10, Article 15 and Article 16 which shall apply from the date on which this Regulation enters into force.	2. This Regulation shall apply from [Office of Publications insert date = 6 months after implementation deadline for 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 as to be inserted in that Directive in accordance with Art 22(1) of that Directive], except for Article 5(1), (4), (5) and (6), Article 6(1), (2) and (6), Article 7(4) and (5), Article 10, Article 15 and Article 16 which shall apply from the date on which this Regulation enters into force.
This Regulation shall be binding in its entirety and directly applicable in all Member States.			This Regulation shall be binding in its entirety and directly applicable in all Member States.
Done at Brussels,			Done at Brussels,

**ANNEX***Information to be provided when submitting a complaint*

- (1) Whether the complainant party is a consumer or a trader;
- (2) Name, e-mail and geographical address of the consumer;
- (3) Name, e-mail, website and geographical address of the trader;
- (4) Name, email and geographical address of the complainant party's representative, if applicable;

- (5) *The language(s) of the complainant party or representative, if applicable;*  
 5(a) - *language of the respondent party, if known*  
 (6) *Type of good or service to which the complaint relates*  
 (7) *Whether the contract was offered by the trader and ordered by the consumer on a website or by other electronic means;*  
 (8) *The price of the good or service purchased;*  
 (9) *The date when the consumer purchased the good or service;*  
 (10) *Whether the consumer has made a direct contact with the trader;*  
 (11) *Whether the dispute has previously been considered by an ADR entity or by a court;*  
 (12) *Type of complaint;*  
 (13) *Description of the complaint;*  
 (14) *If the complainant party is a consumer, the ADR entities the trader is obliged to or has committed to use in accordance with Article 10(1) of Directive .../.../EU [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 Directive 2009/22/EC (Directive on consumer ADR)], if known;*  
 (15) *If the complainant party is a trader, which ADR entity or entities the trader commits to or is obliged to use.*

<b>Information to be provided when filling in the electronic complaint form</b>	<b>AM 113</b> <i>Model of the electronic complaint form</i>		
(1) <i>Name, address and, if applicable, e-mail and website address of the complainant party;</i>	<b>AM 114</b> (1) <i>Whether the complainant party is a consumer or a trader*</i> ;	<del>(2) Whether the complainant party is a consumer or a trader;</del>	
(2) <i>Whether the complainant party is a consumer or a trader;</i>	<b>AM 115</b> (2) <i>Name, e-mail, and, geographical address of the consumer;</i>	(1) Name, address and, if applicable, e-mail and website address of the <del>complainant party</del> <b>consumer;</b>	
(3) Name, address <i>and, if applicable, e-mail</i> and website <i>address</i> of the <i>respondent party</i> ;	<b>AM 116</b> (3) Name, address, <i>e-mail, geographical address</i> and website of the <i>trader</i> ;	(3) Name, address and, if applicable, e-mail and website address of the <del>respondent party</del> <b>trader</b> ;	
(4) <i>Whether the respondent party is a consumer or a trader;</i>		<del>(4) Whether the respondent party is a consumer or a trader;</del>	
	<b>AM 117</b>		

<b>(5) Type of goods or services to the sale or provision of which the complaint relates;</b>	<b>(4) Type of goods or services to the sale or provision of which the complaint relates*;</b>  <b>(* to be chosen from a drop-down list</b>		
	<b>AM 118</b> <b>(5) Consumer's language**</b> <b>(**) to be chosen from a drop-down list with the possibility to choose more than one language from that list</b>		
<b>(6) Grounds on which the complaint is based;</b>	<b>AM 123</b> <b>(10) Grounds on which the complaint is based [Description of the complaint, up to 1000 words]</b>		
<b>(7) Consumer's place of residence at the time the goods or services were ordered;</b>			
<b>(8) Communication method by which the goods or services were offered and communication method by which the order was made;</b>	<b>AM 119</b> <b>(6) Communication method by which the goods or services were offered and the communication method by which the order was made*;</b>		
<b>(9) If applicable, where the trader's offer was made or the goods or services delivered or supposed to be delivered out of the operations of a branch, agency or other establishment, the place where that branch, agency or other establishment is</b>	<b>AM 120</b> <b>(7) If applicable, where the trader's offer was made or the goods or services were delivered or were supposed to be delivered out of the operations of a branch, agency or other establishment, the place where that branch, agency or</b>		

<i>situated;</i>	<i>other establishment is situated;</i>		
(10) <i>Language of the contract;</i>	AM 121 (8) <i>Language of the contract or, if not known, language used on the website;</i>	(10) Language of the contract <b>or language of the website;</b>	
(11) <i>ADR entities the trader committed to use in accordance with Article 10(1) of Directive ..../.../EU[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 Directive 2009/22/EC (Directive on consumer ADR)], if known.</i>	AM 122 (9) <i>ADR entities that the trader has undertaken to use [if known].</i>	(11) <b>ADR entities which according to the trader's statement on his website (or the trader's statement in his e-mail or other textual messages in electronic form through which he transmits his offer) the trader is obliged or has committed to use in accordance with Article 10(1) of Directive ..../.../EU[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 Directive 2009/22/EC (Directive on consumer ADR)], if known.</b>	
	AM 124 (11) <i>Attachments</i>		