Council of the European Union

Brussels, 2 July 2024
(OR. en)

10620/24

Interinstitutional File: 2023/0376(COD)

CODEC 1419
CONSOM 205
MI 565
JUSTCIV 104
COMPET 611
DIGIT 148
PE 154

INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 - Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 March 2024)

I. INTRODUCTION

The rapporteur, Laura BALLARÍN CEREZA (S&D, ES), presented a report on the above proposal for a Directive on behalf of the Committee on the Internal Market and Consumer Protection (IMCO) which contained 57 amendments (amendments 1 to 57) to the proposal. No other amendment was tabled.

II. VOTE

When it voted on 13 March 2024, the plenary of the European Parliament adopted amendments 1 to 57 to the proposal for a Directive.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto.

P9_TA(2024)0139

Amending the Directive on alternative dispute resolution for consumer disputes

European Parliament legislative resolution of 13 March 2024 on the 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 (COM(2023)0649 – C9-0384/2023 – 2023/0376(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2023)0649),

– having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0384/2023),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 14 February 2024[1],

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinion of the Committee on Transport and Tourism,

– having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0060/2024),

[1] Not yet published in the Official Journal.

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 2
Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission	*Amendment*
	(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 ADR procedure with a written explanation.

Amendment 3
Proposal for a directive
Recital 3

Text proposed by the Commission	*Amendment*
(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. ***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.***

Amendment 4
Proposal for a directive
Recital 4

Text proposed by the Commission	*Amendment*
(4) The complexity of consumer disputes has evolved 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.	(4) The complexity of consumer disputes has evolved significantly since the adoption of Directive 2011/13/EU. ***Digitalisation*** 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, ***provided*** they later become bound by a contract***, or at a post-contractual stage***.

Amendment 5
Proposal for a directive
Recital 5

Text proposed by the Commission	*Amendment*
(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 Council[3] ; 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 Council[4] 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 Council[5] , 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 Council[6] . Therefore, it should be provided that disputes arising in relation to such categories of consumer rights can be dealt with in ADR procedures.	(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 Council[3]***, or on any ground as referred to in Article 21 of the Charter of Fundamental Rights of the European Union***; 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 Council[4] 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 Council[5] , 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 Council[6] . Therefore, it should be provided that disputes arising in relation to such categories of consumer rights can be dealt with in ADR procedures.
[3] 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).	[3] 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).

[4] 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). [5] 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). [6] 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).	[4] 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). [5] 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). [6] 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).

Amendment 6
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 7
Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(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 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.	(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 provided, those can be used by all consumers, including vulnerable consumers or those with varying levels of digital literacy. Members States should ensure that parties to the disputes***, in particular consumers,*** have access to a review of automated procedures by a natural person***, who should be independent and impartial***.

Amendment 8
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 9
Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(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 opportunity to refuse from having their dispute bundled.	(11) Member States should also enable ADR entities ***with sufficient knowledge*** to bundle similar cases against a specific trader, ***where the natural persons in charge of ADR procedures have sufficient knowledge and expertise to deal with the case. This would help*** 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 opportunity to refuse from having their dispute bundled.

Amendment 10
Proposal for a directive
Recital 13

Text proposed by the Commission	*Amendment*
(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 ***that should not exceed 15 working days*** to enquiries made by ADR entities on whether they intend to participate to the proposed procedure. ***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.***

Amendment 11
Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 12
Proposal for a directive
Recital 14

Text proposed by the Commission	*Amendment*
(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.	***deleted***

Amendment 13
Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission	*Amendment*
	(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 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.

Amendment 14
Proposal for a directive
Recital 14 b (new)

Text proposed by the Commission	*Amendment*
	(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 consumers to contact them, including for the purpose of ADR procedures.

Amendment 15
Proposal for a directive
Recital 14 c (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 16
Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(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 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.	(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 purchases, but Member States should also be able to choose other bodies with relevant expertise. ***Member States should communicate*** those designated ADR contact points to the Commission ***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.***

Amendment 17
Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 18
Proposal for a directive
Recital 15 b (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 19
Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(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. ***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 resolution systems to solve contractual disputes.***

Amendment 20
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission	*Amendment*
	(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 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.

Amendment 21
Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission	*Amendment*
	(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.

Amendment 22
Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(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***, practical information about how to avail of ADR procedures in a cross-border context*** and links to the webpages of the ADR entities, as notified to it***, 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 EU and national digital tools, where appropriate.***

Amendment 23
Proposal for a directive
Article 1 – paragraph 1 – point -1 (new)
Directive 2013/11/EU
Article 1

Present text	*Amendment*
	-1. Article 1 is replaced by the following:
Article 1 Subject matter	Article 1 Subject matter
The purpose of this Directive is, through the achievement of a high level of consumer protection, to contribute to the 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. This Directive is without prejudice to national legislation making participation in such procedures mandatory, provided that such legislation does not prevent the parties from exercising their right of access to the judicial system.	***'***The purpose of this Directive is, through the achievement of a high level of consumer protection, to contribute to the 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.
	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. 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 legislation does not prevent the parties from exercising their right of access to the judicial system.***'***

Amendment 24
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(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***, including pre-contractual and post-contractual obligations and in particular in relation to:*** ***(i) unfair commercial practices and terms;*** ***(ii) compulsory pre-contractual information ;*** ***(iii) passenger and travellers' rights;*** ***(iv) remedies in the event of non-conformity of products and digital content; and*** ***(v) access to deliveries.***

Amendment 25
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission	*Amendment*
(b) consumer rights applicable to non-contractual ***and pre-contractual*** situations and provided in Union law concerning:	(b) consumer rights applicable to non-contractual situations and provided in Union law concerning:

Amendment 26
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point i

Text proposed by the Commission	*Amendment*
(i) ***unfair commercial practices and terms***,	(i) ***non-discrimination on the basis of nationality or place of residence***;

Amendment 27
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point ii

Text proposed by the Commission	*Amendment*
(ii) ***compulsory precontractual information***,	(ii) ***access to services***;

Amendment 28
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point iii

Text proposed by the Commission	*Amendment*
(iii) ***non-discrimination on the basis of nationality or place of residence,***	(iii) ***right to switch providers; and***

Amendment 29
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point iv

Text proposed by the Commission	*Amendment*
(iv) ***access to services and deliveries,***	(iv) ***unfair commercial practices not falling under point (a)(i), provided that:*** ***(1) the ADR entity is a sectorial coverage entity with the necessary knowledge about unfair commercial practices;*** ***(2) the ADR entity has adequate resources and funding;*** ***(3) the unfair practice resulted in material or immaterial damage to the consumer; and*** ***(4) the entity applies applicable law when dealing with unfair commercial practices.***

Amendment 30
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point v

Text proposed by the Commission	*Amendment*
(v) remedies in case of non-conformity of products and digital content,	***deleted***

Amendment 31
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point vi

Text proposed by the Commission	*Amendment*
(vi) right to switch providers, and	***deleted***

Amendment 32
Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2013/11/EU
Article 2 – paragraph 1 – point b – point vii

Text proposed by the Commission	*Amendment*
(vii) passenger and travellers' rights.	***deleted***

Amendment 33
Proposal for a directive
Article 1 – paragraph 1 – point 2 a (new)
Directive 2013/11/EU
Article 4 – paragraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	2a. In Article 4, the following point is inserted:
	'(fa) "unfair commercial practice" means any misleading commercial practice within the meaning of Annex I to Directive 2005/29/EC.'.

Amendment 34
Proposal for a directive
Article 1 – paragraph 1 – point 3 – point a
Directive 2013/11/EU
Article 5 – paragraph 1

Text proposed by the Commission	*Amendment*
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.***;***	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. ***Member States may facilitate access by self-employed or micro enterprises to ADR procedures.***

Amendment 35
Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2013/11/EU
Article 5 – paragraph 2 – point -a (new)

Text proposed by the Commission	*Amendment*
	(-a) maintain an up-to-date website which provides the parties with easy access to information concerning the ADR procedure;

Amendment 36
Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2013/11/EU
Article 5 – paragraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) ensure that consumers can submit complaints in the Member State in which they reside;

Amendment 37
Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2013/11/EU
Article 5 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(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) when the procedure was carried out by automated means***, ensure that parties to the dispute have access to review by a natural person, who is independent and impartial***;

Amendment 38
Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2013/11/EU
Article 5 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(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, ***on*** condition that the consumer concerned is informed and ***expressly agrees*** to that ***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***;

Amendment 39
Proposal for a directive
Article 1 – paragraph 1 – point 3 – point d
Directive 2013/11/EU
Article 5 – paragraph 8

Text proposed by the Commission	*Amendment*
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 ***own Member State*** 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 ***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***.

Amendment 40
Proposal for a directive
Article premier – paragraph 1 – point 3 a (new)
Directive 2013/11/EU
Article 6

Present text	*Amendment*
	3a. Article 6 is amended as follows:
	(a) paragraph 1, point (a) is replaced by the following:
(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;	***'***(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***;***'***
	(b) in paragraph 3 the following point is inserted:
	'(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;';
	(c) paragraph 6 is replaced by the following:
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 them in accordance with point (g) of Article 19(3).	'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).***'***

Amendment 41
Proposal for a directive
Article 1 – paragraph 1 – point 4 – point b
Directive 2013/11/EU
Article 7 – paragraph 2 – point h

Text proposed by the Commission	*Amendment*
(b) point (h) is deleted.	***deleted***

Amendment 42
Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2013/11/EU
Article 8 – paragraph 1 – points c and d a (new)

Present text	*Amendment*
	4a. Article 8 is amended as follows:
	(a) point (c) is replaced by the following:
(c) the ADR procedure is free of charge or available at a nominal fee for consumers;	***'***(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****;**'**;*
	(b) the following point is inserted:
	'(da) at the consumer's request, the parties have access to the procedure with the possibility to hold a physical meeting;'

Amendment 43
Proposal for a directive
Article 1 – paragraph 1 – point 4 b (new)
Directive 2013/11/EU
Article 11 a (new)

Text proposed by the Commission	*Amendment*
	4b. The following article is inserted:
	'Article 11a
	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.'.

Amendment 44
Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2013/11/EU
Article 13 – paragraph 3

Text proposed by the Commission	*Amendment*
5. In article 13, paragraph ***3*** is ***deleted.***	5. In Article 13, paragraph ***2*** is ***replaced by the following:*** ***'2. The information referred to in paragraph 1 shall be provided:*** ***(a) on the traders' website, where it exists, in a clear, prominent, comprehensible and easily accessible way;*** ***(b) in the general terms and conditions of sales or service contracts between the trader and a consumer; and*** ***(c) on the invoices issued by the trader.*** ***2a. Traders shall make an email address available allowing consumers to contact them, including for the sole purpose of ADR procedures.'***

Amendment 45
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2013/11/EU
Article 14 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	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.

Amendment 46
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2013/11/EU
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Each Member State shall designate an ADR contact point in charge of the task referred to in paragraph 1. Each Member State 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.	2. Each Member State shall designate an ADR contact point in charge of the task referred to in paragraph 1. Each Member State 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, on consumer organisations or on any other body dealing with consumer protection ***and ensure that they have adequate budgetary and human resources***.

Amendment 47
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2013/11/EU
Article 14 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	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.

Amendment 48
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2013/11/EU
Article 14 – paragraph 3 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) assisting the parties and ADR entities, where necessary, with the translation of information, documentation or procedural rules;

Amendment 49
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2013/11/EU
Article 14 – paragraph 3 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) providing the parties and ADR entities with relevant information on the consumer protection law of the Member State;

Amendment 50
Proposal for a directive
Article 1 – paragraph 1 – point 6 a (new)
Directive 2013/11/EU
Article 15 – paragraph 2

Present text	*Amendment*
	6a. In Article 15, paragraph 2 is replaced by the following:
2. Member States shall ***encourage*** relevant consumer 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).	***'***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).***'***

Amendment 51
Proposal for a directive
Article 1 – paragraph 1 – point 6 b (new)
Directive 2013/11/EU
Article 17 – paragraph 2

Present text	*Amendment*
	6b. In Article 17, paragraph 2 is replaced by the following:
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 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.	***'***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 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.***'***

Amendment 52
Proposal for a directive
Article 1 – paragraph 1 – point 6 c (new)
Directive 2013/11/EU
Article 17 – paragraph 5

Text proposed by the Commission	*Amendment*
	6c. In Article 17, the following paragraph 5 is added:
	'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 authority thereof, and, if appropriate, shall keep it informed about the outcome of the dispute.'.

Amendment 53
Proposal for a directive
Article 1 – paragraph 1 – point 6 d (new)
Directive 2013/11/EU
Article 18 – paragraph 1

Present text	*Amendment*
1. Each Member State shall designate a competent authority which shall carry out the functions set out in Articles 19 and 20. Each Member State may designate more than one competent authority. If a Member 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.	***6d. In Article 18, paragraph 1 is replaced by the following:*** ***'***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 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.***'***

Amendment 54
Proposal for a directive
Article 1 – paragraph 1 – point 6 e (new)
Directive 2013/11/EU
Article 19 – paragraph 3 – point d

Present text	*Amendment*
(d) the rate of compliance, if known, with the outcomes of the ADR procedures;	***6e. In Article 19, paragraph 3, point (d) is replaced by the following:*** ***'***(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***;***'***

Amendment 55
Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2013/11/EU
Article 19 – paragraph 3 – points f, g and h

Text proposed by the Commission	*Amendment*
7. In Article 19(3), points (f), (g) and (h) are deleted.	***deleted***

Amendment 56
Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2013/11/EU
Article 20

Text proposed by the Commission	*Amendment*
8. ***In*** Article 20, the following paragraph is added:	8. Article 20 ***is amended as follows:***
	(a) in paragraph 2, the following subparagraph is inserted after the second subparagraph:
	'Competent Authorities shall conduct regular checks into the functioning and activities of the ADR entities to monitor compliance with the requirements of this Directive.';
	(b) the following paragraph is added:
'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.'	'8. The Commission shall develop and maintain a ***user-friendly*** digital interactive tool that provides general information on consumer redress***, practical information about how consumers can avail themselves of ADR procedures in a cross-border context*** and links to the webpages of the ADR entities notified to it in accordance with paragraph 2 of this Article***, directing consumers to a competent body to resolve their disputes 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.***'

Amendment 57
Proposal for a directive
Article 1 – paragraph 1 – point 8 a (new)
Directive 2013/11/EU
Article 21

Present text	*Amendment*
	8a. Article 21 is replaced by the following:
Article 21 Penalties 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.	***'***Article 21 Penalties 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.***'***