Council of the European Union

Brussels, 6 November 2024
(OR. en)

14152/24

Interinstitutional File:
2023/0375(COD)

CODEC 1885
CONSOM 296
MI 841
JUSTCIV 165
DIGIT 204
COMPET 995

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL repealing Regulation (EU) No 524/2013, and amending Regulations (EU) 2017/2394 and (EU) 2018/1724 with regard to the discontinuation of the European Online Dispute Resolution Platform

REGULATION (EU) …/2024
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

repealing Regulation (EU) No 524/2013,
and amending Regulations (EU) 2017/2394 and (EU) 2018/1724
with regard to the discontinuation
of the European Online Dispute Resolution Platform

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C, C/2024/2482, 23.4.2024, ELI: http://data.europa.eu/eli/C/2024/2482/oj.

2 Position of the European Parliament of … [(OJ …)/(not yet published in the Official Journal)] and position of the Council at first reading of … [(OJ …)(not yet published in the Official Journal)]. Position of the European Parliament of … [(OJ …)/(not yet published in the Official Journal)].

Whereas:

(1) Regulation (EU) No 524/2013 of the European Parliament and of the Council[3] established, and mandated the Commission to develop and maintain, the European Online Dispute Resolution Platform (the 'ODR platform') at Union level, offering a single point of entry to consumers and traders seeking the out-of-court resolution of disputes arising from online sales or service contracts.

(2) The ODR platform takes the form of an interactive website where consumers are able to request traders to agree to use an alternative dispute resolution (ADR) entity that is listed on the ODR platform and that complies with Directive 2013/11/EU of the European Parliament and of the Council[4].

(3) Regulation (EU) No 524/2013 requires online traders and online marketplaces to provide, on their website, an easily accessible link to the ODR platform. That obligation, together with information campaigns organised by the Commission and national stakeholders, has brought between two and three million visitors to the ODR platform every year.

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[3] 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 (Regulation on consumer ODR) (OJ L 165, 18.6.2013, p. 1).

[4] 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).

(4) However, only a minority of visitors use the ODR platform to submit a complaint and only 2 % of those complaints receive a positive reply from traders, meaning that their request can be transmitted to an ADR entity listed on the ODR platform. All in all, this represents about 200 cases per year across the Union.

(5) The Commission published a call for evidence on adapting out-of-court dispute resolution to digital markets, which ran from 28 September to 21 December 2022. The Commission concluded that the ODR platform had been used by only 5 % of consumers who responded to that call for evidence, and the majority of respondents considered that the ODR platform should be substantially improved or be discontinued as it was not cost-effective. The evidence strongly suggests that, given that no more than 200 cases are transferred per year to an ADR entity, further maintenance of the ODR platform does not correspond to the principles of efficiency and effectiveness as provided for in Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council[5].

(6) The ODR platform should be discontinued and Regulation (EU) No 524/2013 should therefore be repealed. Appropriate time should be provided to ensure that ongoing cases can be adequately terminated.

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[5] Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L 2024/2509, 26.9.2024, ELI: http://data.europa.eu/eli/reg/2024/2509/oj).

(7) Pursuant to Regulation (EU) No 524/2013, personal data related to a dispute is kept in the database established further to that Regulation for the time necessary to achieve the purposes for which the data were collected and to ensure that data subjects are able to access their personal data in order to exercise their rights. In accordance with Regulation (EU) No 524/2013, that data is to be automatically deleted at the latest six months after the date of conclusion of the dispute which has been transmitted to the ODR platform. The Commission should inform users of the ODR platform with ongoing cases of the discontinuation of the ODR platform in good time, and in any case at least four months before that platform is discontinued. The Commission should offer assistance to those users of the ODR platform who wish to retrieve data related to their cases.

(8) As the ODR platform is referred to in other Union legal acts as a platform that enables consumers to request traders to agree to an out-of-court dispute resolution, those acts should be amended to remove references to the ODR platform. Regulations (EU) 2017/2394[6] and (EU) 2018/1724[7] of the European Parliament and of the Council should therefore be amended accordingly. Directives (EU) 2015/2302[8], (EU) 2019/2161[9] and (EU) 2020/1828[10] of the European Parliament and of the Council also contain references to Regulation (EU) No 524/2013. It is intended that those Directives be amended by a separate legal act,

HAVE ADOPTED THIS REGULATION:

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6 Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

7 Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

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).

9 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).

10 Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).

Article 1

Regulation (EU) No 524/2013 is repealed with effect from …[*6 months from the date of entry into force of this Regulation*].

Article 2

1. The European Online Dispute Resolution Platform (the 'ODR platform') shall be discontinued.

2. The submission of complaints to the ODR platform shall be discontinued on … [2 months from the date of entry into force of this Regulation].

3. The Commission shall inform users of the ODR platform with ongoing cases of the discontinuation of the ODR platform by … [*2 months from the date of entry into force of this Regulation*] and offer such users assistance to retrieve data related to their cases and accessible to them, where they wish to do so.

4. At the latest by… [*six months from the date of entry into force of this Regulation*] all information, including personal data, related to cases in the ODR platform shall be deleted.

Article 3

Amendment to Regulation (EU) 2017/2394

In the Annex to Regulation (EU) 2017/2394, point 22 is deleted.

Article 4

Amendment to Regulation (EU) 2018/1724

In Annex III to Regulation (EU) 2018/1724, point 7 is replaced by the following:

‘(7) The list of alternative consumer dispute resolution entities established by the Commission pursuant to Article 20(4) of Directive 2013/11/EU of the European Parliament and of the Council[*].

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[*] 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 5

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …, …

For the European Parliament	*For the Council*
The President	*The President*