

# Kluwer Mediation Blog

## The first anniversary of the new EU Consumer ADR regime

Rafal Morek (DWF LLP) · Saturday, July 9th, 2016

**The Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes** ([Directive on consumer ADR](#)) obliged Member States to bring into force the laws, regulations and administrative provisions necessary to comply with said Directive **by 9 July 2015**. Today we should hence be celebrating the first anniversary of the new ADR regime coming in force for European consumers. However, due to delays and problems in the transposition processes across the EU Member States, the celebration needs to be postponed.



A number of Member States failed to complete the transposition in due time. Some have not managed to complete the process as of even today. On the [website](#) which has been set up by the EU to help unsatisfied customers find a neutral dispute resolution body to handle a given dispute, information is still lacking regarding ADR bodies in Croatia, Luxembourg, Poland, Romania and Spain. For other countries, there are gaps related to certain sectors or industries.

The Member States took different approaches to national implementing measures. Some of them enacted or amended consolidated laws on consumer ADR, such as:

– Austria with its *Alternative-Streitbeilegung-Gesetz – AStG sowie Änderung des Konsumentenschutzgesetzes, des Gebührengesetzes 1957 und des Verbraucherbehörden-*

*Kooperationsgesetzes* of 13 August 2015,

– Italy (*Attuazione della direttiva 2013/11/UE sulla risoluzione alternativa delle controversie dei consumatori, che modifica il regolamento CE n.2006/2004 e la direttiva 2009/22/CE* of 6 August 2015) or

– the Netherlands (*Wetsvoorstel implementatie richtlijn ADR consumentengeschillen* of 16 April 2015).

In others, consumer ADR laws are scattered into a plethora of legal instruments, mostly of sectorial scope of application. For example, in the Czech Republic the transposition led to introducing amendments to 12 legal acts; in Hungary, the number was even higher (16).

One way or another, the transposition processes were challenging. As a result, the vast majority of Member States introduced their national regulations as late as in 2015 or even in 2016 (the latter includes Germany's *Gesetz zur Umsetzung der Richtlinie über alternative Streitbeilegung in Verbraucherangelegenheiten und zur Durchführung der Verordnung über Online-Streitbeilegung in Verbraucherangelegenheiten* of 19 February 2016).

The first anniversary is therefore merely of formal significance. It is still too early to state, based on any credible empirical data, whether the new regulations have brought a fresh impetus to consumer ADR in Europe.

The Directive itself provides for a four-year period for the assessment of its effects. The report on the application of the Directive, including the development and the use of ADR entities and the impact on consumers and traders, in particular on the awareness of consumers and the level of adoption by traders, will be presented in three years, by 9 July 2019.

On this first anniversary I wish all European consumers lots of satisfaction related to the use of ADR!

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