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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 disputes[1].

[1] Doc. 14434/23 + ADD 1-5.

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].

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 2024[3].

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 position[4] 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 mandate[5] 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.

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2 Doc. 7604/23.
3 Doc. 6964/24.
4 Doc. 10620/24.
5 Doc. 13398/24.

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. Thereafter, eight inter-institutional technical meetings were organised. As a result of targeted and detailed discussions held at technical level, compromise solutions and wording have been proposed on certain provisions.

10. On 11 March, 8 April and 5 May 2025 the Working Party on Consumer Protection and Information discussed the progress in the technical meetings and examined a number of potential compromise proposals.

11. Following the guidance from the Working Party, several compromises were preliminarily agreed at technical level (see the last column of the table set out in the annex). Compromises include both editorial and technical matters but also cover more political issues regarding, *inter alia*, definitions, access to ADR entities and procedures, provision of information to consumers, the reimbursement of fees for consumers, the bundling of cases, obligations on training for ADR entities, the assistance provided for consumers, digital tools to handle ADR consumer disputes.

12. The remaining open issues require a substantive political discussion in order to progress in the negotiations and reach an agreement. The second political trilogue will be held on 19 May 2025 and the third political trilogue is scheduled for 26 June 2025.

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III. PREPARATION FOR THE TRILOGUE

13. Based on the discussions in the Working Party and the inter-institutional meetings, the Presidency has identified a set of key issues where it seems necessary to adjust the mandate for further negotiations. Therefore, the Presidency would like to invite Coreper to consider the following questions and express its views on possible areas of flexibility to allow the Presidency to engage in negotiations with the EP at the upcoming trilogue on 19 May 2025.

a) Duty to reply (Article 5(8), row 58):

The Council mandate allows for an extension of the 20-day period to 40 working days for traders to reply to a request by an ADR entity in the case of complex disputes or in exceptional circumstances and requires that the consumer is informed of this extension. In addition, following the expiry of the deadline, the absence of a reply can be considered as a refusal of the trader to participate. The mandate also allows exemptions from the obligation to reply where the traders' participation is mandatory, where ADR outcomes can be reached without the traders' consent to participate or where the trader has already committed to ADR.

The EP reduced the deadline for the reply to 15 working days, extendable to 20 working days in complex cases. In the inter-institutional discussions, the EP was sceptical regarding the possibility to presume that a lack of reply within the deadline is a negative reply.

The Presidency is committed to defending the exemptions listed in the Council mandate and, in order to be able to do so, suggests compromising on the presumption regarding the lack of reply and on the deadline.

Q1: Could the delegations accept that the presumption of a negative reply is listed as an example of the possible consequences of the lack of reply that Member States can provide for, rather than a stand-alone rule?

Q2: Would the delegations be able to accept a deadline of no shorter than 15 working days, extendable to 30 working days in complex cases?

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b) Penalties (Article 21, rows 78b-78d):

Article 21 of the ADR Directive in force obliges Member States to lay down the rules on penalties applicable to infringements of the national provisions adopted in particular pursuant to Article 13 (on consumer information by traders). While the Council did not make any amendments to this provision, the EP insists that article 21 should also refer to Article 5(8) on the duty to reply. As a compromise, the **Presidency would suggest removing all references to articles in Article 21**. The intention would be not to change the substance of the provision on penalties, but to ensure a certain flexibility regarding the consequences of the infringements of the duty to reply, which delegations requested.

Q3: Would the delegations be ready to agree to the EP proposal adding the reference to article 5(8) in Article 21 or would you prefer to change the wording of Article 21 by removing all references to selected articles of the Directive?

c) Written explanation (new Article 11a, rows 62g, 62h) and "naming and shaming" (Article 19(3), row 75i, 75j):

The EP introduced an obligation for traders to provide a written explanation on their failure to comply with the outcome of the ADR procedure as well as an obligation for ADR entities to provide information on traders who systematically and unduly refuse to comply with the outcome of the procedures; both with the aim to increase traders' compliance with the outcome of the ADR procedures. The **Presidency would like to propose a solution aimed at providing incentives for traders to participate in ADR procedures**, in a spirit similar to the obligation for Member States included in the recently adopted Right to Repair Directive[6].

Q4: ***Would the delegations be able to accept such a solution?***

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[6] Article 13 of Directive 2024/1799 on common rules promoting the repair of goods states that "*Member States shall take at least one measure promoting repair*." Recital 36 of that Directive explains that: "*Such measures could be of financial or of non-financial nature. Measures of non-financial nature could include information campaigns, support to community-led repair initiatives through direct means like providing space for repair laboratories or meeting places, for instance in community or cultural centres. Measures of financial nature could, for example, take the form of repair vouchers, repair funds, supporting or creating local or regional online platforms for repair, organising or financing training programs to acquire special skills in repair, taxation measures*."

d) <u>Obligation to report unfair commercial practices and unfair contract terms (Article 17(2) and (5), rows 75c-75f):</u>

The EP requires that ADR entities be obliged to report unfair commercial practices and contract terms to the national authorities whenever they become aware of them. Contrary to the Council, the EP considers that the current Article 17(2) on cooperation between ADR entities and national authorities is not sufficient to provide for such an obligation. Moreover, the EP requires ADR entities to direct consumers to authorities and, if appropriate, to report on the outcome of the dispute as well. In order to move closer to the EP, the **Presidency suggests including a reference to unfair commercial practices in Article 17(2)** and intends to highlight that the exchange of information referred to in Article 17(2) should not be confused with the reporting requirements mentioned in Article 7(2) (b) and is not confined to a yearly time frame. **In addition, the Presidency would suggest showing flexibility to include, among the information that the ADR entity is obliged to make publicly available, the contact information of the competent national authorities**.

Q5: Would the delegations agree to include unfair commercial practices and unfair commercial terms in Article 17(2) as an example of practices about which consumers repeatedly lodge complaints?

Q6: Would the delegations accept the inclusion of contact information of national authorities enforcing Union and national legal acts on consumer protection which are competent to report unfair commercial practices in Article 7(1)?

Q7: If this is not sufficient for the EP, what would the delegations be willing to offer in addition, in exchange for deleting the EP proposals on reporting unfair commercial practices and the "naming and shaming" of traders?

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e) <u>Necessary resources (Article 18(1), rows 75g, 75h):</u>

The EP includes an obligation for Member States to ensure that their competent authorities, as well as the ADR contact points and entities, have the necessary resources, including sufficient budgetary and other resources, for the proper performance of their duties. In the technical discussions the EP was adamant about including such obligation in the operative part of the Directive rather than only referring to it in the recitals (similarly to the wording of recital 46 of the Directive in force concerning the resources of ADR entities).

Q8: In order to move closer to the EP's position, would the delegations be able to accept a general provision stating that Member States may determine appropriate forms of funding of the ADR entities and that ADR entities, ADR contact points and competent authorities should have sufficient human, material and financial resources, without including an obligation for the Member States to ensure such level of resources?

14. It is not the aim of the second trilogue to agree on the other, main contentious topics, i.e. the **<u>material and geographical scope of application</u>**, as well as the **<u>mandatory participation for airline carriers in ADR</u>** proposed by the EP. However, the co-legislators are also planning to hold an explanatory debate on these topics at this second trilogue in order to better prepare an agreement at the third, intended final trilogue. Based on the delegations' strong stance expressed in the Working Party discussions, the **Presidency is committed to defend the Council mandate and oppose the EP's amendment** at the second trilogue. Nevertheless, the Presidency would need an orientation from the delegations as to which of these three topics should be explored further in order to reach a compromise in the final trilogue.

Q9: Could the delegations show flexibility and indicate on which topic the Presidency should focus their efforts in finding the middle ground with the EP?

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IV. CONCLUSION

15. The Permanent Representatives Committee is invited to:

- confirm the preliminary agreement reached at the technical level as set out in the four-column table in the annex to this note;

- indicate flexibility on the questions presented above and provide political guidance to allow the Presidency to engage in negotiations with the European Parliament at the upcoming trilogue on 19 May 2025.

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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) Text Origin: Commission Proposal
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) Text Origin: Commission Proposal
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, Text Origin: Commission Proposal
Citation 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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, 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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
9	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				
10	(1) Directive 2013/11/EU of the European Parliament and of the Council[1] 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	(1) Directive 2013/11/EU of the European Parliament and of the Council[1] 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	(1) Directive 2013/11/EU of the European Parliament and of the Council[1] 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	(1) Directive 2013/11/EU of the European Parliament and of the Council[1] 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

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	out-of-court through ADR procedures. _____ 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 (OJ L 165, 18.6.2013, p. 63).	out-of-court through ADR procedures. _____ 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 (OJ L 165, 18.6.2013, p. 63).	out-of-court through ADR procedures. _____ 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 (OJ L 165, 18.6.2013, p. 63).	out-of-court through ADR procedures. _____ 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 (OJ L 165, 18.6.2013, p. 63). Text Origin: Commission Proposal
Recital 2				
G 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	(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	(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][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	(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][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 G

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	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, 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. _____	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, 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. _____	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, 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. _____	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, 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. _____

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	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).	~~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).~~ ***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 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).***	~~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).~~ ***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 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).*** Text Origin: Council Mandate
Recital 2a				
11a		***(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.***		
Recital 2b				

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11b		***(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.***		
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. ***In accordance with applicable Union law, the consumer should be able to***	*deleted*	

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		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.		
Recital 4				
13	*(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	(4) The complexity of consumer disputes has evolved significantly since the adoption of Directive 2011/13/EU. ~~*Digitilisation*~~***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, ~~*irrespective of*~~	(4) The complexity of consumer disputes has evolved significantly since the adoption of Directive ~~*2011/13/EU. Digitilisation*~~***2013/11/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-*~~	

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	whether they later become bound by a contract.	~~whether~~***provided*** they later become bound by a contract***, or at a post-contractual stage***.	~~*contractual stage, irrespective of whether they later become bound by a contract*~~.	
Recital 4a				
13a			***(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, whether before or after the contract is concluded.***	
Recital 4b				
13b			***(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 Council[3]. Other examples include situations related to the provision of compulsory precontractual information as provided for in articles 5 and 6 of Directive***	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2011/83/EU of the European Parliament and the Council[4], 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 Council[5], the right to receive pre-journey information provided for in article 9, paragraph 1, of Regulation (EU) No 2021/782 of the European Parliament and the Council[6], 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[7], 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 Council[8].	

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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

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			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). *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 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).* *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).* *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).* *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).*	

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			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).	
Recital 4c				
13c			***(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***	

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			an ADR entity without prejudice to the competences of the relevant public enforcement authorities.	
Recital 4d				
13d			***(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 with articles 5 up to 8, 10 and 11 of Directive (EU) 2019/771 of the European Parliament and of the Council[9]. 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/EEC[10], the right to switch providers as provided for in article 25 of Regulation (EU) 2023/2854 of the European Parliament and of the Council[11], 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.***	

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			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). *10. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).* *11. Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 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).*	
Recital 4e				
13e			*(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*	

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			European Parliament and of the Council[12]. ***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).***	
Recital 5				
14	(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[1]; 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[2] and to not be	(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[1]***, 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,	*deleted*	

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	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[3], 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[4]. Therefore, it should be provided that disputes arising in relation to such categories of consumer rights can be dealt with in ADR procedures. _____ 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). 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	and 16 of Directive 2014/92/EU of the European Parliament and of the Council[2] 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[3], 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[4]. Therefore, it should be provided that disputes arising in relation to such categories of consumer rights can be dealt with in ADR procedures. _____ 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). 2. Directive 2014/92/EU of the European Parliament and of the Council of 23 July		

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	with basic feature (OJ L257, 28.8.2014, p. 214). 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). 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).	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). 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). 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).		
Recital 5a				
14a		***(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.***		
Recital 6				
15	(6) Member States should have the right to apply ADR procedures also to disputes that	(6) Member States should have the right to apply ADR procedures also to disputes that	(6) ***Taking into account the minimum harmonisation nature of Directive 2013/11/EU,*** Member	

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	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. _____ 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).	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. _____ 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).	States ~~*should*~~ have the right to apply ADR procedures ~~*also*~~ to disputes ~~*that relate*~~***relating*** to other ~~*non-contractual*~~ rights ~~*stemming from*~~***provided for in*** Union ***and national law, such as*** ~~*law, including*~~ rights ~~*stemming*~~***arising*** 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*~~***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***. _____ ~~*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).*~~	
Recital 7				
G 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	(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	(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	G

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	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. _____ 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)	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. _____ 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)	illegal or harmful content on its platform, Article 21 of Regulation (EU) 2022/2065 of the European Parliament and of the Council[~~1~~ 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. _____ ~~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)~~ ***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)***	
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*~~***extended material*** scope of Directive 2013/11/EU.	
Recital 8a				
17a			***(8a) Digital content and digital services are often supplied online under contracts in which***	

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			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 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.	
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	(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	*deleted*	

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	traders established outside of the Union and consumers residing in their territory.	traders established outside of the Union and consumers residing in their territory.		
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 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~~, upon request,~~ parties to the disputes***, in particular consumers,*** ~~always~~ have access to a review of automated procedures by a natural person***, who should be independent and impartial***.	(10) ***Under Directive 2013/11/EU Member States are obliged to ensure that the ADR procedure is available and easily accessible online and offline.*** Member States should ensure that***, when ADR entities*** ~~*ADR should*~~ enable ~~*consumer*~~***consumers*** to initiate and follow ADR procedures ~~*also offline if requested. It should also be ensured that when*~~***through*** digital tools ~~*are provided*~~***, such as online interfaces and online complaint forms***, those ***tools*** can be used by all consumers, including vulnerable consumers or those with varying levels of digital literacy. ~~*Members States*~~***ADR entities which are public bodies are already covered by Directive (EU) 2016/2102 of the European Parliament and of the Council[14]. ADR entities which are private bodies*** should ~~*ensure that, upon request, parties to the disputes always have access to a review of automated procedures by a natural person.*~~***strive to follow the***	

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			same accessibility standards as much as possible and feasible. ***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).***	
Recital 10a				
19a		***(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.***	***(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.***	
Recital 10b				
19b			***(10b) Technological advances, including within the fields of artificial intelligence (AI), may contribute to automation of dispute resolution allowing to***	

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			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 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	

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			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 Council[16] continues to apply, the ADR entities must respect its provisions on the automated decision-making.	
			_____	
			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).	
			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).	
Recital 11				

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20	(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.	(11) ***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,*** Member States should ~~*also enable*~~***allow*** 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*~~ ***for example where bundling leads to faster or more coherent*** dispute ~~*bundled*~~***resolution, under conditions defined by Member States***.	(11) ***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,*** Member States should ~~*also enable*~~***allow*** 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, for example where bundling leads to faster or more coherent dispute resolution*** ~~*to make ADR outcomes consistent for consumers subjected to the same illegal practice, and more cost-efficient for ADR entities and for traders*~~. ***Member States should ensure that*** consumers ~~*should be*~~***are*** 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***

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				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 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.
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	(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	(12) Member States should ~~*also not allow the introduction of*~~***ensure that ADR entities do not refuse to deal with a dispute where a trader introduces*** disproportionate rules ~~*as regards*~~	

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	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.	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.	~~the reasons that~~***on internal complaint-handling systems before the case can be referred to*** an ADR entity ~~may invoke to refuse the handling of a dispute,~~. ***For instance, in certain market sectors, some consumers face undue burden*** such as ~~the obligation to use the company escalation system after a first negative contact with the complaints handling service~~***multiple mandatory steps in complaint-handling***, 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	(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	(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***	

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	a specific period to enquiries made by ADR entities on whether they intend to participate to the proposed procedure.	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.***	***reply*** within a specific period to enquiries made by ADR entities on whether they intend to participate to the proposed procedure. ***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.***	
Recital 13a				
22a		***(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.***	***(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***	

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			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.	
Recital 14				
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.	*deleted*	(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. ***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***	

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			with other reporting obligations under Directive 2013/11/EU, as long as they include all elements of information required.	
Recital 14a				
23a		***(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.***	***(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 report under Article 20 should be extended by a few months.***	
Recital 14b				
23b		***(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***	***(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***	

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		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.	***trader to inform the ADR entity whether or not he intends to participate in the ADR procedure.***	
Recital 14c				
23c		***(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.***		

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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 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 ~~*should be communicated*~~ 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.***	(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 ***so that the Commission can create a network of ADR contact points***.	
Recital 15a				
24a		***(15a) To ensure procedural fairness, consumers engaging in cross-border disputes should engage with the ADR contact point determined by the***	***(15a) For reasons of efficiency and effectiveness, the Commission has proposed to discontinue the European Online Dispute Resolution Platform***	

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		consumer's place of residence, thereby discouraging selective choice of ADR contact points for convenience or advantageous outcomes.	***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 communication between the parties and the competent ADR.***	
Recital 15b				
24b		***(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.***	***(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.***	
Recital 16				
G 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	(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	(16) Despite the fact that ADR procedures are meant to be simple, consumers may be assisted by a third party of their choice***, such as consumer organisations or***	(16) Despite the fact that ADR procedures are meant to be simple, consumers may be assisted by a third party of their choice***, such as consumer organisations or*** G

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	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.	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.***	***businesses that offer management services of claims*** during ADR procedures. ***Assistance could include helping consumers submit a request and other documents, advising them on the possible claims and following the overall process***. Member States should ensure that ***providers of*** such assistance ~~*is provided in good faith to allow a fair procedure and*~~***do so*** in full transparency, in particular regarding the ***procedural rules and costs as well as*** possible fees required in exchange for the assistance~~.~~	***businesses that offer management services of claims*** during ADR procedures***. 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***. Member States should ensure that ***providers of*** such assistance ~~*is provided in good faith to allow a fair procedure and*~~***do so*** in full transparency, in particular regarding the ***procedural rules and costs as well as*** possible fees required in exchange for the assistance. ***Such assistance to consumers should be provided in good faith.***
Recital 16a				
25a		***(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***		

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		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.		
Recital 16a				

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25b				***(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 fair alternative dispute resolution systems.***
Recital 16b				
25c		***(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.***		
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	(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	(17) To ensure that consumers are able to easily find a suitable ADR entity, especially in a cross-border context, the Commission should develop***, promote*** and maintain a digital interactive tool	

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	provides information about ADR entities' main characteristics and links to the webpages of the ADR entities, as notified to it.	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.***	that provides information about ADR entities' main characteristics and links to the webpages of the ADR entities, as notified to it. ***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 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.***	
Recital 18				
G	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.	G

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				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, _____ 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). 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). 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,	(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, _____ 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). 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). 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,	(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, _____ ~~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).~~ ~~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).~~ **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**	

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	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).	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).	***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).*** ~~***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).***~~ ***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				
29	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Article 1				
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				
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)				

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Y	31a		***-1 Article 1 is replaced by the following:***			Y
Article 1, first paragraph, point (-1), amending provision, Article						
Y	31b		***Article 1*** ‘ ***Subject matter***			Y
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 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.*** Unchanged from Dir. 2013/11/EU.			Y
Article 1, first paragraph, point (-1), amending provision, Article, second paragraph						
R	31d		***The participation of air carriers falling under the scope of Regulation (EC) No 261/2004 in ADR procedures shall be mandatory, without prejudice to***			R

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		the right of parties to access the judicial system. New as compared to Dir. 2013/11/EU.		
Article 1, first paragraph, point (-1), amending provision, Article, third paragraph				
R 31e		***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.*** , New words are "in economic sectors... second subparagraph". Otherwise, unchanged from Dir. 2013/11/EU.		R
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:	~~1.~~***(1)*** In Article 2, paragraph 1 is replaced by the following:	~~1.~~***(1)*** In Article 2, paragraph 1 is replaced by the following: Text Origin: Council Mandate G
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph				
R 33	‘	‘	‘	‘ R

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	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:	1. This Directive shall apply to procedures for the out-of-court resolution of ***domestic and cross-border*** disputes between ~~consumers~~ ***a trader established in the Union and a consumer*** 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:~~***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***	1. ***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:*** ~~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:~~

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			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.	
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~~;~~ ***, including pre-contractual and post-contractual obligations and in particular in relation to:***	*deleted*	R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(i)				
R *34a*		***(i) unfair commercial practices and terms;***		R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(ii)				
R 34b		***(ii) compulsory pre-contractual information;***		R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(iii)				
R 34c		***(iii) passenger and travellers' rights;***		R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(iv)				
R 34d		***(iv) remedies in the event of non-conformity of products and digital content; and***		R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (a)(v)				
R 34e		***(v) access to deliveries.***		R

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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:	*deleted*	R
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-discrimination on the basis of nationality or place of residence;***	*deleted*	R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(ii)				
R *37*	*(ii)* compulsory precontractual information,	(ii) ~~*compulsory precontractual information,*~~***access to services;***	*deleted*	R
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,*~~***right to switch providers; and***	*deleted*	R
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*~~***unfair commercial practices not falling under point (a)(i), provided that:***	*deleted*	R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(1)				
R *39a*		***(1) the ADR entity is a sectorial coverage entity with the necessary knowledge about unfair commercial practices;***		R

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Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(2)						
R	39b		***(2) the ADR entity has adequate resources and funding;***			R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(3)						
R	39c		***(3) the unfair practice resulted in material or immaterial damage to the consumer; and***			R
Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), first subparagraph, point (b)(iv)(4)						
R	39d		***(4) the entity applies applicable law when dealing with unfair commercial practices.***			R
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*		Y
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*		Y
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*		Y
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	Member States may apply the ADR procedures set out in this Directive, also to categories of	*deleted*		Y

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	disputes other than those listed the first subparagraph, point (b).. ,	disputes other than those listed the first subparagraph, point (b).. ,		
	Article 1, first paragraph, point (1), amending provision, numbered paragraph (1), second subparagraph a			
Y	*43a*		***(1a) In Article 2 the following paragraph (5) is added:***	*deleted*
	Article 1, first paragraph, point (1), amending provision, Article(1)			
Y	*43b*		***'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.'.*** ,	*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*~~ ***is amended as follows***:	2. ~~*In*~~ Article 4(1)~~*, points (e) and (f) are replaced replaced by the following*~~ ***is amended as follows***: Text Origin: Council Mandate
	Article 1, first paragraph, point (2), amending provision, first subparagraph			
G	44a		***(a) points (c), (d), (e) and (f) are replaced by the following:***	'

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				(a) points (c), (d), (e) and (f) are replaced by the following: Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, second subparagraph				
Y	44b		***'(c) 'sales contract' means any contract under which the trader transfers or undertakes to transfer ownership of goods to the consumer, including any contract having as its object both goods and services;***	***'(c) 'sales contract' means any contract under which the trader transfers or undertakes to transfer ownership of goods to the consumer, including any contract having as its object both goods and services;*** Tech meeting 30/04: this definition is linked with material scope - to come back again in light of the discussion/agreement on material scope Light Green Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, third subparagraph				
G	44c		***(ca) 'goods' means any good as defined in point (5) of Article 2 of Directive (EU) 2019/771;***	***(ca) 'goods' means any good as defined in point (5) of Article 2 of Directive (EU) 2019/771;*** Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, fourth subparagraph				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	44d		***(cb) 'digital content' means digital content as defined in point (1) of Article 2 of Directive (EU) 2019/770;***	***(cb) 'digital content' means digital content as defined in point (1) of Article 2 of Directive (EU) 2019/770;*** Text Origin: Council Mandate	G
Article 1, first paragraph, point (2), amending provision, fifth subparagraph					
Y	44e		***(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;***	***(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;*** Tech meeting 30/04: this definition is linked with material scope - to come back again in light of the discussion/agreement on material scope Light Green Text Origin: Council Mandate	Y
Article 1, first paragraph, point (2), amending provision, sixth subparagraph					
G	44f		***(da) 'digital service' means a digital service as defined in point (2) of Article 2 of Directive (EU) 2019/770;***	***(da) 'digital service' means a digital service as defined in point (2) of Article 2 of Directive (EU) 2019/770;*** Text Origin: Council Mandate	G
Article 1, first paragraph, point (2), amending provision, numbered paragraph (e)					

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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*~~ as referred to in article ***Article*** 2(1), where***, at the time the consumer orders the goods or services,*** 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]*** ~~*and/or consumer rights provided in in Union laws*~~ as referred to in article ***Article*** 2(1), where***, at the time the consumer orders the goods or services,*** the consumer is resident in the same Member State as that in which the trader is established; Tech meeting 24/02: part on material scope (in brackets) parked. Text Origin: Council Mandate
Article 1, first paragraph, point (2), amending provision, numbered paragraph (f)				
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 consumer is resident in a Member	(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 consumer is resident in a Member	(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 ***Article*** 2(1), where***, at the time the consumer orders the goods or services,*** 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]*** ~~*and/or consumer rights provided in Union acts*~~ as referred to in article ***Article*** 2(1), where***, at the time the consumer orders the goods or services,*** the consumer is resident in a Member State other than the Member State

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	State and the trader is established outside of the Union;. ’	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~~;’. ’	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]*** ~~or where the consumer is resident in a Member State and the trader is established outside of the Union~~;’. ’ Tech meeting 24/03: discussion on material and geographical scope (in brackets) parked Text Origin: Council Mandate
Article 1, first paragraph, point (2a)				
46a		***(2a) In Article 4, the following point is inserted:***		*deleted*
Article 1, first paragraph, point (2a), amending provision, first paragraph				
46b		‘ ***(fa) “unfair commercial practice” means any misleading commercial practice within the meaning of Annex I to Directive 2005/29/EC.*** ’		*deleted*
Article 1, first paragraph, point (3)				
47	*3.* Article 5 is amended as follows:	3. Article 5 is amended as follows:	~~3.~~***(3)*** Article 5 is amended as follows:	

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Article 1, first paragraph, point (3)(a)				
48	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	*deleted*	
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (1)				
49	‘ *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.*** ’	*deleted*	‘ 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*~~ ***can be submitted to an ADR entity which complies with the requirements set out in this Directive*** ***Each*** Member State ~~*but offering goods or services, including digital content and digital services, to*~~***shall also facilitate access by*** consumers ~~*residing in their respective territories,*~~***to 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*** can be submitted to an ADR entity which complies with the

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				requirements set out in this Directive, ***following a joint request by the consumer and the trader***.; ***Member States may make 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.*** , Tech meeting 07/04: To be added in a recital: The directing of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or the use of a relevant top-level domain. The targeting of activities towards a Member

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				State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in a language used in that Member State, or from the handling of customer relations such as by providing customer service in a language generally used in that Member State.
Article 1, first paragraph, point (3)(b)				
G 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~~ ***is*** replaced by the following:	(b) ~~in~~ paragraph 2~~, points (a) to (d) are~~ ***is*** replaced by the following: Text Origin: Council Mandate
Article 1, first paragraph, point (3)(b), amending provision, paragraph (2)				
G 50a		‘ ***(-a) maintain an up-to-date website which provides the parties with easy access to information concerning the ADR procedure;***	‘ ***2. Member States shall ensure that ADR entities:***	‘ ***2. Member States shall ensure that ADR entities:*** Text Origin: Council Mandate
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (a)				
G 51	‘	(a) ensure that consumers can submit complaints and the	(a) ~~ensure that~~***maintain an up-to-date website which provides***	(a) ~~ensure that~~***maintain an up-to-date website which provides***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	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;	***the parties with easy access to information concerning the ADR procedure, and which enables*** consumers ~~*can*~~***to*** 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*~~;	***the parties with easy access to information concerning the ADR procedure, and which enables*** consumers ~~*can*~~***to*** submit complaints and the requisite supporting documents online in a traceable manner~~*- and ensure that*~~***;*** ***(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***; Text Origin: Council Mandate
Article 1, first paragraph, point (3)(b), amending provision, first subparagraph, point (aa)				
51a		***(aa) ensure that consumers can submit complaints in the Member State in which they reside;***		*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) ***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	*deleted* *Tech meeting 24/03: covered by line 51*

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			ADR procedures, ***they shall do so*** through easily accessible and inclusive tools;	
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (ba)				
52a			***(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;***	***(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;*** Light Green Text Origin: Council Mandate
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***, ensure that parties to the dispute have access to review by a natural person, who is independent and impartial***;	(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*~~***from the ADR entity meeting the requirements of article 6(1), when*** automated means ***were used in the ADR decision-making process***;	(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*~~***from the ADR entity meeting the requirements of article 6(1), when*** automated means ***were used in the ADR decision-making process***;

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				Text Origin: Council Mandate
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (Ca)				
53a			***(ca) inform the parties to the dispute of their right under point (c);***	***(ca) inform the parties to the dispute of their right under point (c);*** Text Origin: Council Mandate
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*~~***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***;	(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*~~***the conditions defined by the Member States***;	(d) may bundle ~~*similar*~~ cases ~~*against one specific trader into one procedure, under*~~***on*** condition that: ***a)*** the consumer concerned is informed ~~*and does not object to that;*~~***of the bundling;*** ***b) the natural persons in charge of the ADR procedures have sufficient knowledge to deal with the case in accordance with Article 6.*** ***Member States may define additional conditions for the bundling.***
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (Da)				
54a			***(e) accept domestic and cross-border disputes; and***	***(e) accept domestic and cross-border disputes; and*** Text Origin: Council Mandate
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (Db)				

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54b			***(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 Council[19].'*** , ***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).***	***(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 Council[19].'*** , ***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).*** Text Origin: Council Mandate
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 complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing	‘ (a) the consumer did not attempt to contact the trader concerned in order to discuss the complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing	‘ (a) the consumer did not attempt to contact the trader concerned in order to discuss the complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing	‘ (a) the consumer did not attempt to contact the trader concerned in order to discuss the complaint and seek, as a first step, to resolve the matter directly with the trader, without introducing

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	disproportionate rules about the format of such contact; ,	disproportionate rules about the format of such contact; ,	disproportionate rules about the format ***and substance*** of such contact; ,	disproportionate rules about the format ***or substance*** of such contact; , Text Origin: Council Mandate
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:
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~~***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***. ,	‘ 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***. If a trader does not*** ~~and~~ reply ***to the ADR entity*** within a reasonable period of time that shall not exceed 20 working days~~.~~***, 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***	R

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			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. ***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.'.***	
Article 1, first paragraph, point (3)(d), amending provision, point (1)				
58a		***(3a) Article 6 is amended as follows:***		‘ ***(1) Article 6 is amended as follows:*** Light Green Text Origin: EP Mandate
Article 1, first paragraph, point (3)(d), amending provision, point (a)				

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G 58b		***(a) paragraph 1, point (a) is replaced by the following:***		***(a) paragraph 1, point (a) is replaced by the following:*** Light Green Text Origin: EP Mandate
Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (9)				
G 58c		‘ ***(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;*** ’ New words are "including..." at the end. Otherwise, unchanged from Dir. 2013/11/EU.		***(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 and, when dealing with cross-border cases, a general understanding of private international law*** Light Green
Article 1, first paragraph, point (3)(d), amending provision, point (b)				
G 58d		***(b) in paragraph 3 the following point is inserted:***		***(b) in paragraph 3 the following point is inserted:*** Light Green Text Origin: EP Mandate
Article 1, first paragraph, point (3)(d), amending provision, first paragraph				
G 58e		‘		***(aa) where a dispute is handled by an ADR entity and the***

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		(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; ’		***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.*** Light Green
Article 1, first paragraph, point (3)(da)				
G	58f	***(c) paragraph 6 is replaced by the following:***		***(da) paragraph 6 is replaced by the following:*** Light Green Text Origin: EP Mandate
Article 1, first paragraph, point (3)(da), amending provision, first paragraph				
G	58g	‘ ***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***		‘ ***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***

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		information communicated to them in accordance with point (g) of Article 19(3). , 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 them in accordance with point (g) of Article 19(3)."		***accordance with point (g) of Article 19(3).*** , 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 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)				
G	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:

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				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 ***at least every 2 years***.***’.*** ’	‘ Member States shall ensure that***, at least every 2 years,*** ADR entities make ***activity reports*** publicly available on their websites***. In addition***, ***Member States shall require ADR entities to provide, upon request, those activity reports*** on a durable medium ~~*upon request,*~~ and by any other means ~~*they*~~***that ADR entities*** consider appropriate~~*, biennial activity reports*~~.
Article 1, first paragraph, point (4)(b)				
62	(b) point (h) is deleted.	*deleted*	*(b)* point (h) is deleted.	(b) point (h) is deleted. Text Origin: Commission Proposal
Article 1, first paragraph, point (4a)				
62a		***(4a) Article 8 is amended as follows:***		***(4a) In Article 8, the following paragraph is added:***

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				Light Green
Article 1, first paragraph, point (4a)(a)				
62b		***(a) point (c) is replaced by the following:***		***(a) deleted*** Light Green
Article 1, first paragraph, point (4a)(a), amending provision, first paragraph				
62c		‘ ***(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;*** ’ New words are "and, in the event..." to the end. Otherwise, unchanged from Dir. 2013/11/EU.		‘ ***'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.'*** ’ Tech meeting 07/04: The current text of point c) remains unamended “(c) the ADR procedure is free of charge or available at a nominal fee for consumers”
Article 1, first paragraph, point (4a)(b)				
62d		***(b) the following point is inserted:***		*deleted*
Article 1, first paragraph, point (4a)(b), amending provision, first paragraph				
62e		‘		

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		(da) at the consumer's request, the parties have access to the procedure with the possibility to hold a physical meeting; ,		*deleted*
Article 1, first paragraph, point (4b)				
R	*62f*	***(4b) The following article is inserted:***		
Article 1, first paragraph, point (4b), amending provision, first paragraph				
R	62g	‘ ***Article 11a***		
Article 1, first paragraph, point (4b), amending provision, first paragraph				
R	62h	***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.*** ,		
Article 1, first paragraph, point (5)				
G	63	5. In article 13, paragraph 3 is deleted.	5. In Article 13, paragraph ~~3 is deleted.~~ ***2 is replaced by the following:***	~~5.~~***(5)*** ~~In~~ Article 13~~, paragraph 3 is deleted.~~ ***is amended as follows:***	5. ~~In~~ Article 13~~, paragraph 3 is deleted.~~ ***is amended as follows:*** Light Green

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		EP AM also serves to undo the deletion of Art. 13(3) proposed by the COM.		
Article 1, first paragraph, point (5), amending provision, first paragraph				
63a		‘ ***2. The information referred to in paragraph 1 shall be provided:***	‘ ***(a) paragraph 3 is replaced by the following:***	‘ ***(a) paragraph 2 is replaced by the following:*** Light Green
Article 1, first paragraph, point (5), amending provision, first paragraph, point (a)				
63b		***(a) on the traders’ website, where it exists, in a clear, prominent, comprehensible and easily accessible way;***	***‘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.’.*** ’	***(a) “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.”*** Light Green
Article 1, first paragraph, point (5), amending provision, first paragraph, point (b)				
63c		***(b) in the general terms and conditions of sales or service contracts between the trader and a consumer; and***		***(b) paragraph 3 is replaced by the following:***

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Article 1, first paragraph, point (5), amending provision, first paragraph, point (c)				
63d		***(c) on the invoices issued by the trader.***		***'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.'***
Article 1, first paragraph, point (5), amending provision, second paragraph				
63e		***2a. Traders shall make an email address available allowing consumers to contact them, including for the sole purpose of ADR procedures.*** ,		*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				

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G 66	Assistance for consumers	Assistance for consumers	Assistance ~~*for consumers*~~***in cross-border disputes***	Assistance ~~*for consumers*~~***in cross-border disputes***
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)				
G 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 ***facilitate their*** access ***to*** 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)				
Y 67a		***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.***		*deleted* *Tech meeting 30/04: Replace the initial EP provision by a new provision in Article 5, as follows:* *Article 5* *Access to ADR entities and ADR procedures* *2. Member States shall ensure that ADR entities:*

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				(g) are able to use machine translation tools to support ADR procedures where the language of the procedure is different from the language of the consumer. *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 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, ~~*or, if not possible,*~~ on consumer organisations or on any other body dealing with consumer protection ***and ensure that they have adequate budgetary and human resources***.	2. Each Member State shall designate an ADR contact point in charge of the task referred to in paragraph 1~~*. Each Member State shall*~~ ***and*** 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*~~ ***responsible for*** the task referred to in paragraph 1~~*. Each Member State shall*~~ ***and*** 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*~~***which belongs*** 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)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
68a		***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.***		***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.***
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. ***Member States shall ensure that*** the ADR contact points ~~*shall*~~ facilitate***, upon request,*** communication between the parties and the competent ADR entity, which ~~*may include, in particular*~~***includes at least the following tasks***:	3. ***Member States shall ensure that, upon request*** the ADR contact points ~~*shall*~~ facilitate communication between the parties and the competent ADR entity~~*, which may*~~***. Such facilitation shall include at least the following tasks*** ~~*include, in particular*~~:
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*~~***providing relevant information concerning*** the submission of the complaint and~~*, where appropriate, relevant documentation*~~ ***the competent ADR entity***;	(a) ***assisting with***~~*assisting with*~~ the submission of the complaint and, where appropriate, relevant documentation;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (aa)				
70a		***(aa) assisting the parties and ADR entities, where necessary, with the translation of***		***(aa) supporting the parties, where necessary, by providing machine translation of***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		information, documentation or procedural rules;		***information, documentation or procedural rules;***
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (b)				
G 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~~*;*~~ ***at Union and at their national level***
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (ba)				
G 71a		***(ba) providing the parties and ADR entities with relevant information on the consumer protection law of the Member State;***		*deleted*
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), point (c)				
G *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)				
G 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)				
G 74	4. Member States may grant ADR contact points the right to provide assistance referred to in this Article to consumers and	4. Member States may grant ADR contact points the right to provide assistance referred to in this Article to consumers and	*deleted*	4. Member States may grant ADR contact points the right to provide assistance referred to in this Article to consumers and

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	traders when accessing ADR entities also with regard to domestic disputes.	traders when accessing ADR entities also with regard to domestic disputes.		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 to reach an amicable settlement and provide relevant information to consumers in full transparency, including information regarding procedural rules and any applicable fees.. ,	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 to reach an amicable settlement and provide relevant information to consumers in full transparency, including information regarding procedural rules and any applicable fees.. ,	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 to reach an amicable settlement and*~~ provide ~~*relevant information to consumers in full transparency, including*~~***clear*** information regarding procedural rules and any applicable fees.***'***. ,	5. ***Member States shall require that in performing their activities, all*** ~~*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 to reach an amicable settlement and*~~ ***shall*** provide relevant information to consumers in full transparency, including information regarding procedural rules and any applicable fees~~*.*~~***, and shall do so acting in good faith***. ,
Article 1, first paragraph, point (6a)				
75a		***(6a) In Article 15, paragraph 2 is replaced by the following:***	***(6a) In article 17, paragraph 3 is replaced by the following:***	***(6a) In article 17, paragraph 3 is replaced by the following:*** Text Origin: Council Mandate
Article 1, first paragraph, point (6a), amending provision, first paragraph				
75b		‘ ***2. Member States shall ensure that relevant consumer organisations and business***	‘ ***‘3. Member States shall ensure that cooperation and mutual information exchanges referred***	‘ ***‘3. Member States shall ensure that cooperation and mutual information exchanges referred***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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). , Wording of Dir. 2013/11/EU: "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)."	***to in paragraphs 1 and 2 comply with the rules on the protection of personal data laid down in Regulation (EU) 2016/679.'*** ,	***to in paragraphs 1 and 2 comply with the rules on the protection of personal data laid down in Regulation (EU) 2016/679.'*** ,
Article 1, first paragraph, point (6b)				
R	75c		***(6b) In Article 17, paragraph 2 is replaced by the following:***	
Article 1, first paragraph, point (6b), amending provision, first paragraph				
R	75d		‘ ***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***	‘ ***2. This cooperation shall in particular include mutual exchange of information on practices in specific business sectors about which consumers have repeatedly lodged complaints. In addition, it shall***

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		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. , New words are "It shall also... become aware of them". Otherwise, unchanged from Dir. 2013/11/EU.	PUBLIC	***also, where appropriate, include an obligation on ADR entities to report unfair commercial practices and terms and conditions to such 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.*** ***The part of EP mandate on directing consumers ("It shall also... commercial practices.") replaced by the following:*** ***Article 7*** ***Transparency*** ***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: (…)*** ***(p) contact information of national authorities enforcing Union and national legal acts on***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				consumer protection which are competent to report unfair commercial practices ’
Article 1, first paragraph, point (6c)				
75e		***(6c) In Article 17, the following paragraph 5 is added:***		***(6c) In Article 17, the following paragraph 5 is added:***
Article 1, first paragraph, point (6c), amending provision, first paragraph				
75f		‘ ***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.*** ’		‘ ***5. When an unfair commercial practice is brought to the attention of the ADR entity by a consumer, and if there are credible reasons to suspect that such a practice has occurred, the ADR entity shall inform the national authorities enforcing Union and national legal acts on consumer protection thereof, and, if appropriate, shall keep it informed about the outcome of the dispute.*** ’
Article 1, first paragraph, point (6d)				
75g		***(6d) In Article 18, paragraph 1 is replaced by the following:***		
Article 1, first paragraph, point (6d), amending provision, first paragraph				
75h		‘		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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. ,		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		New words are "Member States shall ensure... ADR entities that they supervise". Otherwise, unchanged from Dir. 2013/11/EU.		
Article 1, first paragraph, point (6e)				
R 75i		***(6e) In Article 19, paragraph 3, point (d) is replaced by the following:***		R
Article 1, first paragraph, point (6e), amending provision, first paragraph				
R 75j		‘ ***(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;*** ’ New words are "and the traders..." to the end. Otherwise, unchanged from Dir. 2013/11/EU.		R
Article 1, first paragraph, point (7)				
G 76	7. In Article 19(3), points (f), (g) and (h) are deleted.	*deleted*	~~7.~~ ***(7)*** In Article 19(3), points (f)~~,~~ ~~(g)~~ and (h) are deleted.	*deleted* G
Article 1, first paragraph, point (8)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	*77*	8. In Article 20, the following paragraph is added:	8. ~~*In*~~ Article 20~~*, the following paragraph is added*~~ ***is amended as follows***:	~~*8.*~~ ***(8)*** ~~*In*~~ Article 20~~*, the following paragraph is added*~~ ***is amended as follows***:		Y
Article 1, first paragraph, point (8)(a)						
Y	77a		***(a) in paragraph 2, the following subparagraph is inserted after the second subparagraph:***	‘ ***(a) in paragraph 6 the first sentence is amended as follows:***		Y
Article 1, first paragraph, point (8)(a), amending provision, first paragraph						
Y	77b		‘ ***Competent Authorities shall conduct regular checks into the functioning and activities of the ADR entities to monitor compliance with the requirements of this Directive.*** ’	‘ ***6. By 9 July 2018, and by 1 November every four years thereafter, each competent authority shall publish and send to the Commission a report on the development and functioning of ADR entities.*** ’;	‘ ***6. By 9 July 2018, and by 1 November every four years thereafter, each competent authority shall publish and send to the Commission a report on the development and functioning of ADR entities.*** ***Additionally, competent authorities shall conduct regular checks into the functioning and activities of the ADR entities to monitor compliance with the requirements of this Directive.*** ’; Text Origin: Council Mandate	Y
Article 1, first paragraph, point (8)(b)						
G	77c		‘ ***(b) the following paragraph is added:***	***(b) the following paragraphs are added:***	***(b) the following paragraphs are added:***	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (1)				
G 78	‘ 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***.	‘ 8. ***By [3 months after the entry into force of this Directive],*** the Commission shall develop ~~*and maintain*~~ a digital interactive tool that provides general information on consumer redress and links to ***information on consumer rights. The tool shall also host the list*** ~~*the webpages*~~ of the ADR entities ~~*notified to it*~~ in accordance with paragraph ~~*2*~~***4*** of this Article~~.~~***, 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***	‘ 8. ***By three months after the entry into force of this Directive],*** The Commission shall develop ~~*and maintain a*~~***a user-friendly*** digital interactive tool that provides ~~*general*~~ information on consumer redress***, including practical guidance on using ADR in cross-border context, as well as*** ~~*and*~~ links to ***information on consumer rights. The tool shall also host the list*** ~~*the webpages*~~ of the ADR entities ~~*notified to it*~~ in accordance with paragraph ***4 [to check – now paragraph 2]*** ~~*2*~~ of this Article~~.~~***, 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 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*** G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				websites serving a similar purpose.
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (2)				
G	78a	***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.*** ’	***9. The Commission shall create a network of ADR contact points.’.*** ’	***9. The Commission shall create a network of ADR contact points.*** ’. Text Origin: Council Mandate
Article 1, first paragraph, point (8a)				
R	78b	***(8a) Article 21 is replaced by the following:***		
Article 1, first paragraph, point (8a), amending provision, Article				
R	78c	***Article 21*** ‘ ***Penalties***		
Article 1, first paragraph, point (8a), amending provision, Article, first paragraph				
R	78d	***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.***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		’ 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."		
Article 1, first paragraph, point (9)				
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	Article 2	Article 2	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Amendment to Directive (EU) 2015/2302	Amendment to Directive (EU) 2015/2302	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 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).’	‘ (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 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).’	‘ (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 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	

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Article 3, first paragraph					
G	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:		G
	Article 3, first paragraph, amending provision, numbered paragraph (b)					
G	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.. ’		G
	Article 4					
G	87	Article 4 Amendment to Directive (EU) 2020/1828	Article 4 Amendment to Directive (EU) 2020/1828	Article 4 Amendment to Directive (EU) 2020/1828		G
	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	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	1. By [dd/month/year - ~~1 year~~ ***2 years*** after entry into force], Member States shall adopt and publish the measures necessary to comply with Article 1 of this		R

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		Directive. They shall immediately inform the Commission thereof.	Directive. They shall immediately inform the Commission thereof.	Directive. They shall immediately inform the Commission thereof.		
	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 ***- 3 years after entry into force***].		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]], 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.	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]], 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.	2. By [dd/month/year… ~~1 year~~***2 years*** 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]], 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.		R
	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 ***- 3 years after entry into force***].		R
	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	3. When Member States adopt the measures referred to in paragraphs 1 and 2, they shall contain a reference to this	3. When Member States adopt the measures referred to in paragraphs 1 and 2, they shall contain a reference to this		G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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)				
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				
96	Article 6 Entry into force	Article 6 Entry into force	Article 6 Entry into force	
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				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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	

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