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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828
- Preparation for the Trilogue

I. INTRODUCTION

1. On 17 October 2023, the Commission submitted to the Council and the European Parliament a proposal for a Directive of the European Parliament and of the Council amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes¹.
2. The proposal aims to make the alternative dispute resolution (ADR) framework fit to digital markets, enhance the use of ADR in cross-border disputes and simplify ADR procedures to the benefit of all actors. It also forms part of the Commission's commitment to rationalise and simplify reporting requirements, with the aim to reduce such burdens by 25%, without undermining the related policy objectives, as stated in its Communication on 'Long-term competitiveness of the EU: looking beyond 2030'².

¹ Doc. 14434/23 + ADD 1-5.

² Doc. 7604/23.

3. The draft Directive is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
4. The European Economic and Social Committee delivered its opinion on 14 February 2024³.
5. In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) has the lead responsibility. Laura BALLARÍN CEREZA (S&D, Spain) was appointed rapporteur. The European Parliament adopted its first-reading position⁴ at the plenary session on 13 March 2024 and forwarded its position to the Council. This constitutes the European Parliament's negotiating mandate.
6. At its meeting on 25 September 2024, the Permanent Representative Committee granted the Hungarian Presidency a mandate⁵ to enter into negotiations with the European Parliament (EP).
7. The Working Party on Consumer Protection and Information examined the EP's position at its meetings on 3 October 2024 and 31 January 2025.

II. INTER-INSTITUTIONAL NEGOTIATIONS – STATE OF PLAY

8. The first trilogue was held under the Polish Presidency on 20 February 2025. The co-legislators explained their views on the main political issues and gave a broad mandate to the technical level to identify and make progress on areas of compromise.
9. The second trilogue took place on 19 May 2025. The co-legislators had an in-depth discussion on provisions regarding the traders' duty to reply and their compliance with ADR procedures, the reporting of unfair commercial practices and terms, as well as the competent authorities' obligations regarding necessary resources. The trilogue also included an explanatory discussion on the main political issues: the material and geographical scope and the mandatory participation of air carriers.

³ Doc. 6964/24.

⁴ Doc. 10620/24.

⁵ Doc. 13398/24.

10. As a result of these exchange of views and the detailed discussions held at technical level in 11 inter-institutional technical meetings, compromise solutions and wording have been proposed on most provisions.
11. The Working Party on Consumer Protection and Information was convened on 11 March, 8 April, 5 and 23 May, 10 and 17 June 2025 to discuss the progress in the technical meetings and examine potential compromise proposals in preparation for the trilogues.
12. The third political trilogue will be held on 26 June 2025. The Presidency's aim is to conclude the negotiation with the EP and reach the provisional political agreement.
13. Following the guidance from the Working Party and as a result of the technical meetings, the Presidency submits a compromise package, set out in the fourth column of the table in the annex to this note, to serve as basis for finalising the negotiation with the EP, with a view to reaching an overall balanced compromise. The main elements of the proposed mandate and the remaining open issues are outlined under section III. below.

III. THE PROPOSED MANDATE AND OPEN ISSUES

14. The compromises preliminarily agreed at technical level contain editorial and technical matters but also cover more political issues regarding, *inter alia*, the following ones:
 - a) Definitions (Article 4): The EP has accepted the Council's definitions and has withdrawn its position on the definition of unfair commercial practices.
 - b) Access to ADR entities and procedures (Articles 5 and 8): The EP has accepted the Council mandate regarding digital and non-digital access and has withdrawn its amendment regarding physical meetings. In addition, it has been agreed to include a soft provision encouraging the reimbursement of the nominal fee for cases when the outcome is positive for the consumer. As another compromise, a recital has been included to allow Member States to facilitate access to ADR procedures for micro-enterprises or the self-employed.

c) Automated means (Article 5): The EP has accepted the Council mandate, but further to some delegations' requests, it has been agreed to change the information requirement to cover all automated means used in ADR decision-making processes, regardless of whether they are covered by the Artificial Intelligence (AI) Act or not. As a consequence, the current compromise solution also deletes the references to the AI Act, as deemed unnecessary.

d) The bundling of cases (Article 5): The compromise states that the consumer has to be informed of the bundling and that the persons in charge of the ADR procedures need to have sufficient knowledge to deal with the case. However, the Member States remain flexible to define further conditions.

e) Obligations for ADR entities (Articles 6, 7, 17, 19): The Council has accepted the EP amendment obliging ADR entities remunerated or employed by the trader to only have access to the data strictly related to the case. Furthermore, a compromise has been found to ensure that natural persons in charge of ADR have a general understanding of private international law, for cross-border dispute handling, and that ADR entities provide the necessary training for those persons. Regarding unfair commercial practices and terms, as a possible compromise deletes the EP's reporting obligation *per se*, the EP amendment regarding the non-application of the principle of confidentiality has been deleted. On the other hand, the Council has agreed to reinstate the ADR entities' reporting obligation (Article 19) as provided for by the Directive in force and in line with the EP position.

f) Additional obligations for traders (Article 13): The EP has renounced to its amendment obliging traders to provide information on ADR entities on their invoices and to provide their email details for the sole purpose of ADR procedures.

g) Assistance provided for consumers (Article 14): The compromise takes over most of the Council mandate, clarifying the procedure and replacing the EP amendment on the use of language by an obligation for Member States to inform ADR entities and consumers of the availability of the machine translation function. It is also stated that all actors involved in assisting and providing information to consumers must act in good faith.

h) Digital tools to handle ADR consumer disputes (Article 17): The compromise solution combines the EP and Council mandates.

i) Necessary checks (Article 20): The Council has agreed to include an obligation for competent authorities to carry out the necessary checks (as opposed to the regular checks proposed by the EP) to monitor compliance with the requirements of this Directive.

15. Nevertheless, certain important elements not yet agreed at technical level as well as the core political issues are still open, and they are on the agenda of the forthcoming trilogue, as outlined below. The Presidency would like to invite Coreper to consider the following questions and express its flexibility to allow the Presidency to reach a compromise.

a) **Items discussed at the second trilogue**: Further to the in-depth discussion held at the previous trilogue, the technical teams have exchanged compromise proposals on the items discussed. The result of these negotiations is reflected in the fourth column of the table set out in the annex and can be summarised as follows:

- Traders' non-compliance (new Article 11a, Article 19): The EP is proposing to delete its amendment obliging traders to provide a written explanation on why they do not comply with the ADR outcome (lines 62g, 62h). Similarly, the EP's amendment obliging ADR entities to report traders who systematically and unduly refuse to comply with the outcomes of ADR (lines 75i, 75j) would also be deleted. As a compromise solution, these amendments would be replaced by an obligation for Member States to have in place measures to promote the participation of traders and consumers in ADR procedures (line 62f).

- Reporting of unfair commercial practices and terms (Article 7 and 17): The compromise proposal consists of deleting the reporting obligation *per se* (lines 75e, 75f), introducing an obligation for the ADR entities to make the competent authorities' contact information publicly available and prescribing the inclusion of unfair commercial practices and terms in the practices on which the ADR entities mutually exchange information with the competent authorities, as a consequence of repeated consumers' complaints (lines 75c, 75d).

- Necessary resources (Article 14 and 18) According to the compromise proposal, the EP amendments obliging Member States to ensure that their competent authorities and the ADR contact points have the necessary resources, including sufficient budgetary and other resources for the proper performance of their duties, would be replaced by a horizontal recital clarifying that ADR entities, competent authorities and ADR contact points should have the sufficient human, material and financial resources and that Member States can determine the appropriate forms of funding for this purpose (lines 75g, 75h).

- Penalties (Article 21): The EP has withdrawn its amendment adding the duty to reply to the article on penalties.

The EP is proposing to agree on these compromise solutions as a package. The Presidency suggests agreeing to this proposal.

Could the delegations agree to the Presidency's suggestion?

b) Duty to reply (Article 5): The EP wishes to re-discuss the duty to reply in its entirety, the flexibilities shown earlier are no longer valid. The Presidency will defend the Council's exemptions, necessary to cater for certain national ADR regimes. In order to be able to do so, the Presidency intends to show flexibility on the deadline, which is 20 working days extendable to 40 in the Council mandate and 15 working days extendable to 20 in the EP position. However, as previous discussions have proven, the EP will also insist that the duty to reply should be a meaningful obligation. Therefore, it will continue to oppose the Council's amendments regarding the possibility to presume the non-reply as a negative reply and that additional consequences of the failure to reply should be set out in the national legislation. Therefore, the Presidency would also like to have an option to resort to, in the context of an overall balanced compromise package.

Could you agree to a deadline of 15 working days, extendable to 30, and as a last resort, to 20 working days in complex cases?

Could you agree to deleting the provisions on the presumption and/or the additional consequences of the lack of reply, within the context of an overall balanced compromise?

c) **Extension of the material scope** (Article 2): The EP has maintained the extension to disputes linked to consumer rights applicable to non-contractual situations and provided in Union law (concerning access to services, the right to switch providers, unfair commercial practices, and non-discrimination on the basis of nationality or place of residence). The Commission has proposed a modified EP text, including examples, the condition of the consumer's detriment in general and the lack of other non-judicial enforcement mechanisms for unfair commercial practices, in order to accommodate the concerns raised by the Council. Nevertheless, based on the extensive discussions held in the Working Party and considering the delegations' firm stance expressed in all preparatory meetings, including the Coreper meeting on 14 May 2025, the Presidency intends to defend the Council mandate and limit the extension to disputes arising from contractual obligations.

Do you confirm that the Council should defend its mandate regarding the material scope?

d) **Extension of the geographical scope** (Article 2): The Commission proposal extended the scope to traders established outside of the EU, an extension which the Council has deleted but the EP has maintained. To cater for the delegations' concerns regarding its practical functioning and effective enforcement, and in order to facilitate a compromise, the Commission has suggested a redraft. The Presidency aims to modify this text to further narrow down the scope of the extension and to protect ADR entities from disproportionate burden. Bearing in mind the lack of substantial flexibility of the Council in other political areas, it may be necessary to make a step towards the EP position.

Could you agree to a compromise that includes the following elements:

- notion of directing activities to EU Member States within the meaning of the Rome I/Brussels I Regulations,***
- joint request by the consumer and the trader,***
- outcome based on the law applicable in the Member State where the ADR entity is established and the consumer resides (without affording the consumer less protection than the protection granted by the Rome I Regulation),***
- a definition of "international dispute",***
- the Member States may adopt additional conditions for third country traders?***

e) **Mandatory participation of air carriers** (Article 1): Given the high number of consumer complaints, the EP has proposed to make participation in ADR mandatory for airline carriers falling under the scope of Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights (the Air Passenger Rights Regulation). The Presidency intends to show some degree of openness to accommodate the EP amendment, without making a substantial concession to the EP.

Could you agree to a recital stating that, when designing and implementing measures promoting participation in ADR, Member States should pay attention to sectors with low level of trader participation and high number of consumer complaints, and clarifying that, as an alternative, Member States may introduce mandatory participation in those sectors?

Could you agree to a solution where the recital mentions air transport, as part of an explanation of the reasons, not as an example?

Could you agree to have the content of the recital reflected in the Articles, i.e. to introduce a clarification in the operative part stating that, instead of measures promoting the participation of traders, Member States may decide to introduce mandatory participation in particular in sectors with low level of participation of traders, despite repeated consumer complaints?

f) **Transposition and application** (Article 5 of the amending Directive): While the Council mandate provides for a longer period to offer sufficient time for the national legislative procedures and to ensure a smooth adapting to the new requirements, the EP has not changed the Commission proposal, which sets a 1-year transposition and application deadline from the entry into force of the Directive.

Considering the need to find flexibilities to reach a balanced overall compromise, could you agree to returning to the 1-year transposition and application deadline of the original Commission proposal, as a last resort? If not, what are the shortest deadlines you are ready to accept?

16. The Presidency is aware that some delegations would prefer the original Council mandate. However, a compromise as envisaged above could cater for the most important concerns of the European Parliament, while preserving the most important aspects of the Council mandate and would thus pave the way for a favourable compromise.

IV. CONCLUSION

17. The Permanent Representatives Committee is invited to:
- examine the open political issues presented in section III, point 15. above and indicate their flexibility on the questions;
 - agree to the mandate for the forthcoming, possibly final trilogue with the European Parliament, including the preliminary agreement reached at the technical level as set out in the four-column table in the annex to this note.
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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0376 (COD)	2023/0376 (COD)	2023/0376 (COD)	2023/0376 (COD) <small>Text Origin: Commission Proposal</small>
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828 (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828 (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828 (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828 (Text with EEA relevance) <small>Text Origin: Commission Proposal</small>
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, <small>Text Origin: Commission Proposal</small>
Citation 1				
4	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 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,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
7	Having regard the opinion of the European Economic and Social Committee,	Having regard the opinion of the European Economic and Social Committee,	Having regard the opinion of the European Economic and Social Committee,	Having regard the opinion of the European Economic and Social Committee, Text Origin: Commission Proposal
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
9	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
10	<p>(1) Directive 2013/11/EU of the European Parliament and of the Council¹ was adopted in order to ensure that consumers within the Union have access to high quality alternative dispute resolution (“ADR”) procedures to resolve the contractual disputes arising from the sale of goods or provision of services by traders established in the Union to consumers resident in the Union. It provides for the availability of ADR procedures for all types of domestic and cross-border consumer disputes within the Union, ensuring that ADR procedures meet minimum quality standards. It requires Member States to monitor the performance of ADR entities. To increase consumer awareness and promote the use of ADR, it also provides that traders should be required to inform their consumers of the possibility to settle their dispute out-of-court through ADR procedures.</p> <p><small>1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and</small></p>	<p>(1) Directive 2013/11/EU of the European Parliament and of the Council¹ was adopted in order to ensure that consumers within the Union have access to high quality alternative dispute resolution (“ADR”) procedures to resolve the contractual disputes arising from the sale of goods or provision of services by traders established in the Union to consumers resident in the Union. It provides for the availability of ADR procedures for all types of domestic and cross-border consumer disputes within the Union, ensuring that ADR procedures meet minimum quality standards. It requires Member States to monitor the performance of ADR entities. To increase consumer awareness and promote the use of ADR, it also provides that traders should be required to inform their consumers of the possibility to settle their dispute out-of-court through ADR procedures.</p> <p><small>1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and</small></p>	<p>(1) Directive 2013/11/EU of the European Parliament and of the Council¹ was adopted in order to ensure that consumers within the Union have access to high quality alternative dispute resolution (“ADR”) procedures to resolve the contractual disputes arising from the sale of goods or provision of services by traders established in the Union to consumers resident in the Union. It provides for the availability of ADR procedures for all types of domestic and cross-border consumer disputes within the Union, ensuring that ADR procedures meet minimum quality standards. It requires Member States to monitor the performance of ADR entities. To increase consumer awareness and promote the use of ADR, it also provides that traders should be required to inform their consumers of the possibility to settle their dispute out-of-court through ADR procedures.</p> <p><small>1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and</small></p>	<p>(1) Directive 2013/11/EU of the European Parliament and of the Council¹ was adopted in order to ensure that consumers within the Union have access to high quality alternative dispute resolution (“ADR”) procedures to resolve the contractual disputes arising from the sale of goods or provision of services by traders established in the Union to consumers resident in the Union. It provides for the availability of ADR procedures for all types of domestic and cross-border consumer disputes within the Union, ensuring that ADR procedures meet minimum quality standards. It requires Member States to monitor the performance of ADR entities. To increase consumer awareness and promote the use of ADR, it also provides that traders should be required to inform their consumers of the possibility to settle their dispute out-of-court through ADR procedures.</p> <p><small>1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and</small></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).	Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).	Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).	Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63). Text Origin: Council Mandate
Recital 2				
11	(2) In 2019 the Commission adopted a report on the implementation of the Directive 2013/11/EU and of Regulation (EU) No 524/2013 of the European Parliament and of the Council ¹ which revealed that Directive 2013/11/EU has led to increased coverage of consumer markets by quality ADR entities throughout the Union. However, the report also identified that consumer and business uptake of ADR procedures was lagging behind in some sectors and Member States. One reason for this was the low level of awareness of traders and consumers about such procedures in Member States where they had only recently been introduced. Another reason was the lack of trust of consumers and traders in unregulated ADR entities. Data provided by national competent authorities in early 2022, as well as the evaluation of the implementation of the Directive 2013/11/EU conducted in 2023,	(2) In 2019 the Commission adopted a report on the implementation of the Directive 2013/11/EU and of Regulation (EU) No 524/2013 of the European Parliament and of the Council ¹ which revealed that Directive 2013/11/EU has led to increased coverage of consumer markets by quality ADR entities throughout the Union. However, the report also identified that consumer and business uptake of ADR procedures was lagging behind in some sectors and Member States. One reason for this was the low level of awareness of traders and consumers about such procedures in Member States where they had only recently been introduced. Another reason was the lack of trust of consumers and traders in unregulated ADR entities. Data provided by national competent authorities in early 2022, as well as the evaluation of the implementation of the Directive 2013/11/EU conducted in 2023,	(2) In 2019 the Commission adopted a report on the implementation of the Directive 2013/11/EU and of Regulation (EU) No 524/2013 of the European Parliament and of the Council ² which revealed that Directive 2013/11/EU has led to increased coverage of consumer markets by quality ADR entities throughout the Union. However, the report also identified that consumer and business uptake of ADR procedures was lagging behind in some sectors and Member States. One reason for this was the low level of awareness of traders and consumers about such procedures in Member States where they had only recently been introduced. Another reason was the lack of trust of consumers and traders in unregulated ADR entities. Data provided by national competent authorities in early 2022, as well as the evaluation of the implementation of the Directive 2013/11/EU conducted in 2023,	(2) In 2019 the Commission adopted a report on the implementation of the Directive 2013/11/EU and of Regulation (EU) No 524/2013 of the European Parliament and of the Council ² which revealed that Directive 2013/11/EU has led to increased coverage of consumer markets by quality ADR entities throughout the Union. However, the report also identified that consumer and business uptake of ADR procedures was lagging behind in some sectors and Member States. One reason for this was the low level of awareness of traders and consumers about such procedures in Member States where they had only recently been introduced. Another reason was the lack of trust of consumers and traders in unregulated ADR entities. Data provided by national competent authorities in early 2022, as well as the evaluation of the implementation of the Directive 2013/11/EU conducted in 2023,

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>suggest that the uptake remained relatively stable (apart from a small increase of cases related to Covid-19 pandemic). Most stakeholders consulted in the context of that evaluation confirmed that the lack of awareness and understanding of ADR procedures by consumers, low engagement by traders, gaps in ADR coverage in certain Member States, high costs and complex national ADR procedures and differences in the competences of ADR entities, are frequent factors hindering the uptake of ADR procedures. There are additional barriers in cross-border ADR like language, lack of knowledge of the applicable law, as well as specific access difficulties for vulnerable consumers.</p> <p>1. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).</p>	<p>suggest that the uptake remained relatively stable (apart from a small increase of cases related to Covid-19 pandemic). Most stakeholders consulted in the context of that evaluation confirmed that the lack of awareness and understanding of ADR procedures by consumers, low engagement by traders, gaps in ADR coverage in certain Member States, high costs and complex national ADR procedures and differences in the competences of ADR entities, are frequent factors hindering the uptake of ADR procedures. There are additional barriers in cross-border ADR like language, lack of knowledge of the applicable law, as well as specific access difficulties for vulnerable consumers.</p> <p>1. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).</p>	<p>suggest that the uptake remained relatively stable (apart from a small increase of cases related to the Covid-19 pandemic). Most stakeholders consulted in the context of that evaluation confirmed that the lack of awareness and understanding of ADR procedures by consumers, low engagement by traders, gaps in ADR coverage in certain Member States, high costs and complex national ADR procedures and differences in the competences of ADR entities, are frequent factors hindering the uptake of ADR procedures. There are additional barriers in cross-border ADR like procedures, such as language, lack of knowledge of the applicable law, as well as specific access difficulties for vulnerable consumers.</p> <p>1. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).</p> <p>2. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004</p>	<p>suggest that the uptake remained relatively stable (apart from a small increase of cases related to the Covid-19 pandemic). Most stakeholders consulted in the context of that evaluation confirmed that the lack of awareness and understanding of ADR procedures by consumers, low engagement by traders, gaps in ADR coverage in certain Member States, high costs and complex national ADR procedures and differences in the competences of ADR entities, are frequent factors hindering the uptake of ADR procedures. There are additional barriers in cross-border ADR like procedures, such as language, lack of knowledge of the applicable law, as well as specific access difficulties for vulnerable consumers.</p> <p>1. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).</p> <p>2. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).</u>	<u>and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).</u> Text Origin: Council Mandate
Recital 2a				
11a		<i><u>(2a) In order to reach its full potential and deliver for consumers, this Directive should require participation to be mandatory for air carriers falling under the scope of Regulation (EC) No 261/2004, provided that it does not prevent the parties from exercising their right of access to the judicial system. This is the case, given that several studies have highlighted the high number of consumer complaints in the transport and tourism sector, especially in the field of air passengers rights.</u></i>		
Recital 2b				
11b		<i><u>(2b) ADR entities should communicate to the competent authorities a list of traders who systematically and unduly refuse to comply with the outcomes of ADR procedures. Furthermore, Member States should ensure that, where they do not comply with the outcome of an ADR procedure, traders are required to provide the other parties to the</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>ADR procedure with a written explanation.</u>		
Recital 3				
12	(3) Since at least two out of five online transactions made by consumers residing in the Union are with traders based in third countries, the scope of Directive 2013/11/EU should be extended to allow those third country traders willing to participate in an ADR procedure to do so. No procedural impediments should hinder consumers residing in the Union from resolving disputes against traders, irrespective of their establishment, if the traders accept to follow an ADR procedure through an ADR entity established in a Member State.	(3) Since at least two out of five online transactions made by consumers residing in the Union are with traders based in third countries, the scope of Directive 2013/11/EU should be extended to allow those third country traders willing to participate in an ADR procedure to do so. No procedural impediments should hinder consumers residing in the Union from resolving disputes against traders, irrespective of their establishment, if the traders accept to follow an ADR procedure through an ADR entity established in a Member State. <u>In accordance with applicable Union law, the consumer should be able to commence a procedure in the Member State where he or she resides. It should not be possible to access ADR procedures in a Member State in which neither the consumer resides nor the trader is established.</u>	deleted	
Recital 4				
13	(4) The complexity of consumer disputes has evolved	(4) The complexity of consumer disputes has evolved	(4) The complexity of consumer disputes has evolved	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>significantly since the adoption of Directive 2011/13/EU. Digitilisation of goods and services, the growing importance of e-commerce and digital advertising in the formation of consumer contracts has resulted in a rise in the number of consumers being exposed to misleading online information and manipulative interfaces preventing them from making informed purchasing decisions. It is, therefore, necessary to clarify that contractual disputes arising from the sale of goods or services include digital content and digital services, and to extend the scope of Directive 2011/13/EU, beyond such disputes so that consumers are also able to seek redress for practices harming them at a pre-contractual stage, irrespective of whether they later become bound by a contract.</p>	<p>significantly since the adoption of Directive 2011/13/EU. Digitilisation<u>Digitalisation</u> of goods and services, the growing importance of e-commerce and digital advertising in the formation of consumer contracts has resulted in a rise in the number of consumers being exposed to misleading online information and manipulative interfaces preventing them from making informed purchasing decisions. It is, therefore, necessary to clarify that contractual disputes arising from the sale of goods or services include digital content and digital services, and to extend the scope of Directive 2011/13/EU, beyond such disputes so that consumers are also able to seek redress for practices harming them at a pre-contractual stage, irrespective of whether<u>provided</u> they later become bound by a contract, <u>or at a post-contractual stage</u>.</p>	<p>significantly since the adoption of Directive 2011/13/EU. Digitilisation<u>2013/11/EU</u>. <u>Digitalisation</u> of goods and services, the growing importance of e-commerce and digital advertising in the formation of consumer contracts has resulted in a rise in the number of consumers being exposed to misleading online information and manipulative interfaces preventing them from making informed purchasing decisions. It is, therefore, necessary to clarify that contractual disputes arising from the sale of goods or services include digital content and digital services, and to extend the scope of Directive 2011/13/EU, beyond such disputes so that consumers are also able to seek redress for practices harming them at a pre-contractual stage, irrespective of whether they later become bound by a contract.</p>	
Recital 4a				
13a			<p><u>(4a) When a contract is concluded between a consumer and a trader, consumers should be able to seek redress under Directive 2013/11/EU for practices that have harmed them,</u></p>	

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			<u>whether before or after the contract is concluded.</u>	
Recital 4b				
13b			<u>(4b) The material scope of Directive 2013/11/EU should cover, for example, situations arising from the pre-contractual phase when a contract has been concluded between a consumer and a trader, such as where a consumer concludes a contract based on misleading advertisement in regards to a specific price promotion, which falls within the scope of Directive 2005/29/EC of the European Parliament and of the Council³. Other examples include situations related to the provision of compulsory precontractual information as provided for in articles 5 and 6 of Directive 2011/83/EU of the European Parliament and the Council⁴, the right to price transparency in air fares and rates as provided for in article 23 of Regulation (EC) No 1008/2008 of the European Parliament and the Council⁵, the right to receive pre-journey information provided for in article 9, paragraph 1, of Regulation (EU) No 2021/782 of</u>	

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			<p><u><i>the European Parliament and the Council⁶, the right to receive transparent information on retail conditions for roaming calls and SMS messages as provided for in Articles 13, 14 and 15 of Regulation (EU) 2022/612 of the European Parliament and of the Council⁷, or the provision of pre-contractual information related to package travel as provided for in article 5 of Directive (EU) 2015/2302 of the European Parliament and the Council⁸.</i></u></p> <p><u><i>3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).</i></u></p> <p><u><i>4. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive</i></u></p>	


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			<p><u>1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).</u></p> <p><u>5. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).</u></p> <p><u>6. Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1).</u></p> <p><u>7. Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (OJ L 115, 13.4.2022, p. 1).</u></p> <p><u>8. Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).</u></p>	
Recital 4c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
13c			<p><u>(4c) Submitting a dispute to an ADR entity does not preclude the consumer to refer the matter to another body, such as consumer associations or public enforcement authorities, neither does it prevent those other bodies from taking appropriate action to address the practice in question. Where applicable, public enforcement authorities and ADR entities work in a complementary manner. While public enforcement authorities may contribute significantly to consumer redress, by seeking remedial commitments for the benefit of consumers and/or facilitating follow-on damages actions, it is equally important that consumers are able to seek redress with the intervention of an ADR entity without prejudice to the competences of the relevant public enforcement authorities.</u></p>	
Recital 4d				
13d			<p><u>(4d) Consumer rights and obligations of traders towards consumers related to sales and service contracts also concern situations where consumers invoke their rights relating to the legal guarantee, in accordance</u></p>	

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			<p><u>with articles 5 up to 8, 10 and 11 of Directive (EU) 2019/771 of the European Parliament and of the Council⁹. Disputes can also arise regarding the contractual phase, among others, with regards to unfair terms as provided for in articles 3 up to 6 of Council Directive 93/13/EEC¹⁰, the right to switch providers as provided for in article 25 of Regulation (EU) 2023/2854 of the European Parliament and of the Council¹¹, passenger and travellers' rights as provided for in article 7 of Directive (EU) 2015/2302 or general consumer rights as provided for in articles 7 up to 18 of Directive 2011/83/EU.</u></p> <p><u>9. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).</u></p> <p><u>10. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).</u></p> <p><u>11. Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13</u></p>	

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			<u>December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act) (OJ L, 2023/2854, 22.12.2023).</u>	
Recital 4e				
13e			<p><u>(4e) Consumer rights and obligations of traders towards consumers related to sales and service contracts can also be related to disputes arising after the contract is terminated. This is the case, among others, with regards to obligations of traders to refrain from using content provided or created by the consumer, as provided for in article 16, paragraph 3, of Directive (EU) 2019/770 of the European Parliament and of the Council¹².</u></p> <p><u>12. Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).</u></p>	
Recital 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
14	<p>(5) Moreover, Directive 2011/13/EU should also cover consumer rights arising from Union legislation which governs relationships between consumers and traders when there is no relationship of a contractual nature, with respect to the right to access and to pay for goods and services without undergoing discrimination based on nationality, place of residence or of establishment, as provided for in Articles 4 and 5 of Regulation (EU) 2018/302 of the European Parliament and of the Council¹; the right to open and switch bank accounts as provided for in Articles 9, 10, 11, and 16 of Directive 2014/92/EU of the European Parliament and of the Council² and to not be discriminated against as provided for in Article 15 of that Directive; the right to receive transparent information on retail conditions for roaming calls and SMS messages as provided for in Articles 13, 14 and 15 of Regulation (EU) 2022/612 of the European Parliament and of the Council³, the right to price transparency in air fares and rates</p>	<p>(5) Moreover, Directive 2011/13/EU should also cover consumer rights arising from Union legislation which governs relationships between consumers and traders when there is no relationship of a contractual nature, with respect to the right to access and to pay for goods and services without undergoing discrimination based on nationality, place of residence or of establishment, as provided for in Articles 4 and 5 of Regulation (EU) 2018/302 of the European Parliament and of the Council¹, <u>or on any ground as referred to in Article 21 of the Charter of Fundamental Rights of the European Union</u>; the right to open and switch bank accounts as provided for in Articles 9, 10, 11, and 16 of Directive 2014/92/EU of the European Parliament and of the Council² and to not be discriminated against as provided for in Article 15 of that Directive; the right to receive transparent information on retail conditions for roaming calls and SMS messages as provided for in Articles 13, 14 and 15 of Regulation (EU) 2022/612 of the</p>	<p><i>deleted</i></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>as provided for in Article 23 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴. Therefore, it should be provided that disputes arising in relation to such categories of consumer rights can be dealt with in ADR procedures.</p> <p>1. Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60I, 2.3.2018, p. 1).</p> <p>2. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic feature (OJ L257, 28.8.2014, p. 214).</p> <p>3. Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (OJ L 115, 13.4.2022, p. 1).</p> <p>4. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).</p>	<p>European Parliament and of the Council³, the right to price transparency in air fares and rates as provided for in Article 23 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴. Therefore, it should be provided that disputes arising in relation to such categories of consumer rights can be dealt with in ADR procedures.</p> <p>1. Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60I, 2.3.2018, p. 1).</p> <p>2. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic feature (OJ L257, 28.8.2014, p. 214).</p> <p>3. Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (OJ L 115, 13.4.2022, p. 1).</p> <p>4. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for</p>		

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		the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).		
<i>Recital 5a</i>				
14a		<u><i>(5a) Member States should take note of the Commission Recommendation of 17 October 2023 on quality requirements for dispute resolution procedures offered by online marketplaces and Union trade associations. The Commission should be encouraged to complement this Directive with a Regulation on quality requirements for dispute resolution procedures offered by online marketplaces and Union trade associations.</i></u>		
<i>Recital 6</i>				
15	(6) Member States should have the right to apply ADR procedures also to disputes that relate to other non-contractual rights stemming from Union law, including rights stemming from Articles 101 and 102 TFEU or rights of users provided in Regulation (EU) 2022/1925 of the European Parliament and of the Council ¹ . This is without prejudice of public enforcement of those rules.	(6) Member States should have the right to apply ADR procedures also to disputes that relate to other non-contractual rights stemming from Union law, including rights stemming from Articles 101 and 102 TFEU or rights of users provided in Regulation (EU) 2022/1925 of the European Parliament and of the Council ¹ . This is without prejudice of public enforcement of those rules.	(6) <u><i>Taking into account the minimum harmonisation nature of Directive 2013/11/EU</i></u> , Member States should have the right to apply ADR procedures also to disputes that relate <u>relating</u> to other non-contractual rights stemming from <u>provided for in Union and national law, such as law, including</u> rights stemming <u>arising</u> from Articles 101 and 102 TFEU or rights of users provided in Regulation (EU) 2022/1925 of the European	

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	1. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1).	1. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1).	<i>Parliament and of the Council¹: This is without prejudice of public enforcement of those rules and to disputes with traders established outside the Union. Furthermore, it is up to the Member States to determine which ADR entity is competent for which type of dispute.</i> <i>1. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1).</i>	
Recital 7				
16	(7) Where a dispute arises between a provider of an online platform and a recipient of that service in relation to that provider's activities in moderating illegal or harmful content on its platform, Article 21 of Regulation (EU) 2022/2065 of the European Parliament and of the Council ¹ on out-of-court dispute settlement applies to that dispute, in accordance with Article 2(4) of that Regulation, given that it lays down more detailed rules in relation to such disputes.	(7) Where a dispute arises between a provider of an online platform and a recipient of that service in relation to that provider's activities in moderating illegal or harmful content on its platform, Article 21 of Regulation (EU) 2022/2065 of the European Parliament and of the Council ¹ on out-of-court dispute settlement applies to that dispute, in accordance with Article 2(4) of that Regulation, given that it lays down more detailed rules in relation to such disputes.	(7) Where a dispute arises between a provider of an online platform and a recipient of that service in relation to that provider's activities in moderating illegal or harmful content on its platform, Article 21 of Regulation (EU) 2022/2065 of the European Parliament and of the Council ¹³ on out-of-court dispute settlement applies to that dispute, in accordance with Article 2(4) of that Regulation, given that it lays down more detailed rules in relation to such disputes.	

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	1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1)	1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1)	7. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1) <u>13. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1)</u>	
Recital 8				
17	(8) The definitions of ‘domestic dispute’ and ‘cross-border dispute’ should be adapted accordingly to reflect the extension of the scope of Directive 2013/11/EU.	(8) The definitions of ‘domestic dispute’ and ‘cross-border dispute’ should be adapted accordingly to reflect the extension of the scope of Directive 2013/11/EU.	(8) The definitions of ‘domestic dispute’ and ‘cross-border dispute’ should be adapted accordingly to reflect the extension of the <u>extended material</u> scope of Directive 2013/11/EU.	
Recital 8a				
17a			<u>(8a) Digital content and digital services are often supplied online under contracts in which the consumer does not pay a price but provides the trader with personal data instead of money. Directive 2013/11/EU currently only applies to contracts for which the consumer pays or undertakes to pay a price, therefore it excludes contracts for which the consumer provides personal data to the trader without paying a price. Given that</u>	

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			<u><i>there are contracts where the consumer provides or undertakes to provide personal data instead of the payment of a price, the definitions of 'sales contract' and 'service contract' should be adapted and the definitions of 'goods', 'digital content' and 'digital service' should be added.</i></u>	
Recital 9				
18	(9) To ensure that ADR procedures are well-suited for the digital age where communication takes place online, including in a cross-border context, it is necessary to ensure swift and fair processes for all consumers. Member States should ensure that ADR entities established in their territories have the competence to provide dispute resolution procedures in disputes between traders established outside of the Union and consumers residing in their territory.	(9) To ensure that ADR procedures are well-suited for the digital age where communication takes place online, including in a cross-border context, it is necessary to ensure swift and fair processes for all consumers. Member States should ensure that ADR entities established in their territories have the competence to provide dispute resolution procedures in disputes between traders established outside of the Union and consumers residing in their territory.	<i>deleted</i>	
Recital 10				
19	(10) Member States should ensure that ADR should enable consumer to initiate and follow ADR procedures also offline if requested. It should also be ensured that when digital tools are	(10) Member States should ensure that ADR should enable consumer to initiate and follow ADR procedures also offline if requested. It should also be ensured that when digital tools are	(10) <u><i>Under Directive 2013/11/EU Member States are obliged to ensure that the ADR procedure is available and easily accessible online and offline.</i></u> Member States should ensure that,	

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	<p>provided, those can be used by all consumers, including vulnerable consumers or those with varying levels of digital literacy. Members States should ensure that, upon request, parties to the disputes always have access to a review of automated procedures by a natural person.</p>	<p>provided, those can be used by all consumers, including vulnerable consumers or those with varying levels of digital literacy. Members States should ensure that, upon request, parties to the disputes, <u>in particular consumers,</u> always have access to a review of automated procedures by a natural person, <u>who should be independent and impartial.</u></p>	<p>when ADR entities ADR should enable consumer <u>consumers</u> to initiate and follow ADR procedures also offline if requested. It should also be ensured that when <u>through</u> digital tools are provided, <u>such as online interfaces and online complaint forms</u>, those <u>tools</u> can be used by all consumers, including vulnerable consumers or those with varying levels of digital literacy. Members States <u>ADR entities which are public bodies are already covered by Directive (EU) 2016/2102 of the European Parliament and of the Council¹⁴.</u> <u>ADR entities which are private bodies</u> should ensure that, upon request, parties to the disputes always have access to a review of automated procedures by a natural person. <u>strive to follow the same accessibility standards as much as possible and feasible.</u></p> <p><u>14. Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).</u></p>	
Recital 10a				

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19a		<u><i>(10a) In order to enhance consumer and traders' trust and increase their participation in ADR procedures, it is fundamental to ensure that the functioning and work of ADR entities is of good quality. In this sense, the expertise and knowledge of the ADR entity staff should be updated on a regular basis. Therefore, ADR entities should provide natural persons in charge of ADR procedures with regular training to ensure their knowledge is continuously updated.</i></u>	<u><i>(10a) In order to satisfy the requirement of submitting complaints and the requisite supporting documents online in a traceable manner, ADR entities should at least acknowledge the receipt on a durable medium and provide means to identify the complaint for further communications.</i></u>	
Recital 10a				
19b			<u><i>(10b) Technological advances, including within the fields of artificial intelligence (AI), may contribute to automation of dispute resolution allowing to reach faster and more consistent outcomes. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)¹⁵ acknowledges the use of AI in the context of certain ADR procedures, which may be considered high risk</i></u>	<u><i>(10a) Technological advances may contribute to automation of dispute resolution allowing to reach faster and more consistent outcomes. Automated means that are used to help ADR reach an outcome may carry certain risks of bias and opacity. Therefore, the use of such means in the decision-making process should be fully transparent and the parties to the ADR procedure should be informed in advance of their use. Furthermore, parties to an ADR procedure using automated means in the decision-</i></u>


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			<p><u>under point 8(a), Annex III to the AI Act. However, the use of automated means not falling under this Annex to help ADR reach an outcome (for example, rule-based algorithms or decision trees), may also carry certain risks of bias and opacity. Their use in the decision-making process should, therefore, be fully transparent for the parties and assist the natural persons in charge of ADR, but not replace them. Consumers and traders should be informed in advance on the nature, the role and the potential risks of the use of such automated means in the decision-making process of the ADR procedure and may, if they so wish, request that the outcome of the procedure is reviewed by a natural person from the ADR entity. That person should meet the requirements of article 6, paragraph 1, of Directive 2013/11/EU in terms of necessary expertise, independence and impartiality. Furthermore, as the Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁶ continues to apply, the ADR entities must respect its</u></p>	<p><u>making process should be able to request that the outcome of the procedure is reviewed by a natural person from the ADR entity. That natural person should meet the requirements of Article ,6(1) of Directive 2013/11/EU in terms of the necessary expertise, independence and impartiality. The decision-making process should be understood as actions which influence the decisions on whether or not to deal with the dispute or decisions concerning the outcome of the dispute and as excluding purely administrative or technical tasks.</u></p> <p>Written procedure 20/06: agree with the above text</p>

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			<p><u>provisions on the automated decision-making.</u></p> <p><u>15. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024).</u></p> <p><u>16. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u></p>	
Recital 11				
20	<p>(11) Member States should also enable ADR entities to bundle similar cases against a specific trader, to make ADR outcomes consistent for consumers subjected to the same illegal practice, and more cost-efficient for ADR entities and for traders. Consumers should be informed accordingly and should be given the</p>	<p>(11) Member States should also enable ADR entities <u>with sufficient knowledge</u> to bundle similar cases against a specific trader, <u>where the natural persons in charge of ADR procedures have sufficient knowledge and expertise to deal with the case.</u> <u>This would help</u> to make ADR outcomes consistent for consumers subjected to the same illegal</p>	<p>(11) <u>In various situations, for instance mass flight cancellations during the COVID-19 pandemic, ADR procedures proved to be important mechanisms to deal with the increased number of consumer issues. Therefore,</u> Member States should also enable<u>allow</u> ADR entities to bundle similar cases against a specific trader, to make ADR</p>	<p>(11) <u>In various situations, for instance mass flight cancellations during the COVID-19 pandemic, ADR procedures proved to be important mechanisms to deal with the increased number of consumer issues. Therefore,</u> Member States should also enable<u>allow</u> ADR entities to bundle similar cases against a specific trader, to make ADR</p>

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<p>opportunity to refuse from having their dispute bundled.</p>	<p>practice, and more cost-efficient for ADR entities and for traders. Consumers should be informed accordingly and should be given the opportunity to refuse from having their dispute bundled.</p>	<p>outcomes consistent for consumers subjected to the same illegal practice, and more cost-efficient for ADR entities and for traders. Consumers should be informed accordingly and should be given the opportunity to refuse from having their <u>for example where bundling leads to faster or more coherent</u> dispute resolution, under conditions defined by Member States.</p>	<p>outcomes consistent for consumers subjected to the same illegal practice, and more cost-efficient for ADR entities and for traders <u>to make ADR outcomes consistent for consumers subjected to the same illegal practice, and more cost-efficient for ADR entities and for traders, for example where bundling leads to faster or more coherent dispute resolution. Member States should ensure that consumers should be informed accordingly and of such bundling, in order to be able to decide whether or not they want to participate in the procedure that involves bundling. Member States should be given the opportunity to refuse from having their dispute bundled also have the possibility to lay down additional conditions for the bundling. For instances, such further conditions could foresee that consumers could object to the bundling or that the consumer's explicit consent is required, and whether in case of objections or lack of explicit consent the procedure would continue without bundling or would be discontinued. Additional conditions could also</u></p>

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			PUBLIC	<u>include requirements for a specified level of similarity of the cases and rules on how to identify similar cases to bundle them. It is clarified that the requirement for the natural persons in charge of the ADR to possess the necessary knowledge and skills in the field of alternative or judicial resolution of consumer disputes set out in in this directive also applies to the bundling of cases.</u>
Recital 12				
21	(12) Member States should also not allow the introduction of disproportionate rules as regards the reasons that an ADR entity may invoke to refuse the handling of a dispute, such as the obligation to use the company escalation system after a first negative contact with the complaints handling service, or the obligation to prove that a specific part of a company's after sales service was contacted.	(12) Member States should also not allow the introduction of disproportionate rules as regards the reasons that an ADR entity may invoke to refuse the handling of a dispute, such as the obligation to use the company escalation system after a first negative contact with the complaints handling service, or the obligation to prove that a specific part of a company's after sales service was contacted.	(12) Member States should also not allow the introduction of <u>ensure that ADR entities do not refuse to deal with a dispute where a trader introduces</u> disproportionate rules as regards the reasons that <u>on internal complaint-handling systems before the case can be referred to</u> an ADR entity may invoke to refuse the handling of a dispute, <u>For instance, in certain market sectors, some consumers face undue burden</u> such as the obligation to use the company escalation system after a first negative contact with the complaints handling <u>service</u> <u>multiple mandatory steps</u>	

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			<u>in complaint-handling</u> , or the obligation to prove that a specific part of a company's after sales service was contacted.	
Recital 13				
22	(13) Under Directive 2013/11/EU, Member States may introduce national legislation to make trader participation in ADR compulsory in sectors they deem fit, in addition to sector-specific Union legislation which provides for mandatory participation of traders in ADR. To encourage traders' participation in the ADR procedures and to ensure due and swift ADR procedures, traders should be required, especially in cases where their participation is not compulsory, to respond within a specific period to enquiries made by ADR entities on whether they intend to participate to the proposed procedure.	(13) Under Directive 2013/11/EU, Member States may introduce national legislation to make trader participation in ADR compulsory in sectors they deem fit, in addition to sector-specific Union legislation which provides for mandatory participation of traders in ADR. To encourage traders' participation in the ADR procedures and to ensure due and swift ADR procedures, traders should be required, especially in cases where their participation is not compulsory, to respond within a specific period <u>that should not exceed 15 working days</u> to enquiries made by ADR entities on whether they intend to participate to the proposed procedure. <u>An extension of this deadline could be granted for complex disputes or as a result of exceptional circumstances, such as a period of high activity or an external crisis.</u>	(13) Under Directive 2013/11/EU, Member States may introduce national legislation to make trader participation in ADR compulsory in sectors they deem fit, in addition to sector-specific Union legislation which provides for mandatory participation of traders in ADR. To encourage traders' participation in the ADR procedures and to ensure due and swift ADR procedures, traders should be required, especially in cases where their participation is not compulsory, to respond to <u>reply</u> within a specific period to enquiries made by ADR entities on whether they intend to participate to the proposed procedure. <u>The duty to reply should not hinder ADR entities from making recommendations or taking non-binding decisions, even when the trader has indicated that they do not intend to participate in the ADR procedure.</u>	(13) Under Directive 2013/11/EU, Member States may introduce national legislation to make trader participation in ADR compulsory in sectors they deem fit, in addition to sector-specific Union legislation which provides for mandatory participation of traders in ADR. <u>Member States should ensure that following the submission of the complaint by the consumer, ADR entities contact and invite the traders concerned to participate in the procedure, irrespective of whether the participation of the trader is mandatory or not.</u> To encourage traders' participation in the ADR procedures and to ensure due and swift ADR procedures, traders should be required, especially in cases where their participation is not compulsory, to respond to <u>reply</u> within a specific period to enquiries made by ADR entities on whether they intend <u>agree</u> to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p>participate to the proposed procedure.</p> <p><u>The aim of the duty to reply is to engage traders to participate in the ADR procedures and to ensure that ADR entities and consumers know whether or not the trader will participate in the procedure. However, the trader's reply should not be required when the applicable law provides for the mandatory participation in the ADR procedure or when the trader is contractually obliged to participate in the ADR procedure. The trader's reply should also not be required when the ADR entity is entitled to reach an outcome even if the trader did not participate in the procedure. The consumer should be informed of the extension of the time period given to the trader to reply, if applicable.</u></p> <p>Follow-up to the second trilogue and tech meeting 22/05: Part of the discussion on duty to reply. Council to check with MS and come back</p>
Recital 13a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
22a		<p><u>(13a) In order to ensure that consumers can expect full independence and impartiality, as provided for in this Directive, when dealing with all types of ADR entities, including ADR entities where the natural persons in charge of dispute resolution are employed or remunerated exclusively by the individual trader, also commonly referred to as ‘in-house’ ADR entities, such ADR entities should only have access to data strictly related to the case and explicitly provided by the trader or the consumer.</u></p>	<p><u>(13a) The time period for the trader to inform the ADR entity whether or not they intend to participate in the ADR procedure should be, in principle, no more than 20 working days. However, in certain exceptional cases of a complex nature or in exceptional circumstances, the ADR entity should be entitled to extend that time period in order to give the trader the opportunity to analyse the dispute thoroughly and to choose whether or not they want to participate in an ADR procedure. In any case, that time period should not exceed 40 working days. The consumer should be informed of the time period given to the trader to reply and of any extension of it. Following the expiry of the deadline, if the trader has not replied, the ADR entity can consider the non-reply as a refusal of the trader to participate. The consequences for the non-compliance of the trader with his duty to reply should be set out in the national legislation of the Member States.</u></p>	<p><u>(13a) The time period for the trader to inform the ADR entity whether or not it intends to participate in the ADR procedure should be, in principle, no more than XXX working days. However, in certain exceptional cases of a complex nature or in exceptional circumstances, the ADR entity should be entitled to extend that time period in order to give the trader the opportunity to analyse the dispute thoroughly and to choose whether or not it wants to participate in an ADR procedure. In any case, that time period should not exceed XXX working days. The consumer should be informed of the extension of the deadline to reply, if applicable. If a trader fails to reply to the ADR entity within the prescribed deadline, that ADR entity can close the case and inform the consumer accordingly.</u></p> <p>Follow-up to the second trilogue and tech meeting 22/05: Part of the discussion on duty to reply. Council to check with MS and come back</p>
Recital 14				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
23	(14) To reduce information and reporting requirements and to save costs for ADR entities, national competent authorities and traders, reporting and information requirements should be simplified and the amount of information provided by ADR entities to the competent authorities should be reduced.	<i>deleted</i>	(14) To reduce information and reporting requirements and to save costs for ADR entities, and national competent authorities and traders , reporting and information requirements should be simplified and the amount of information provided by ADR entities to the competent authorities should be reduced. <u>Among others, ADR entities should make publicly available, at least every two years, their activity reports. However, Member States should be allowed to set shorter reporting periods, for example reporting periods of one year. ADR entities should also have the possibility to communicate those activity reports to the relevant competent authorities with a view to comply with other reporting obligations under Directive 2013/11/EU, as long as they include all elements of information required.</u>	
Recital 14a				
23a		<u>(14a) ADR procedures should preferably be free of charge for the consumer. In the event that costs are applied, those costs should not exceed a nominal fee. Furthermore, in order to increase the accessibility and</u>	<u>(14a) In order to genuinely relieve the workload of ADR entities and give them more time to submit their reports to the competent authorities, the date of submission of the four-yearly</u>	


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		<u>attractiveness of ADR procedures to consumers, those fees should be reimbursable. It is important to clarify that such reimbursement is to be made by Member States, in full compliance with the principles of subsidiarity and proportionality, and not by other entities, such as the other party to the ADR procedure.</u>	<u>report under Article 20 should be extended by a few months.</u>	
Recital 14b				
23b		<u>(14b) In many Member States, consumers are still insufficiently informed about the existence and services proposed by ADR entities. In order to increase consumer awareness about ADR entities and traders participating in ADR procedures, traders should provide ADR information in a clear, prominent, comprehensible and easily accessible way. Where the trader has a website, it should present the information on it. Traders should also provide such information in their general terms and conditions and on invoices issued by them. In order to facilitate communication, traders should make an email address available allowing</u>	<u>(14b) The trader's obligation to specify, where a dispute following a complaint of a consumer could not be settled further, whether or not he intends to make use of the relevant ADR entities to settle the dispute should be removed, as it is covered by the obligation for the trader to inform the ADR entity whether or not he intends to participate in the ADR procedure.</u>	

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		<u>consumers to contact them, including for the purpose of ADR procedures.</u>		
Recital 14c				
23c		<u>(14c) A swift cooperation between the different actors involved in the enforcement of consumer rights is crucial to ensure the overall consistency and coherence of the consumer enforcement system. In cases where an unfair commercial practice has been brought to the attention of ADR entities, those entities should report to their national competent authorities or consumer organisation if they have credible reasons to suspect that an unfair commercial practice and terms has occurred.</u>		
Recital 15				
24	(15) To provide effective assistance to consumers and traders in cross-border disputes, it is necessary to ensure that Member States establish ADR contact points with clearly defined tasks. European Consumer Centres (“ECCs”) are well placed to perform such tasks, as they are specialised in assisting consumers with issues with their cross-border	(15) To provide effective assistance to consumers and traders in cross-border disputes, it is necessary to ensure that Member States establish ADR contact points with clearly defined tasks. European Consumer Centres (“ECCs”) are well placed to perform such tasks, as they are specialised in assisting consumers with issues with their cross-border	(15) To provide effective assistance to consumers and traders in cross-border disputes, it is necessary to ensure that Member States establish ADR contact points with clearly defined tasks. European Consumer Centres (“ECCs”) are well placed to perform such tasks, as they are specialised in assisting consumers with issues with their cross-border	

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	purchases, but Member States should also be able to choose other bodies with relevant expertise. Those designated ADR contact points should be communicated to the Commission.	purchases, but Member States should also be able to choose other bodies with relevant expertise. <u>Member States should communicate</u> those designated ADR contact points should be communicated to the Commission <u>and ensure that they have adequate budgetary and human resources. Consumers should be entitled to carry out a cross-border ADR procedure in an official language of the Member State in which they are resident.</u>	purchases, but Member States should also be able to choose other bodies with relevant expertise. Those designated ADR contact points should be communicated to the Commission <u>so that the Commission can create a network of ADR contact points.</u>	
Recital 15a				
24a		<u>(15a) To ensure procedural fairness, consumers engaging in cross-border disputes should engage with the ADR contact point determined by the consumer's place of residence, thereby discouraging selective choice of ADR contact points for convenience or advantageous outcomes.</u>	<u>(15a) For reasons of efficiency and effectiveness, the Commission has proposed to discontinue the European Online Dispute Resolution Platform established pursuant to Regulation (EU) No 524/2013 and to repeal that Regulation by a separate act. In those circumstances, the relevant tasks of the contact points set out in article 7 of Regulation (EU) No 524/2013 should be taken over by the ADR contact points. Those tasks entail, among others and upon request, providing information to parties involved in a dispute and facilitating</u>	

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			<u>communication between the parties and the competent ADR.</u>	
Recital 15b				
24b		<u>(15b) In cross-border disputes, ADR entities should use Union law as a point of reference for the resolution of the disputes. Nevertheless, in both domestic and cross-border disputes, ADR entities should always take into account the remedies available in Union and applicable national law.</u>	<u>(15b) Taking into account the minimum harmonisation nature of Directive 2013/11/EU, Member States have the possibility of allowing ADR contact points to provide assistance to consumers and traders when accessing ADR entities also with regards to domestic disputes.</u>	
Recital 16				
25	(16) Despite the fact that ADR procedures are meant to be simple, consumers may be assisted by a third party of their choice during ADR procedures. Member States should ensure that such assistance is provided in good faith to allow a fair procedure and in full transparency, in particular regarding the possible fees required in exchange for the assistance.	(16) Despite the fact that ADR procedures are meant to be simple, consumers may be assisted by a third party of their choice during ADR procedures. Member States should ensure that such assistance is provided in good faith to allow a fair procedure and in full transparency, in particular regarding the possible fees required in exchange for the assistance. <u>In addition, Member States are encouraged to extend the benefit of consumer ADR systems to micro enterprises and self employed to ensure that such businesses have access to cheap and quality alternative dispute</u>	(16) Despite the fact that ADR procedures are meant to be simple, consumers may be assisted by a third party of their choice, <u>such as consumer organisations or businesses that offer management services of claims</u> during ADR procedures. <u>Assistance could include helping consumers submit a request and other documents, advising them on the possible claims and following the overall process.</u> Member States should ensure that <u>providers of</u> such assistance is provided in good faith to allow a fair procedure and do so in full transparency, in particular	(16) Despite the fact that ADR procedures are meant to be simple, consumers may be assisted by a third party of their choice, <u>such as consumer organisations or businesses that offer management services of claims</u> during ADR procedures. <u>Assistance could include helping consumers submit a request and other documents, advising them on the possible claims and following the overall process and allowing parties to reach an amicable settlement.</u> Member States should ensure that <u>providers of</u> such assistance is provided in good faith to allow a fair procedure

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		<p><u>resolution systems to solve contractual disputes.</u></p>	<p>regarding the <u>procedural rules and costs as well as</u> possible fees required in exchange for the assistance.</p>	<p>and do so in full transparency, in particular regarding the <u>procedural rules and costs as well as</u> possible fees required in exchange for the assistance. <u>Such assistance to consumers should be provided in good faith.</u></p>
Recital 16a				
25a		<p><u>(16a) Not all ADR entities have the expertise to deal with non-contractual matters, in particular unfair commercial practices and terms. Therefore, procedures of ADR entities in this area should be limited to unfair commercial practices and terms with a personal scope, and hence only cover matters where a damage or loss, material or immaterial, has occurred to the consumer directly. In addition, only ADR entities that can demonstrate necessary expertise in the relevant area, covering the relevant economic sector in its entirety, such as a sectorial ombudsman, should be empowered to take on such procedures. ADR entities sometimes choose to deviate from strict legal provisions in order to base their decisions on equity</u></p>		


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		<p><u>principles. This implies that ADR entities could opt for solutions that, in their judgment, align with a sense of what is morally or ethically right in a particular situation, diverging from a strict adherence to legal statutes. However, the use of fairness principles should not be acceptable when it comes to unfair commercial practices, which are not subject to compromises or mediated outcomes as they touch upon public order and the fundamentals of consumer protection.</u></p>		
Recital 16a				
25b				<p><u>(16a) It remains to be the case that this Directive applies to disputes between traders and consumers. Disputes between traders do not fall within the scope of this Directive. Member States may, in accordance with Union law, facilitate access to ADR procedures for the self-employed or microenterprises so that such businesses have the possibility to benefit from independent, impartial, transparent, effective, fast and</u></p>


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				<u><i>fair alternative dispute resolution systems.</i></u>
Recital 16b				
25c		<u><i>(16b) The means used by consumer organisations and business associations to make the Commission's list of ADR entities publicly available can include relevant broadcasts concerning consumer protection and consumer rights.</i></u>		
Recital 17				
26	(17) To ensure that consumers are able to easily find a suitable ADR entity, especially in a cross-border context, the Commission should develop and maintain a digital interactive tool that provides information about ADR entities' main characteristics and links to the webpages of the ADR entities, as notified to it.	(17) To ensure that consumers are able to easily find a suitable ADR entity, especially in a cross-border context, the Commission should develop and maintain a digital interactive tool that provides information about ADR entities' main characteristics, <u><i>practical information about how to avail of ADR procedures in a cross-border context</i></u> and links to the webpages of the ADR entities, as notified to it, <u><i>allowing consumers to be directed to a competent body to resolve their disputes. The Commission should ensure coordination between this digital interactive tool and other</i></u>	(17) To ensure that consumers are able to easily find a suitable ADR entity, especially in a cross-border context, the Commission should develop, <u><i>promote</i></u> and maintain a digital interactive tool that provides information about ADR entities' main characteristics and links to the webpages of the ADR entities, as notified to it. <u><i>The digital interactive tool should aim to assist consumers to understand appropriate redress solutions for their specific case and to take the appropriate action. It should contain direct links to the complaint form, where available, of ADR entities and a machine translation tool for ADR entities</i></u>	

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		<u><i>EU and national digital tools, where appropriate.</i></u>	<u><i>and ADR contact points. Furthermore, the tool should host the list of the ADR contact points notified to the Commission. While the Commission is already obliged to publish the list of the ADR entities on its website continuously, the additional functions of the tool, such as direct links to the complaint forms and the machine translation, should be available as soon as possible and no later than three months after the ADR Directive enters into force.</i></u>	
Recital 18				
27	(18) Therefore, Directive 2013/11/EU should be amended accordingly.	(18) Therefore, Directive 2013/11/EU should be amended accordingly.	(18) Therefore, Directive 2013/11/EU should be amended accordingly.	(18) Therefore, Directive 2013/11/EU should be amended accordingly. Text Origin: Commission Proposal
Recital 19				
28	(19) As Regulation (EU) No 524/2013 is to be repealed by a separate act, it is also necessary to amend Directives (EU) 2015/2302 ¹ , (EU) 2019/2161 ² and (EU) 2020/1828 ³ of the European Parliament and of the Council, as a consequence of that repeal, _____	(19) As Regulation (EU) No 524/2013 is to be repealed by a separate act, it is also necessary to amend Directives (EU) 2015/2302 ¹ , (EU) 2019/2161 ² and (EU) 2020/1828 ³ of the European Parliament and of the Council, as a consequence of that repeal, _____	(19) As Regulation (EU) No 524/2013 is to be repealed by a separate act, it is also necessary to amend Directives (EU) 2015/2302 ¹ , (EU) 2019/2161 ^{2/17} and (EU) 2020/1828 ^{3/18} of the European Parliament and of the Council, as a consequence of that repeal,	

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	<p>1. Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).</p> <p>2. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).</p> <p>3. Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1).</p>	<p>1. Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).</p> <p>2. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).</p> <p>3. Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1).</p>	<p>1. Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).</p> <p>2. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).</p> <p><u>17. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules (OJ L 328, 18.12.2019, p. 7).</u></p> <p>3. Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1).</p>	

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			18. Directive (EU) 2020/1828 of the European Parliament and the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers (OJ L 409, 4.12.2020, p.1).	
	Formula			
G	29	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:
	Article 1			
G	30	Article 1 Amendments to Directive 2013/11/EU	Article 1 Amendments to Directive 2013/11/EU	Article 1 Amendments to Directive 2013/11/EU
	Article 1, first paragraph			
G	31	Directive 2013/11/EU is amended as follows:	Directive 2013/11/EU is amended as follows:	Directive 2013/11/EU is amended as follows:
	Article 1, first paragraph, point (-1)			
Y	31a		1 Article 1 is replaced by the following:	
	Article 1, first paragraph, point (-1), amending provision, Article			
Y	31b		Article 1 Subject matter	
	Article 1, first paragraph, point (-1), amending provision, Article, first paragraph			
Y	31c		The purpose of this Directive is, through the achievement of a high level of consumer protection, to contribute to the	

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		<p><u><i>proper functioning of the internal market by ensuring that consumers can, on a voluntary basis, submit complaints against traders to entities offering independent, impartial, transparent, effective, fast and fair alternative dispute resolution procedures.</i></u></p> <p>Unchanged from Dir. 2013/11/EU.</p>			
Article 1, first paragraph, point (-1), amending provision, Article, second paragraph					
R	31d	<p><u><i>The participation of air carriers falling under the scope of Regulation (EC) No 261/2004 in ADR procedures shall be mandatory, without prejudice to the right of parties to access the judicial system.</i></u></p> <p>New as compared to Dir. 2013/11/EU.</p>			R
Article 1, first paragraph, point (-1), amending provision, Article, third paragraph					
R	31e	<p><u><i>This Directive is without prejudice to national legislation making participation in such procedures mandatory in economic sectors other than those referred to in the second subparagraph, provided that such</i></u></p>		R	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i>legislation does not prevent the parties from exercising their right of access to the judicial system.</i></p> <p>New words are "in economic sectors... second subparagraph". Otherwise, unchanged from Dir. 2013/11/EU.</p>		
Article 1, first paragraph, point (1)				
G	32	1. In Article 2, paragraph 1 is replaced by the following:	1. In Article 2, paragraph 1 is replaced by the following:	<p>1. In Article 2, paragraph 1 is replaced by the following:</p> <p>Text Origin: Council Mandate</p>
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph				
R	33	1. This Directive shall apply to procedures for the out-of-court resolution of disputes between consumers resident in the Union and a traders offering goods or services, including digital content and digital services, to those consumers, through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution concerning one of the following:	1. This Directive shall apply to procedures for the out-of-court resolution of disputes between consumers resident in the Union and a traders offering goods or services, including digital content and digital services, to those consumers, through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution concerning one of the following:	<p>1. This Directive shall apply to procedures for the out-of-court resolution of disputes between consumers resident in the Union and a traders offering goods or services, including digital content and digital services, to those consumers, through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution concerning one of the</p>

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			<p>together with the aim of facilitating an amicable solution concerning one of the following: <u>where a sales or service contract, including digital content and services contracts, is concluded between a consumer and a trader where the consumer pays or undertakes to pay the price, and where a dispute arises relating to pre-contractual and contractual obligations. This Directive shall also apply where the trader supplies or undertakes to supply digital content which is not supplied on a tangible medium or a digital service to the consumer and the consumer provides or undertakes to provide personal data to the trader. It shall not apply to cases falling under the exceptions provided for in Article 4(2)(b) of Directive (EU) 2019/2161.</u></p>	<p>following: <u>This Directive shall apply to procedures for the out-of-court resolution of disputes between consumers resident in the Union and traders offering goods or services, including digital content and digital services, to those consumers, through an ADR entity that proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution concerning one of the following:</u></p>
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)			
R 34	(a) contractual obligations stemming from sales contracts, including for the supply of digital content, or service contracts;	(a) contractual obligations stemming from sales contracts, including for the supply of digital content, or service contracts; <u>including pre-contractual and post-contractual obligations and in particular in relation to:</u>	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(i)			
R	34a	<u>(i) unfair commercial practices and terms;</u>		R
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(ii)			
R	34b	<u>(ii) compulsory pre-contractual information;</u>		R
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(iii)			
R	34c	<u>(iii) passenger and travellers' rights;</u>		R
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(iv)			
R	34d	<u>(iv) remedies in the event of non-conformity of products and digital content; and</u>		R
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(v)			
R	34e	<u>(v) access to deliveries.</u>		R
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)			
R	35	(b) consumer rights applicable to non-contractual and pre-contractual situations and provided in Union law concerning:	(b) consumer rights applicable to non-contractual and pre-contractual situations and provided in Union law concerning:	<i>deleted</i>
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(i)			
R	36	(i) unfair commercial practices and terms,	(i) unfair commercial practices and terms, non- <u>discrimination on the basis of nationality or place of residence;</u>	<i>deleted</i>
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(ii)			

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R	37	(ii) compulsory precontractual information,	(ii) compulsory precontractual information, <u>access to services;</u>	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iii)				
R	38	(iii) non-discrimination on the basis of nationality or place of residence,	(iii) non-discrimination on the basis of nationality or place of residence, <u>right to switch providers; and</u>	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)				
R	39	(iv) access to services and deliveries,	(iv) access to services and deliveries <u>unfair commercial practices not falling under point (a)(i), provided that:</u>	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(1)				
R	39a		<u>(1) the ADR entity is a sectorial coverage entity with the necessary knowledge about unfair commercial practices;</u>	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(2)				
R	39b		<u>(2) the ADR entity has adequate resources and funding;</u>	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(3)				
R	39c		<u>(3) the unfair practice resulted in material or immaterial damage to the consumer; and</u>	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R	39d	<u>(4) the entity applies applicable law when dealing with unfair commercial practices.</u>		
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(v)				
Y	40	(v) remedies in case of non-conformity of products and digital content,	deleted	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(vi)				
Y	41	(vi) right to switch providers, and	deleted	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(vii)				
Y	42	(vii) passenger and travellers' rights.	deleted	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), second subparagraph				
Y	43	Member States may apply the ADR procedures set out in this Directive, also to categories of disputes other than those listed the first subparagraph, point (b)..	Member States may apply the ADR procedures set out in this Directive, also to categories of disputes other than those listed the first subparagraph, point (b)..	deleted
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), second subparagraph a				
Y	43a		<u>(1a) In Article 2 the following paragraph (5) is added:</u>	deleted
Article 1, first paragraph, point (1), amending provision, Article(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	43b		<u>'5. This Directive acknowledges the competence of Member States to determine whether ADR entities established on their territories are competent for disputes between a consumer residing in the Union and a trader established outside of the Union.'</u>	deleted
Article 1, first paragraph, point (2)				
G	44	2. In Article 4(1), points (e) and (f) are replaced replaced by the following:	2.(2) In Article 4(1), points (e) and (f) are replaced replaced by the following <u>is amended as follows:</u>	2. In Article 4(1), points (e) and (f) are replaced replaced by the following <u>is amended as follows:</u> <small>Text Origin: Council Mandate</small>
Article 1, first paragraph, point (2), amending provision, first subparagraph				
G	44a		<u>(a) points (c), (d), (e) and (f) are replaced by the following:</u>	<u>(a) points (c), (d), (e) and (f) are replaced by the following:</u> <small>Text Origin: Council Mandate</small>
Article 1, first paragraph, point (2), amending provision, second subparagraph				
Y	44b		<u>'(c) 'sales contract' means any contract under which the trader transfers or undertakes to transfer ownership of goods to the consumer, including any</u>	<u>'(c) 'sales contract' means any contract under which the trader transfers or undertakes to transfer ownership of goods to the consumer, including any</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>contract having as its object both goods and services;</u>	<u>contract having as its object both goods and services;</u> Light Green Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, third subparagraph				
G	44c		<u>(ca) 'goods' means any good as defined in point (5) of Article 2 of Directive (EU) 2019/771;</u>	<u>(ca) 'goods' means any good as defined in point (5) of Article 2 of Directive (EU) 2019/771;</u> Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, fourth subparagraph				
G	44d		<u>(cb) 'digital content' means digital content as defined in point (1) of Article 2 of Directive (EU) 2019/770;</u>	<u>(cb) 'digital content' means digital content as defined in point (1) of Article 2 of Directive (EU) 2019/770;</u> Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, fifth subparagraph				
Y	44e		<u>(d) 'service contract' means any contract other than a sales contract under which the trader supplies or undertakes to supply a service, including a digital service, to the consumer;</u>	<u>(d) 'service contract' means any contract other than a sales contract under which the trader supplies or undertakes to supply a service, including a digital service, to the consumer;</u> Light Green Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, sixth subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	44f		<u>(da) ‘digital service’ means a digital service as defined in point (2) of Article 2 of Directive (EU) 2019/770;</u>	<u>(da) ‘digital service’ means a digital service as defined in point (2) of Article 2 of Directive (EU) 2019/770;</u> Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, numbered paragraph (e)				
Y	45	(e) ‘domestic dispute’ means a dispute between a consumer and a trader, related to contractual obligations and/or consumer rights provided in in Union laws as referred to in article 2(1), where the consumer is resident in the same Member State as that in which the trader is established;	(e) ‘domestic dispute’ means a dispute between a consumer and a trader, related to contractual obligations and/or consumer rights provided in in Union laws as referred to in article 2(1), where the consumer is resident in the same Member State as that in which the trader is established;	(e) ‘domestic dispute’ means a dispute between a consumer and a trader, related to contractual obligations and/or consumer rights provided in in Union laws <u>and/or consumer rights provided in in Union laws</u> -as referred to in article <u>Article 2(1)</u> , where, <u>at the time the consumer orders the goods or services</u> , the consumer is resident in the same Member State as that in which the trader is established;
Article 1, first paragraph, point (2), amending provision, numbered paragraph (f)				
Y	46	(f) ‘cross-border dispute’ means a dispute between a consumer and a trader, related to contractual obligations and/or consumer rights provided in Union acts as referred to in article 2(1), where the consumer is resident in a Member State other than the Member State in which the trader is established or where the	(f) ‘cross-border dispute’ means a dispute between a consumer and a trader, related to contractual obligations and/or consumer rights provided in Union acts as referred to in article 2(1), where the consumer is resident in a Member State other than the Member State in which the trader is established or where the	(f) ‘cross-border dispute’ means a dispute between a consumer and a trader, related to contractual obligations and/or consumer rights provided in Union acts <u>and/or consumer rights provided in Union acts</u> -as referred to in article <u>Article 2(1)</u> , where, <u>at the time the consumer orders the goods or services</u> , the consumer is resident in a Member State other than the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumer is resident in a Member State and the trader is established outside of the Union;.	consumer is resident in a Member State and the trader is established outside of the Union;.	Member State in which the trader is established or where the consumer is resident in a Member State and the trader is established outside of the Union;.	consumer is resident in a Member State other than the Member State in which the trader is established or where the consumer is resident in a Member State and the trader is established outside of the Union <u>[or where the consumer is resident in a Member State and the trader is established outside of the Union].;</u>
Article 1, first paragraph, point (2a)				
G	46a	<u>(2a) In Article 4, the following point is inserted:</u>		deleted
Article 1, first paragraph, point (2a), amending provision, first paragraph				
G	46b	<u>(fa) “unfair commercial practice” means any misleading commercial practice within the meaning of Annex I to Directive 2005/29/EC.</u>		deleted
Article 1, first paragraph, point (3)				
G	47	3. Article 5 is amended as follows:	3. Article 5 is amended as follows:	3. (3) Article 5 is amended as follows:
Article 1, first paragraph, point (3)(a)				
R	48	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	deleted

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	Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (1)			
49	<p>1. Member States shall facilitate access by consumers to ADR procedures and shall ensure that disputes covered by this Directive and which involve a trader established on their respective territories, or a trader not established in the territory of any Member State but offering goods or services, including digital content and digital services, to consumers residing in their respective territories, can be submitted to an ADR entity which complies with the requirements set out in this Directive.;</p>	<p>1. –Member States shall facilitate access by consumers to ADR procedures and shall ensure that disputes covered by this Directive and which involve a trader established on their respective territories, or a trader not established in the territory of any Member State but offering goods or services, including digital content and digital services, to consumers residing in their respective territories, can be submitted to an ADR entity which complies with the requirements set out in this Directive. <u>Member States may facilitate access by self-employed or micro enterprises to ADR procedures.</u></p>	<p><i>deleted</i></p>	<p>1. –Member States shall facilitate access by consumers to ADR procedures and shall ensure that disputes covered by this Directive and which involve a trader established on their respective territories, or a trader not established in the territory of any <u>can be submitted to an ADR entity which complies with the requirements set out in this Directive</u></p> <p><u>Each</u> Member State but offering goods or services, including digital content and digital services, to <u>shall also facilitate access by</u> consumers residing in their respective territories, to <u>ADR procedures and ensure that disputes covered by this Directive involving a trader established outside of the Union that directs its activities to that Member State</u> can be submitted to an ADR entity which complies with the requirements set out in this Directive, <u>following a joint request by the consumer and the trader.</u> <u>Member States may make</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<i><u>this access conditional on the traders' consent to the resolution of the dispute on the basis of the law applicable in the consumer's place of residence and the trader's commitment to the ADR procedural rules, including recurrent fees, where applicable.</u></i>
Article 1, first paragraph, point (3)(b)				
50	(b) in paragraph 2, points (a) to (d) are replaced by the following:	(b) in paragraph 2, points (a) to (d) are replaced by the following:	(b) in paragraph 2, points (a) to (d) are <u>is</u> replaced by the following:	(b) in paragraph 2, points (a) to (d) are <u>is</u> replaced by the following: <small>Text Origin: Council Mandate</small>
Article 1, first paragraph, point (3)(b), amending provision, paragraph (2)				
50a		(-a) <u>maintain an up-to-date website which provides the parties with easy access to information concerning the ADR procedure;</u>	2. <u>Member States shall ensure that ADR entities:</u>	2. <u>Member States shall ensure that ADR entities:</u> <small>Text Origin: Council Mandate</small>
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (a)				
51	(a) ensure that consumers can submit complaints and the requisite supporting documents online in a traceable manner and ensure that consumers may also submit and access these	(a) ensure that consumers can submit complaints and the requisite supporting documents online in a traceable manner and ensure that consumers may also submit and access these documents in a non-digital format upon request;	(a) ensure that <u>maintain an up-to-date website which provides the parties with easy access to information concerning the ADR procedure, and which enables</u> consumers can to submit complaints and the requisite supporting documents online in a	(a) ensure that <u>maintain an up-to-date website which provides the parties with easy access to information concerning the ADR procedure, and which enables</u> consumers can to submit complaints and the requisite

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	documents in a non-digital format upon request;		traceable manner and ensure that consumers may also submit and access these documents in a non-digital format upon request;	supporting documents online in a traceable manner and ensure that; <u>(b) enable consumers may also to choose whether to submit complaints and other supporting and access these documents and to access ADR in a digital or in a non-digital format upon request. When ADR entities offer digital ADR procedures, they shall do so through easily accessible and inclusive tools;</u>
Article 1, first paragraph, point (3)(b), amending provision, first subparagraph, point (aa)				
51a		<u>(aa) ensure that consumers can submit complaints in the Member State in which they reside;</u>		deleted
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (b)				
52	(b) offer digital ADR procedures through easily accessible and inclusive tools;	(b) offer digital ADR procedures through easily accessible and inclusive tools;	(b) <u>enable consumers to choose whether to submit complaints and other supporting documents and to access ADR in a digital or a non-digital format. When ADR entities offer digital ADR procedures, they shall do so through easily accessible and inclusive tools;</u>	deleted covered by line 51
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (ba)				


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52a			<u>(ba) in cases other than high-risk systems in the meaning of point 8(a) Annex III of the AI Act, inform the parties to the dispute in advance in a clear, comprehensible and easily accessible way about the nature, the role and the potential risks of automated means when they are used in the ADR decision-making process;</u>	deleted Written procedure 20/06: agree to delete the text from this line
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (c)				
53	(c) grant the right to the parties to the dispute to request that the outcome of the ADR procedure be reviewed by a natural person when the procedure was carried out by automated means;	(c) grant the right to the parties to the dispute to request that the outcome of the ADR procedure be reviewed by a natural person when the procedure was carried out by automated means, <u>ensure that parties to the dispute have access to review by a natural person, who is independent and impartial;</u>	(c) grant the right to the parties to the dispute to request that the outcome of the ADR procedure be reviewed by a natural person when the procedure was carried out by <u>from the ADR entity meeting the requirements of article 6(1), when</u> automated means were used in the ADR decision-making process;	(c) grant the right to <u>where applicable, inform the parties in advance in a clear, comprehensible and easily accessible way about the use of automated means in the ADR decision-making process and ensure that</u> the parties to the dispute <u>have the right</u> to request that the outcome of the ADR procedure be reviewed by a natural person when the procedure was carried out by automated means; <u>from the ADR entity meeting the requirements of Article 6(1), when automated means were used in the ADR decision-making process;</u>


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				Written procedure 20/06: agree with the above text
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (Ca)				
53a			<u>(ca) inform the parties to the dispute of their right under point (c);</u>	<u>(ca) inform the parties to the dispute of their right to request that the outcome of the ADR procedure be reviewed by a natural person as referred to in point (c);</u> Written procedure 20/06: agree with the above text
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (d)				
54	(d) may bundle similar cases against one specific trader into one procedure, under condition that the consumer concerned is informed and does not object to that;	(d) may bundle similar cases against one specific trader into one procedure, under on condition that the consumer concerned is informed and does not object <u>expressly agrees</u> to that <u>bundling and that, in accordance with Article 6, the natural persons in charge of the ADR procedures have sufficient knowledge to deal with the case;</u>	(d) may bundle similar cases against one specific trader into one procedure, under condition that the consumer concerned is informed and does not object to that <u>the conditions defined by the Member States;</u>	(d) may bundle similar cases against one specific trader into one procedure, under on condition that: <u>a) the consumer concerned is informed and does not object to that; of the bundling;</u> <u>b) the natural persons in charge of the ADR procedures have sufficient knowledge to deal with the case in accordance with Article 6.</u> <u>Member States may define additional conditions for the bundling.</u>
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (Da)				

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54a			<u>(e) accept domestic and cross-border disputes; and</u>	<u>(e) accept domestic and cross-border disputes; and</u>
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (Db)				
54b			<u>(f) when dealing with disputes covered by this Directive, take the necessary measures to ensure that the processing of personal data complies with the rules on the protection of personal data laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁹.</u>	<u>(f) when dealing with disputes covered by this Directive, take the necessary measures to ensure that the processing of personal data complies with the rules on the protection of personal data laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁹.</u>
			<u>19. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u>	<u>19. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u>
Article 1, first paragraph, point (3)(c)				
55	(c) in paragraph 4, point (a) is replaced by the following:	(c) in paragraph 4, point (a) is replaced by the following:	(c) in paragraph 4, point (a) is replaced by the following:	(c) in paragraph 4, point (a) is replaced by the following:
Article 1, first paragraph, point (3)(c), amending provision, numbered paragraph (a)				
56	(a) the consumer did not attempt to contact the trader concerned in order to discuss the	(a) the consumer did not attempt to contact the trader concerned in order to discuss the	(a) the consumer did not attempt to contact the trader concerned in order to discuss the	(a) the consumer did not attempt to contact the trader concerned in order to discuss the

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	complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing disproportionate rules about the format of such contact;’	complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing disproportionate rules about the format of such contact;’	complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing disproportionate rules about the format <u>and substance</u> of such contact;’	complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing disproportionate rules about the format <u>or substance</u> of such contact;’
Article 1, first paragraph, point (3)(d)				
G 57	(d) the following paragraph 8 is added:	(d) the following paragraph 8 is added:	(d) the following paragraph 8 is added:	(d) the following paragraph 8 is added:
Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (8)				
R 58	8. Member States shall ensure that traders established in their territories that are contacted by an ADR entity from their country or from another Member State, inform that ADR entity whether, or not, they accept to participate in the proposed procedure and reply within a reasonable period of time that shall not exceed 20 working days..	8. Member States shall ensure that traders established in their territories that are contacted by an ADR entity from their country <u>own Member State</u> or from another Member State, inform that ADR entity whether, or not, they accept to participate in the proposed procedure and reply within a reasonable period of time that shall not exceed <u>15 working days. However, an extension to this deadline up to a maximum of 20 working days may be granted in the case of complex disputes or as a result of exceptional circumstances, such as a period of high activity or an external crisis.</u>	8. Member States shall ensure that traders established in their territories that are contacted by an ADR entity from their country or from another Member State , inform that ADR entity whether, or not, they accept to participate in the proposed procedure. <u>If a trader does not and reply to the ADR entity</u> within a reasonable period of time that shall not exceed 20 working days. <u>ADR entities shall have the right to presume that the trader has refused to participate in the procedure. The consequences of the failure to reply shall be set out in the national legislation. In the case of complex disputes or in exceptional circumstances, the relevant ADR entity may extend</u>	8. <u>Member States shall ensure that following the submission of the complaint by the consumer, ADR entities contact and invite the traders concerned to participate in the procedure, irrespective of whether the participation of the trader is mandatory or not.</u> Member States shall ensure that traders established in their territories that are contacted by a competent ADR entity from their country or from another Member State , inform that ADR entity whether, or not, they accept <u>agree</u> to participate in the proposed procedure. <u>The trader shall and reply to the ADR entity</u> within a reasonable period of time, which that shall

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>that time period, which cannot, however, exceed 40 working days. The consumer shall be informed by the ADR entity if the time period is extended.</u></p> <p><u>The first subparagraph shall not apply where the trader's participation is mandatory, or ADR outcomes can be reached without the trader's consent to participate, or where the trader has already committed contractually to use ADR entities to resolve disputes with consumers. In any event, if trader participation is not mandatory, the ADR entity shall at least contact and invite the trader to participate.'</u></p>	<p>not exceed 20XXX working days. <u>In the case of complex disputes or in exceptional circumstances, the relevant ADR entity may extend that time period, which in any event shall not exceed XXX working days.</u> <u>The ADR entity shall inform the consumer of the extension of the deadline to reply, if applicable.</u> <u>When the trader fails to reply within the time period set out in the second subparagraph, the ADR entity shall close the case and inform the consumer accordingly.</u> <u>The duty to reply referred to in the first subparagraph shall not apply in the following cases:</u> <u>(a) where the trader's participation is mandatory;</u> <u>(b) where ADR outcomes can be reached without the trader's consent to participate; or</u> <u>(c) where the trader is already committed contractually to use ADR entities to resolve disputes with consumers.</u></p> <p><u>Recital 13</u> <u>(13) Under Directive 2013/11/EU, Member States may introduce national legislation to make</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>trader participation in ADR compulsory in sectors they deem fit, in addition to sector-specific Union legislation which provides for mandatory participation of traders in ADR. Member States should ensure that following the submission of the complaint by the consumer, ADR entities contact and invite the traders concerned to participate in the procedure, irrespective of whether the participation of the trader is mandatory or not.</u></p> <p><u>To encourage traders' participation in the ADR procedures and to ensure due and swift ADR procedures, traders should be required to reply within a specific period to enquiries made by ADR entities on whether they agree to participate to the proposed procedure.</u></p> <p><u>The aim of the duty to reply is to engage traders to participate in the ADR procedures and to ensure that ADR entities and consumers know whether or not the trader will participate in the procedure. However, the trader's reply should not be required when the applicable law provides for the mandatory participation</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>in the ADR procedure or when the trader is contractually obliged to participate in the ADR procedure. The trader's reply should also not be required when the ADR entity is entitled to reach an outcome even if the trader did not participate in the procedure. The consumer should be informed of the extension of the time period given to the trader to reply, if applicable.</u></p> <p><u>Recital 13a</u> <u>(13a) The time period for the trader to inform the ADR entity whether or not it intends to participate in the ADR procedure should be, in principle, no more than XXX working days. However, in certain exceptional cases of a complex nature or in exceptional circumstances, the ADR entity should be entitled to extend that time period in order to give the trader the opportunity to analyse the dispute thoroughly and to choose whether or not it wants to participate in an ADR procedure. In any case, that time period should not exceed XXX working days. The consumer should be informed of the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>extension of the deadline to reply, if applicable . If a trader fails to reply to the ADR entity within the prescribed deadline, that ADR entity can close the case and inform the consumer accordingly.</u>
Article 1, first paragraph, point (3)(d), amending provision, point (1)				
58a		<u>(3a) Article 6 is amended as follows:</u>		<u>(1) Article 6 is amended as follows:</u> Light Green
Article 1, first paragraph, point (3)(d), amending provision, point (a)				
58b		<u>(a) paragraph 1, point (a) is replaced by the following:</u>		<u>(a) paragraph 1, point (a) is replaced by the following:</u> Light Green
Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (9)				
58c		<u>(a) possess the necessary knowledge and skills in the field of alternative or judicial resolution of consumer disputes, as well as a general understanding of law, including, when dealing with cross-border cases, private international law;</u>		<u>9. possess the necessary knowledge and skills in the field of alternative or judicial resolution of consumer disputes, as well as a general understanding of law and, when dealing with cross-border cases, a general understanding of private international law</u> Light Green

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		New words are "including..." at the end. Otherwise, unchanged from Dir. 2013/11/EU.		
Article 1, first paragraph, point (3)(d), amending provision, point (b)				
58d		<u>(b) in paragraph 3 the following point is inserted:</u>		<u>(b) in paragraph 3 the following point is inserted:</u> Light Green Text Origin: EP Mandate
Article 1, first paragraph, point (3)(d), amending provision, first paragraph				
58e		<u>(aa) where a dispute is handled by an ADR entity and the natural persons in charge of dispute resolution are employed or remunerated exclusively by the individual trader, the ADR entity shall only have access to data strictly related to the case and specifically provided by the trader or the consumer;</u>		<u>(aa) where a dispute is handled by an ADR entity and the natural persons in charge of dispute resolution are employed or remunerated exclusively by the individual trader, the ADR entity shall only have access to data strictly related to the case and specifically provided by the trader or the consumer.</u> Light Green
Article 1, first paragraph, point (3)(da)				
58f		<u>(c) paragraph 6 is replaced by the following:</u>		<u>(da) paragraph 6 is replaced by the following:</u> Light Green

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	Article 1, first paragraph, point (3)(da), amending provision, first paragraph			
58g		<p><i><u>6. For the purposes of point (a) of paragraph 1, Member States shall ensure that ADR entities provide regular training for natural persons in charge of ADR, in particular in the area of consumer law and other relevant sectorial legislation. Competent authorities shall monitor the training schemes established by ADR entities, on the basis of information communicated to them in accordance with point (g) of Article 19(3).</u></i></p> <p>Wording of Dir. 2013/11/EU: "6. For the purposes of point (a) of paragraph 1, Member States shall encourage ADR entities to provide training for natural persons in charge of ADR. If such training is provided, competent authorities shall monitor the training schemes established by ADR entities, on the basis of information communicated to</p>		<p><i><u>6. For the purposes of point (a) of paragraph 1, Member States shall ensure that ADR entities provide necessary training for natural persons in charge of ADR. Competent authorities shall monitor the training schemes established by ADR entities, on the basis of information communicated to them in accordance with point (g) of Article 19(3).</u></i></p> <p>Tech meeting 30/04: agree with the below recital text and green the line: "Member States should ensure that the natural persons in charge of ADR possess necessary knowledge and skills in the field of alternative or judicial resolution of consumer disputes, as well as a general understanding of law. To that end, Member States should also ensure that ADR entities, when necessary, provide training for natural persons in</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		them in accordance with point (g) of Article 19(3)."		charge of ADR. The training should be adapted to the actual and the required level of expertise of the natural persons in charge of ADR. "
Article 1, first paragraph, point (4)				
59	4. Article 7, paragraph 2 is amended as follows:	4. Article 7, paragraph 2 is amended as follows:	4.(4) Article 7, paragraph 2 is amended as follows:	4. Article 7, paragraph 2 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (4)(a)				
60	(a) in the introductory phrase, the first sentence is replaced by the following:	(a) in the introductory phrase, the first sentence is replaced by the following:	(a) in the introductory phrase, the first sentence is replaced by the following:	(a) in the introductory phrase, the first sentence is replaced by the following: Text Origin: Council Mandate
Article 1, first paragraph, point (4)(a), amending provision, first paragraph				
61	Member States shall ensure that ADR entities make publicly available on their websites, on a durable medium upon request, and by any other means they consider appropriate, biennial activity reports.	Member States shall ensure that ADR entities make publicly available on their websites, on a durable medium upon request, and by any other means they consider appropriate, biennial activity reports.	Member States shall ensure that ADR entities make publicly available on their websites, on a durable medium upon request, and by any other means they consider appropriate, biennial activity reports <u>at least every 2 years.</u> ;	Member States shall ensure that, <u>at least every 2 years,</u> ADR entities make <u>activity reports</u> publicly available on their websites. <u>In addition, Member States shall require ADR entities to provide, upon request, those activity reports</u> on a durable medium upon request, and by any other means they <u>that ADR entities</u> consider appropriate, biennial activity reports.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (4)(b)			
62	(b) point (h) is deleted.	<i>deleted</i>	(b) point (h) is deleted.	(b) point (h) is deleted. Text Origin: Commission Proposal
	Article 1, first paragraph, point (4a)			
62a		<u>(4a) Article 8 is amended as follows:</u>		<u>(4a) In Article 8, the following paragraph is added:</u> Light Green
	Article 1, first paragraph, point (4a)(a)			
62b		<u>(a) point (c) is replaced by the following:</u>		<u>(a) deleted</u> Light Green
	Article 1, first paragraph, point (4a)(a), amending provision, first paragraph			
62c		<u>(c) the ADR procedure is free of charge or available at a nominal fee for consumers and, in the event that a nominal fee is charged for consumers, that fee is reimbursable by national authorities when the dispute is resolved;</u> New words are "and, in the event..." to the end. Otherwise,		<u>'For the purposes of point (c), Member States shall encourage ADR entities to reimburse consumers the nominal fees paid, where and to the extent that their complaint is justified.'</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		unchanged from Dir. 2013/11/EU.		
Article 1, first paragraph, point (4a)(b)				
G	62d	<u>(b) the following point is inserted:</u>		deleted
Article 1, first paragraph, point (4a)(b), amending provision, first paragraph				
G	62e	<u>(da) at the consumer's request, the parties have access to the procedure with the possibility to hold a physical meeting;</u>		deleted
Article 1, first paragraph, point (4b)				
R	62f	<u>(4b) The following article is inserted:</u>		<u>(4b) deleted (and replaced with the text on positive incentives)</u> <u>Recital:</u> <u>(X)</u> <u>Member States should have in place measures promoting participation of the traders and consumers in the alternative dispute resolution procedures. Such measures could be of financial or non-financial nature. Measures of non-financial nature could include information</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>campaigns, participation certificates. Measures of financial nature could, for example, take the form of preferential fee or treatment for compliant traders, participation without any cost for traders and consumers, reimbursement of the costs for a specific number of ADR procedures to facilitate familiarization with their benefits, provision of employees training schemes and co-financing the creation of sectorial alternative dispute resolution entities.</u></p> <p><u>Article X</u> <u>1. Member States shall have in place measures to promote the participation of traders and consumers in the alternative dispute resolution procedures.</u></p> <p>Text to be replaced with the text on positive incentives</p> <p>Written procedure 20/06: insertion of the above text</p>
	Article 1, first paragraph, point (4b), amending provision, first paragraph			
R 62g		<p>‘ <u>Article 11a</u></p>		<p>‘</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><i>deleted (and replaced with the text on positive incentives)</i></p> <p>Written procedure 20/06: deleted (and replaced with the text on positive incentives in line 62f)</p>
Article 1, first paragraph, point (4b), amending provision, second paragraph				
R	62h	<p><i>Member States shall ensure that, where they do not comply with the outcome of an ADR procedure, irrespective of whether the outcome of that procedure is binding, traders are required to provide the other parties to the ADR procedure with a written explanation.</i></p>		<p><i>deleted</i></p> <p>Written procedure 20/06: deleted (and replaced with the text on positive incentives in line 62f)</p>
Article 1, first paragraph, point (5)				
G	63	<p>5. In article 13, paragraph 3 is deleted.</p> <p>5. In Article 13, paragraph 3 is deleted. <u>2 is replaced by the following:</u></p> <p>EP AM also serves to undo the deletion of Art. 13(3) proposed by the COM.</p>	<p>5.(5) <i>In Article 13, paragraph 3 is deleted. is amended as follows:</i></p>	<p>5. In Article 13, paragraph 3 is deleted. is amended as follows:</p> <p>Light Green</p>
Article 1, first paragraph, point (5), amending provision, first paragraph				
G	63a			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>2. The information referred to in paragraph 1 shall be provided:</u>	<u>(a) paragraph 3 is replaced by the following:</u>	<u>(a) paragraph 2 is replaced by the following:</u> Light Green
Article 1, first paragraph, point (5), amending provision, first paragraph, point (a)				
63b		<u>(a) on the traders' website, where it exists, in a clear, prominent, comprehensible and easily accessible way;</u>	<u>'3. Member States shall ensure that, in cases where a dispute between a consumer and a trader established in their territories could not be resolved further to a complaint submitted directly by the consumer to the trader, the trader is required to provide the consumer with the information referred to in paragraph 1.'</u>	<u>(a) "2. The information referred to in paragraph 1 shall be provided:</u> <u>(a) on the traders' website, where it exists, in a clear, prominent, comprehensible and easily accessible way;</u> <u>(b) in the general terms and conditions of sales or service contracts between the trader and a consumer."</u> Light Green
Article 1, first paragraph, point (5), amending provision, first paragraph, point (b)				
63c		<u>(b) in the general terms and conditions of sales or service contracts between the trader and a consumer; and</u>		<u>(b) paragraph 3 is replaced by the following:</u>
Article 1, first paragraph, point (5), amending provision, first paragraph, point (c)				
63d		<u>(c) on the invoices issued by the trader.</u>		<u>'3. Member States shall ensure that, in cases where a dispute between a consumer and a trader established in their</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>territories could not be resolved further to a complaint submitted directly by the consumer to the trader, the trader is required to provide the consumer with the information referred to in paragraph 1.'</u>
Article 1, first paragraph, point (5), amending provision, second paragraph				
63e		<u>2a. Traders shall make an email address available allowing consumers to contact them, including for the sole purpose of ADR procedures.</u>		deleted
Article 1, first paragraph, point (6)				
64	6. Article 14 is replaced by the following:	6. Article 14 is replaced by the following:	6.(6) Article 14 is replaced by the following:	
Article 1, first paragraph, point (6), amending provision, first paragraph				
65	Article 14	Article 14	Article 14	Article 14 Text Origin: Commission Proposal
Article 1, first paragraph, point (6), amending provision, second paragraph				
66	Assistance for consumers	Assistance for consumers	Assistance for consumers <u>in cross-border disputes</u>	Assistance for consumers <u>in cross-border disputes</u>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
67	1. Member States shall ensure that, with regard to cross-border disputes, consumers and traders are able to obtain assistance to access the ADR entity or entities competent to deal with their cross-border dispute.	1. Member States shall ensure that, with regard to cross-border disputes, consumers and traders are able to obtain assistance to access the ADR entity or entities competent to deal with their cross-border dispute.	1. Member States shall ensure that, with regard to cross-border disputes, consumers and traders are able to obtain assistance to access the ADR entity or entities competent to deal with their cross-border dispute.	1. Member States shall ensure that, with regard to cross-border disputes, consumers and traders are able to obtain assistance to <u>facilitate their</u> access <u>to</u> the ADR entity or entities competent to deal with their cross-border dispute. Light Green
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1a)				
67a		<u>1a. Member States shall ensure that consumers can carry out cross-border ADR procedures in an official language of the Member State in which they are resident.</u>		<u>Delete text from here and insert in Article 20. paragraph 9 (line 78-78a?):</u> <u>Competent authorities shall inform contact points and ADR entities of the machine translation function referred to in the first subparagraph.</u> Written procedure 20/06: agree to replace the initial EP position by the text above Light Green
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)				
68	2. Each Member State shall designate an ADR contact point in charge of the task referred to in paragraph 1. Each Member State	2. Each Member State shall designate an ADR contact point in charge of the task referred to in paragraph 1. Each Member State	2. Each Member State shall designate an ADR contact point in charge of the task referred to in paragraph 1. Each Member State	2. Each Member State shall designate an ADR contact point in <u>charge of</u> <u>responsible for</u> the task referred to in paragraph 1. Each

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall communicate the name and contact details of its ADR contact point to the Commission. Member States shall confer responsibility for the operation of the ADR contact points on their centre belonging to the European Consumer Centres Network, or, if not possible, on consumer organisations or on any other body dealing with consumer protection.	shall communicate the name and contact details of its ADR contact point to the Commission. Member States shall confer responsibility for the operation of the ADR contact points on their centre belonging to the European Consumer Centres Network, or, if not possible, on consumer organisations or on any other body dealing with consumer protection <u>and ensure that they have adequate budgetary and human resources.</u>	shall <u>and</u> communicate the name and contact details of its ADR contact point to the Commission. Member States shall confer responsibility for the operation of the ADR contact points on their centre belonging to the European Consumer Centres Network, or, if not possible, on consumer organisations or on any other body dealing with consumer protection.	Member State shall <u>and</u> communicate the name and contact details of its ADR contact point to the Commission. Member States shall confer responsibility for the operation of the ADR contact points on their centre belonging <u>which belongs</u> to the European Consumer Centres Network, or, if not possible, on consumer organisations or on any other body dealing with consumer protection.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2a)				
68a		<u>2a. Consumers and traders engaged in cross-border disputes shall use the ADR contact point assigned on the basis of the consumer's place of residence and the ADR entity of the Member State in which he or she is resident.</u>		<u>2a. When requesting assistance in cross-border disputes, consumers shall use the ADR contact point assigned on the basis of the consumer's place of residence, and traders shall use the ADR contact point in their place of establishment</u>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)				
69	3. The ADR contact points shall facilitate communication between the parties and the competent ADR entity, which may include, in particular:	3. The ADR contact points shall facilitate communication between the parties and the competent ADR entity, which may include, in particular:	3. <u>Member States shall ensure that</u> the ADR contact points shall facilitate, <u>upon request,</u> communication between the parties and the competent	3. <u>Member States shall ensure that, upon request</u> the ADR contact points shall facilitate communication between the parties and the competent ADR

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			ADR entity, which may include, in particular <u>includes at least the following tasks:</u>	entity, which may include, in particular . <u>Such facilitation shall include at least the following tasks:</u>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (a)				
70	(a) assisting with the submission of the complaint and, where appropriate, relevant documentation;	(a) assisting with the submission of the complaint and, where appropriate, relevant documentation;	(a) assisting with <u>providing relevant information concerning</u> the submission of the complaint and, where appropriate, relevant documentation <u>the competent ADR entity;</u>	(a) assisting with the submission of the complaint and, where appropriate, relevant documentation; Written procedure 20/06: agree with the above text
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (aa)				
70a		<u>(aa) assisting the parties and ADR entities, where necessary, with the translation of information, documentation or procedural rules;</u>		<u>(aa) supporting the parties, where necessary, by providing the results of machine translation of information, documentation or procedural rules;</u> Written procedure 20/06: agree with the above text
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (b)				
71	(b) providing the parties and ADR entities with general information on EU consumer rights;	(b) providing the parties and ADR entities with general information on EU consumer rights;	(b) providing the parties and ADR entities with general information on EU consumer rights;	(b) providing the parties and ADR entities with general information on EU consumer rights; <u>at Union and at their national level</u>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (ba)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
71a		<u>(ba) providing the parties and ADR entities with relevant information on the consumer protection law of the Member State;</u>		<i>deleted</i>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (c)				
72	(c) providing the parties with explanations on the procedural rules applied by the specific ADR entities;	(c) providing the parties with explanations on the procedural rules applied by the specific ADR entities;	(c) providing the parties with explanations on the procedural rules applied by the specific ADR entities;	(c) providing the parties with explanations on the procedural rules applied by the specific ADR entities;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (d)				
73	(d) informing the complainant party of other means of redress when a dispute cannot be resolved through an ADR procedure.	(d) informing the complainant party of other means of redress when a dispute cannot be resolved through an ADR procedure.	(d) informing the complainant party of other means of redress when a dispute cannot be resolved through an ADR procedure.	(d) informing the complainant party of other means of redress when a dispute cannot be resolved through an ADR procedure.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4)				
74	4. Member States may grant ADR contact points the right to provide assistance referred to in this Article to consumers and traders when accessing ADR entities also with regard to domestic disputes.	4. Member States may grant ADR contact points the right to provide assistance referred to in this Article to consumers and traders when accessing ADR entities also with regard to domestic disputes.	<i>deleted</i>	4. Member States may grant ADR contact points the right to provide assistance referred to in this Article to consumers and traders when accessing ADR entities also with regard to domestic disputes.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5)				
75	5. Member States shall ensure that any actors assisting consumers in cross-border or domestic disputes, act in good faith to allow parties to the dispute	5. Member States shall ensure that any actors assisting consumers in cross-border or domestic disputes, act in good faith to allow parties to the dispute	5. Member States shall ensure that any actors assisting consumers in cross-border or domestic disputes, act in good faith to allow parties to the dispute	5. Member States shall ensure that any <u>Member States shall require that in performing their activities, all</u> actors assisting consumers in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to reach an amicable settlement and provide relevant information to consumers in full transparency, including information regarding procedural rules and any applicable fees..	to reach an amicable settlement and provide relevant information to consumers in full transparency, including information regarding procedural rules and any applicable fees..	to reach an amicable settlement and provide relevant information to consumers in full transparency, including clear information regarding procedural rules and any applicable fees..	cross-border or domestic disputes; act in good faith to allow parties to the dispute to reach an amicable settlement and shall provide relevant information to consumers in full transparency, including information regarding procedural rules and any applicable fees., <u>and shall do so acting in good faith.</u>
Article 1, first paragraph, point (6a)				
75a		<u>(6a) In Article 15, paragraph 2 is replaced by the following:</u>	<u>(6a) In article 17, paragraph 3 is replaced by the following:</u>	<u>(6a) In article 17, paragraph 3 is replaced by the following:</u> Text Origin: Council Mandate
Article 1, first paragraph, point (6a), amending provision, first paragraph				
75b		<u>2. Member States shall ensure that relevant consumer organisations and business associations make publicly available on their websites and brochures and by any other means they consider appropriate, the list of ADR entities referred to in Article 20(4).</u> Wording of Dir. 2013/11/EU: "2. Member States shall encourage relevant consumer	<u>'3. Member States shall ensure that cooperation and mutual information exchanges referred to in paragraphs 1 and 2 comply with the rules on the protection of personal data laid down in Regulation (EU) 2016/679.'</u>	<u>'3. Member States shall ensure that cooperation and mutual information exchanges referred to in paragraphs 1 and 2 comply with the rules on the protection of personal data laid down in Regulation (EU) 2016/679.'</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		organisations and business associations to make publicly available on their websites, and by any other means they consider appropriate, the list of ADR entities referred to in Article 20(4)."	PUBLIC	
	Article 1, first paragraph, point (6b)			
R	75c	<u>(6b) In Article 17, paragraph 2 is replaced by the following:</u>		<u>(6b) In Article 17, paragraph 2 is replaced by the following:</u>
	Article 1, first paragraph, point (6b), amending provision, first paragraph			
R	75d	<u>2. This cooperation shall in particular include mutual exchange of information on practices in specific business sectors about which consumers have repeatedly lodged complaints. It shall also, where appropriate, include an obligation for ADR entities to direct consumers to the national authorities referred to in paragraph 1 whenever they report unfair commercial practices. In addition, it shall also, where appropriate, include an obligation on ADR entities to report unfair commercial practices and terms and</u>		<u>Art 7(1) (green) Transparency</u> <u>1. Member States shall ensure that ADR entities make publicly available on their websites, on a durable medium upon request, and by any other means they consider appropriate, clear and easily understandable information on: (...)</u> <u>(p) [if applicable,] contact information of national authorities enforcing Union and national legal acts on unfair commercial practices and terms.</u> <u>Art 17(2) : COM proposal</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>conditions to those national authorities whenever they become aware of them. It shall also include the provision of technical assessment and information by such national authorities to ADR entities where such assessment or information is necessary for the handling of individual disputes and is already available.</u></p> <p>New words are "It shall also... become aware of them". Otherwise, unchanged from Dir. 2013/11/EU.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-15deg);">PUBLIC</p>	<p><u>2. This cooperation shall in particular include mutual exchange of information on practices in specific business sectors about which consumers have repeatedly lodged complaints, including on unfair commercial practices or terms . It shall also include the provision of technical assessment and information by such national authorities to ADR entities where such assessment or information is necessary for the handling of individual disputes and is already available.</u></p> <p><u>Recital (to be added in line 23c): A swift cooperation between the different actors involved in the enforcement of consumer rights is crucial to ensure the overall consistency and coherence of the consumer enforcement system. The cooperation between ADR entities and national authorities entrusted with the enforcement of Union legal acts on consumer protection should also include mutual exchange of information on practices in specific business sectors, for example unfair commercial practices or terms,</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			PUBLIC	<p><i>about which consumers have repeatedly lodged complaints. It is important to [state/clarify/bear in mind/point out] that ADR entities are not competent to decide whether a practice described in consumer complaints constitutes an unfair commercial practice, so they would inform about potentially unfair commercial practices and terms.</i></p> <p>Written procedure 20/06: insertion of the above text</p>
Article 1, first paragraph, point (6c)				
R	75e			<p><i>deleted</i></p> <p>Written procedure 20/06: deletion of the text</p>
Article 1, first paragraph, point (6c), amending provision, first paragraph				
R	75f			<p><i>deleted</i></p> <p>Written procedure 20/06: deletion of the text</p>
		<p><i>5. When an unfair commercial practice is brought to the attention of the ADR entity by a consumer, the principle of confidentiality shall not apply. If there are credible reasons to suspect that such a practice has occurred, the ADR entity shall inform the national competent</i></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>authority thereof, and, if appropriate, shall keep it informed about the outcome of the dispute.</u>		
Article 1, first paragraph, point (6d)				
R	75g	<u>(6d) In Article 18, paragraph 1 is replaced by the following:</u>		
Article 1, first paragraph, point (6d), amending provision, first paragraph				
R	75h	<u>1. Each Member State shall designate a competent authority which shall carry out the functions set out in Articles 19 and 20. Member States shall ensure that their competent authorities have the necessary resources, including sufficient budgetary and other resources, such as a sufficient number of competent personnel, expertise, procedures and other arrangements for the proper performance of their duties. The natural persons working for competent authorities should be impartial and independent from the ADR entities that they supervise. Each Member State may designate more than one competent authority. If a Member</u>		<u>Text of the EP mandate replaced by a recital (Otherwise, the current text of ADR Directive remains unchanged):</u> <u>"In order to ensure that ADR entities, competent authorities and contact points are able to fulfil their tasks efficiently, in particular the tasks introduced by this Directive, they should have sufficient human, material and financial resources at their disposal. It should remain possible for Member States to determine the appropriate forms of funding for this purpose."</u> Follow-up to the trilogue and tech meeting 22/05: the text of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>State does so, it shall determine which of the competent authorities designated is the single point of contact for the Commission. Each Member State shall communicate the competent authority or, where appropriate, the competent authorities, including the single point of contact it has designated, to the Commission.</u></p> <p>New words are "Member States shall ensure... ADR entities that they supervise". Otherwise, unchanged from Dir. 2013/11/EU.</p>		<p>the EP mandate will be replaced by a recital (text above). The current Directive remains unchanged. Council to check with MS and come back.</p>
Article 1, first paragraph, point (6e)				
R	75i	<p><u>(6e) In Article 19, paragraph 3, point (d) is replaced by the following:</u></p>		<p><u>(6e) deleted (and replaced with the text on positive incentives)</u></p> <p>Written procedure 20/06: deleted (and replaced with the text on positive incentives in line 62f)</p>
Article 1, first paragraph, point (6e), amending provision, first paragraph				
R	75j			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(d) the rate of compliance, if known, with the outcomes of the ADR procedures and the traders who systematically and unduly refuse to comply with the outcomes of ADR procedures;</u></p> <p>New words are "and the traders..." to the end. Otherwise, unchanged from Dir. 2013/11/EU.</p>		<p><u>deleted (and replaced by the text on positive incentives)</u></p> <p>Written procedure 20/06: deleted (and replaced with the text on positive incentives in line 62f)</p>
Article 1, first paragraph, point (7)				
G	76	7. In Article 19(3), points (f), (g) and (h) are deleted.	deleted	<p>7.(7) In Article 19(3), points (f), (g) and (h) are deleted.</p> <p>deleted</p>
Article 1, first paragraph, point (8)				
Y	77	8. In Article 20, the following paragraph is added:	8. In Article 20, the following paragraph is added <u>is amended as follows:</u>	<p>8.(8) In Article 20, the following paragraph is added <u>is amended as follows:</u></p>
Article 1, first paragraph, point (8)(a)				
Y	77a		<p><u>(a) in paragraph 2, the following subparagraph is inserted after the second subparagraph:</u></p>	<p><u>(a) in paragraph 6 the first sentence is amended as follows:</u></p>
Article 1, first paragraph, point (8)(a), amending provision, first paragraph				
G	77b		<p><u>Competent Authorities shall conduct regular checks into the functioning and activities of</u></p>	<p><u>6. By 9 July 2018, and by 1 November every four years thereafter, each competent</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>the ADR entities to monitor compliance with the requirements of this Directive.</u></p>	<p><u>authority shall publish and send to the Commission a report on the development and functioning of ADR entities.</u></p>	<p><u>authority shall publish and send to the Commission a report on the development and functioning of ADR entities.</u> <u>Additionally, competent authorities shall conduct necessary checks on the functioning and activities of the ADR entities to monitor compliance with the requirements of this Directive.</u></p> <p><u>Recital (14b/c?)</u> <u>To ensure that ADR entities function properly and effectively, competent authorities should conduct necessary checks on the functioning and activities of the ADR entities in order to monitor compliance with the requirements of this Directive as and when appropriate, e.g. when they receive duly justified complaints by a party of an ADR procedure that give cause for concern as to a systematic non-compliance of an ADR entity with the requirements of this Directive.</u></p> <p>Written procedure 20/06: agree with the above text</p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (8)(b)			
77c		<u>(b) the following paragraph is added:</u>	<u>(b) the following paragraphs are added:</u>	<u>(b) the following paragraphs are added:</u> Text Origin: Council Mandate
	Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (1)			
78	<p>8. The Commission shall develop and maintain a digital interactive tool that provides general information on consumer redress and links to the webpages of the ADR entities notified to it in accordance with paragraph 2 of this Article..</p>	<p>8. The Commission shall develop and maintain a <u>user-friendly</u> digital interactive tool that provides general information on consumer redress, <u>practical information about how consumers can avail themselves of ADR procedures in a cross-border context</u> and links to the webpages of the ADR entities notified to it in accordance with paragraph 2 of this Article, <u>directing consumers to a competent body to resolve their disputes.</u></p>	<p>8. <u>By 3 months after the entry into force of this Directive,</u> the Commission shall develop and maintain a digital interactive tool that provides general information on consumer redress and links to <u>information on consumer rights. The tool shall also host the list</u> the webpages of the ADR entities notified to it in accordance with paragraph 2<u>4</u> of this Article, <u>and of the ADR contact points notified under Article 14(2) of this Directive, including the links to the relevant websites. The Commission shall thereafter promote this interactive tool and ensure its technical maintenance, including the availability of the machine translation to the ADR entities and ADR contact points free of charge</u></p>	<p>8. <u>By three months after the entry into force of this Directive,</u> The Commission shall develop and maintain a <u>user-friendly</u> digital interactive tool that provides general information on consumer redress, <u>including practical guidance on using ADR in cross-border context, as well as</u> and links to <u>information on consumer rights. The tool shall also host the list</u> the webpages of the ADR entities notified to it in accordance with paragraph 4 <u>[to check – now paragraph 2]</u> of this Article, <u>and of the ADR contact points notified under Article 14(2) of this Directive, including the link to their websites. The Commission shall promote this interactive tool and ensure its technical maintenance. The tool shall include a machine translation function available to</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<i>the ADR entities and the ADR contact points free of charge. Member States are encouraged to provide a prominent link to this Commission tool on any national websites serving a similar purpose.</i>
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (2)				
G	78a	<i>Where similar digital tools exist at the national level, they should provide a link to the Commission digital tool, to inform consumers with a cross-border issue.</i>	<i>9. The Commission shall create a network of ADR contact points.</i>	<i>9. The Commission shall create a network of ADR contact points.</i> Text Origin: Council Mandate
Article 1, first paragraph, point (8a)				
R	78b	<i>(8a) Article 21 is replaced by the following:</i>		
Article 1, first paragraph, point (8a), amending provision, Article				
R	78c	<i>Article 21</i> <i>Penalties</i>		<i>Article</i> <i>deleted</i> Follow-up to second trilogue and tech meeting 22/05: Part of the discussion on the duty to reply. Council to check with MS and come back (it does not mean that the current Art. 21

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				of existing Directive will be deleted. Current Directive remains unchanged)
Article 1, first paragraph, point (8a), amending provision, Article, first paragraph				
78d		<p><u>Member States shall lay down rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive, in particular Article 5(8) and Article 13, and shall take all measures necessary to ensure they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.</u></p> <p>Wording of Dir. 2013/11/EU: "Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted in particular pursuant to Article 13 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive."</p>		<p><u>deleted</u></p> <p>Follow-up to second trilogue and tech meeting 22/05: Part of the discussion on the duty to reply. Council to check with MS and come back (it does not mean that the current Art. 21 of existing Directive will be deleted. Current Directive remains unchanged)</p>
Article 1, first paragraph, point (9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
79	9. In article 24, the following paragraph 4 is added:	9. In article 24, the following paragraph 4 is added:	9. (9) In article 24, the following paragraph 4 is added:	
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4)				
80	4. By [insert date] Member States shall communicate to the Commission the names and contact details of the ADR contact points designated in accordance with Article 14(2)..	4. By [insert date] Member States shall communicate to the Commission the names and contact details of the ADR contact points designated in accordance with Article 14(2)..	4. By [insert date] Member States shall communicate to the Commission the names and contact details of the ADR contact points designated in accordance with Article 14(2)..	
Article 2				
81	Article 2 Amendment to Directive (EU) 2015/2302	Article 2 Amendment to Directive (EU) 2015/2302	Article 2 Amendment to Directive (EU) 2015/2302	
Article 2, first paragraph				
82	In Article 7(2) of Directive (EU) 2015/2302, point (g) is replaced by the following:	In Article 7(2) of Directive (EU) 2015/2302, point (g) is replaced by the following:	In Article 7(2) of Directive (EU) 2015/2302, point (g) is replaced by the following:	
Article 2, first paragraph, amending provision, numbered paragraph (g)				
83	(g) information on available in-house complaint handling procedures and on alternative dispute resolution ('ADR') mechanisms pursuant to Directive 2013/11/EU of the European Parliament and of the Council ¹ and, where applicable, on the	(g) information on available in-house complaint handling procedures and on alternative dispute resolution ('ADR') mechanisms pursuant to Directive 2013/11/EU of the European Parliament and of the Council ¹ and, where applicable, on the	(g) information on available in-house complaint handling procedures and on alternative dispute resolution ('ADR') mechanisms pursuant to Directive 2013/11/EU of the European Parliament and of the Council ¹ and, where applicable, on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ADR entity by which the trader is covered; 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).’	ADR entity by which the trader is covered; 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).’	ADR entity by which the trader is covered; 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).’	
Article 3				
84	Article 3 Amendment to Directive (EU) 2019/2161	Article 3 Amendment to Directive (EU) 2019/2161	Article 3 Amendment to Directive (EU) 2019/2161	
Article 3, first paragraph				
85	In Article 5 of Directive (EU) 2019/2161, point (b) is replaced by the following:	In Article 5 of Directive (EU) 2019/2161, point (b) is replaced by the following:	In Article 5 of Directive (EU) 2019/2161, point (b) is replaced by the following:	
Article 3, first paragraph, amending provision, numbered paragraph (b)				
86	(b) submit a complaint to the competent centre of the European Consumer Centres Network, depending on the parties involved..	(b) submit a complaint to the competent centre of the European Consumer Centres Network, depending on the parties involved..	(b) submit a complaint to the competent centre of the European Consumer Centres Network, depending on the parties involved..	
Article 4				
87	Article 4	Article 4	Article 4	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Amendment to Directive (EU) 2020/1828	Amendment to Directive (EU) 2020/1828	Amendment to Directive (EU) 2020/1828	
Article 4, first paragraph				
G	88 In Annex I to Directive (EU) 2020/1828, point (44) is deleted.	In Annex I to Directive (EU) 2020/1828, point (44) is deleted.	In Annex I to Directive (EU) 2020/1828, point (44) is deleted.	G
Article 5				
G	89 Article 5 Transposition	Article 5 Transposition	Article 5 Transposition	G
Article 5(1), first subparagraph				
R	90 1. By [dd/month/year - 1 year after entry into force], Member States shall adopt and publish the measures necessary to comply with Article 1 of this Directive. They shall immediately inform the Commission thereof.	1. By [dd/month/year - 1 year after entry into force], Member States shall adopt and publish the measures necessary to comply with Article 1 of this Directive. They shall immediately inform the Commission thereof.	1. By [dd/month/year - 1 year <u>2 years</u> after entry into force], Member States shall adopt and publish the measures necessary to comply with Article 1 of this Directive. They shall immediately inform the Commission thereof.	R
Article 5(1), second subparagraph				
R	91 They shall apply those measures from [date].	They shall apply those measures from [date].	They shall apply those measures from [date - <u>3 years after entry into force</u>].	R
Article 5(2), first subparagraph				
R	92 2. By [dd/month/year... 1 year after entry into force of Regulation xx/.... [the proposal for a Regulation of the European Parliament and of the Council repealing Regulation (EU) No 524/2013 on online dispute resolution for consumers]],	2. By [dd/month/year... 1 year after entry into force of Regulation xx/.... [the proposal for a Regulation of the European Parliament and of the Council repealing Regulation (EU) No 524/2013 on online dispute resolution for consumers]],	2. By [dd/month/year... 1 year <u>2 years</u> after entry into force of Regulation xx/.... [the proposal for a Regulation of the European Parliament and of the Council repealing Regulation (EU) No 524/2013 on online dispute resolution for consumers]],	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States shall adopt and publish the measures necessary to comply with Articles 2, 3 and 4 of this Directive. They shall immediately inform the Commission thereof.	Member States shall adopt and publish the measures necessary to comply with Articles 2, 3 and 4 of this Directive. They shall immediately inform the Commission thereof.	Member States shall adopt and publish the measures necessary to comply with Articles 2, 3 and 4 of this Directive. They shall immediately inform the Commission thereof.	
Article 5(2), second subparagraph				
R	93	They shall apply those measures from [insert date].	They shall apply those measures from [insert date].	They shall apply those measures from [insert date <u>- 3 years after entry into force</u>].
Article 5(3)				
G	94	3. When Member States adopt the measures referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	3. When Member States adopt the measures referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	3. When Member States adopt the measures referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
Article 5(4)				
G	95	4. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	4. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	4. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.
Article 6				
G	96	Article 6 Entry into force	Article 6 Entry into force	Article 6 Entry into force

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6, first paragraph			
97	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
	Article 7			
98	Article 7 Addressees	Article 7 Addressees	Article 7 Addressees	
	Article 7, first paragraph			
99	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
	Formula			
100	Done at Brussels,	Done at Brussels,	Done at Brussels,	
	Formula			
101	For the European Parliament	For the European Parliament	For the European Parliament	
	Formula			
102	The President	The President	The President	
	Formula			
103	For the Council	For the Council	For the Council	
	Formula			
104	The President	The President	The President	