



ONLINE DISPUTE RESOLUTION BETWEEN CONSUMERS AND ENTERPRISES

TRIALS ARE EXPENSIVE, TIME-CONSUMING AND MOSTLY FINAL.

ODR REGULATION

Online Dispute Resolution

Content: Regulates the establishment and work of the dispute settlement platform. (Called ODR-platform)

www.ec.europa.eu/consumers/odr

The ODR-platform is responsible for the technical part.

ADR DIRECTIVE

on alternative dispute resolution for consumer disputes

Alternative Dispute Resolution

Content: Regulates the establishment and work of the German alternative dispute resolution entities. (ADR entities)

The ADR entities are responsible for the personnel level.

KEEP IN MIND: RETAILERS ARE OBLIGATED TO KEEP THEIR CUSTOMERS INFORMED.

BENEFITS OF THE ALTERNATIVE DISPUTE RESOLUTION:

- Reasonable for entrepreneurs
- Voluntary and nonbinding
- Time-saving
- Fair
- Easy-to-use
- Available in different languages

Proceedings through the ODR-platform are possible, when...

- ... consumer and enterprise are resident in one of the European countries.
- ... a dispute exists related to a completed online sales or service contract.
- ... the contract was made for private purposes (B2C).
- ... an agreement had previously failed with the enterprise.

What's more? The ODR-platform is not the only contact point for consumers. The appeal can also be submitted to the ADR entity directly, which is designated by the online retailer.

ONLINE DISPUTE RESOLUTION – A PRACTICAL EXAMPLE

Anna from Spain ordered something from Torsten's online-store. Unfortunately Anna received the product damaged. Anna got in contact with Torsten but they could not find an agreement.



NOW THERE IS A PROBLEM.

STEP 1

1

ANNA SUBMITTED THE COMPLAINT THROUGH THE ONLINE APPLICATION FORM ON THE ODR-PLATFORM.



In order to do this, she needs the following documents:

- Information about the consumer and the contracting party
- Information about the contract
- A proposed solution

STEP 2

2

TORSTEN WILL BE INFORMED ABOUT THE SUBMITTED COMPLAINT FROM ANNA BY THE ODR-PLATFORM



If an ADR entity has not yet been defined, the competent authority must be determined or rather Anna and Torsten must agree on an ADR entity. During this process the complaint is not processed further.



If an ADR entity has already been found, Anna and Torsten will be informed.



THE ADR ENTITY IS DETERMINED.

If an ADR entity cannot be determined within 30 days after submission of the complaint, the proceedings will be terminated. It remains the regular course of law.

STEP 3

3

THE PROCEEDINGS ARE TAKEN OVER BY THE ADR ENTITY.



The ADR entity will inform both parties about their own procedural rules, the cost of the ADR procedures and the next steps.

STEP 4

4

THE ADR PROCEDURES START.



Torsten and Anna will now get the opportunity to voice their opinions concerning the case, provide suggestions or submit evidence. Additionally, each party will get the opportunity to make a statement.



STEP 5

5

IF AN AMICABLE SETTLEMENT IS NOT ACHIEVED, THE DISPUTE AGENT WILL SUBMIT A PROPOSAL FOR THE SETTLEMENT OF DISPUTES.

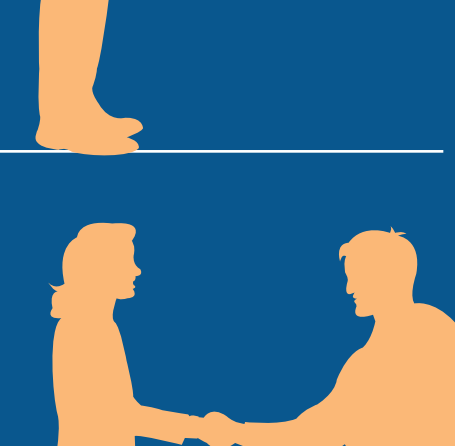


The proposal is based on the statements from Anna and Torsten and is orientated on applicable law.

STEP 6

6

TORSTEN AND ANNA CAN ACCEPT OR DECLINE THE SETTLEMENT.



IN ANY CASE THE REGULAR JUDICIAL PROCEDURE IS STILL AVAILABLE.