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## Draft European ODR Regulation, Version 1.2

Rafal Morek (DWF LLP) · Sunday, September 9th, 2012

The Report on the proposal for a regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) ([COM\(2011\)0794 – C7-0453/2011– 2011/0374\(COD\)](#)) has been published by the Internal Market and Consumer Protection Committee (IMCO) of the European Parliament. IMCO has been working on two legislative proposals related to alternative dispute resolution: a Directive on ADR that aims to ensure that quality out-of-court entities exist to deal with any contractual dispute between a consumer and a business, and a Regulation on online dispute resolution (ODR) that would establish a European ODR platform offering a single point of entry to those who seek to resolve a dispute which has arisen from a cross-border e-commerce transaction. Both are based on the [proposals of the European Commission released on November 29, 2011](#).

The European ODR platform would be an interactive website offering consumers and traders a single point of entry for out of court resolution of certain disputes – contractual disputes arising from the cross-border online sale of goods or the provision of services by a trader established in a Member State to a consumer resident in another Member State. The platform would be free of charge and available in all official languages of the EU.

The 92-page Report presents a number of proposed amendments. Among others, it intends to extend the scope of the draft ODR Regulation to make the ODR platform available to complaints filed not only by customers but also by traders, in cases of, for example, non-payment or refusal to accept delivery of goods. It is argued that while the scheme would be voluntary, it is essential to provide for incentives for traders to commit to ADR.

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