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στην υπηρεσία της επιχείρησής σας

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Ενημέρωση για την ηλεκτρονική επίλυση διαφορών

Σας υπενθυμίζουμε ότι από τις 15 Φεβρουαρίου, 2016, η **Πλατφόρμα για την Ηλεκτρονική Επίλυση Διαφορών (HEΔ)** άρχισε να λειτουργεί. Η πλατφόρμα έχει ως στόχο να διευκολύνει την επίλυση των διαφορών με τους καταναλωτές που αγοράζουν αγαθά ή υπηρεσίες μέσω διαδικτύου. Όλες οι εταιρείες που ασχολούνται με το ηλεκτρονικό εμπόριο έχουν την **υποχρέωση να παρέχουν σύνδεση με την πλατφόρμα HEΔ από την διαδικτυακή ιστοσελίδα τους.**

Ακολουθεί σημείωμα που επεξηγεί εν συντομία την πλατφόρμα HEΔ, και παρέχει χρήσιμες οδηγίες και συνδέσμους.

Σας ενθαρρύνουμε να το διαβάσετε ώστε να γνωρίζετε τις υποχρεώσεις σας.

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Με εκτίμηση,

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Enterprise Europe Network
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The Online Dispute Resolution (ODR) platform: opportunities and retailers' obligations

MEMBERS BRIEFING

Date: 13 April 2016
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The online dispute resolution (**ODR**) procedure and platform has been set up to provide simpler, faster, more efficient and cheaper solution for settling disputes for online purchases.

[Directive 2013/11/EU](#) on alternative dispute resolution (ADR Directive) and [Regulation 524/2013](#) on online dispute resolution (ODR Regulation) set out rules and procedures for resolving disputes by avoiding lengthy and costly court action.

Background: What is an alternative dispute resolution (ADR)?

Taking disputes to court is costly and time-consuming for both consumers and businesses. As an alternative, they can use the alternative dispute resolution (**ADR**) established under the ADR Directive. It sets out a framework for resolving disputes via an impartial third party through arbitration, mediation, an ombudsman, etc. Those will propose or impose a solution to reconcile the parties.

There is no single ADR scheme in the EU and the types of ADR schemes and rules differ across the EU. It is up to the Member States to establish a list of entities offering alternative dispute resolution schemes. An entity that is on the list is supposed to comply with the quality requirements established by the ADR Directive (see page 3 for a link to the list of certified entities). The Directive requires ADR schemes to meet a minimum quality of standards.

There is still a poor level of awareness among the consumers and retailers about ADR schemes, especially in cross-border transactions. This discourages consumers from buying cross-border, as any dispute with a retailer from another Member State is likely to be difficult.

This is where the ODR platform can provide helpful alternative.

What is new? Why is it relevant traders?

If you are a trader and you sell goods or provide services online you have to provide a link to the ODR platform on your website.

The ODR platform will facilitate complaint handling with consumers at an early stage. But the traders have new information obligations.

Using the ODR platform is free of charge.

What is the ODR platform?

The Online Dispute Resolution (**ODR**) platform is a website that facilitates resolution of disputes between consumers and retailers. Consumers who have a problem with a good or service they bought from a retailer in another Member State can use the ODR platform to submit a complaint.

The platform is a tool for facilitating the resolution rather than solving the dispute. The complaint will be dealt with by the relevant alternative dispute resolution (**ADR**) entity. The ODR platform links the parties to that ADR entity.

The ODR platform is available in all EU languages so it also works as a translation tool. This means that, in any communication, the consumer and the retailer can use their own language.

The platform is managed by the European Commission.

The ODR platform cannot be used if:

- the consumer lives outside the EU,
- the retailer is established outside the EU,
- the complaint concerns goods or services bought offline in a brick and mortar store.

What are the obligations for online retailers?

The ODR platform became **operational on 15 February 2016**. As of this date, all online retailers (even if they only sell domestically and do not target consumers in other markets) are required to:

1. Provide on their website a **link to the ODR platform**: ([LINK](#)) The link should be easily accessible, which could be in the section on their website on customer service or complaint handling procedure or somewhere on the home page.
2. Provide a **contact e-mail address**, which could be the email address of an individual or a shared mailbox set up to deal with complaints.
3. In addition, when online retailers are required to use one or more approved ADR entities or committed to it by the membership of specific associations, they are required to:
 - Inform consumers about the existence of the ODR platform and the possibility of using it for resolving disputes.
 - Inform consumers about the ADR entity or entities by which they are covered, in particular by providing a link to the website.
 - The information shall be provided in a clear, comprehensible and easily accessible way on the retailers' website, where one exists, and, if applicable, in the general terms and conditions of sales or service contracts between the retailer and the consumer. If the retailer makes an offer via email, the link to the ODR platform should be included in that email.

How does the ODR platform work?

1. The consumer fills in a complaint online and submits it to the ODR platform.
2. The complaint is sent from the ODR platform to the relevant retailer.
3. The retailer has 10 days to react and say that the retailer:
 - a) must use a particular approved ADR entity because of the retailer's membership in an organisation that requires members to submit to a particular ADR entity,
 - b) wants to use one of the ADR entities suggested by the ODR platform,
 - c) does not want to use the suggested ADR entity. In such a case, the ODR platform will not be able to process the complaint any further. This means that the consumer will have to deal with the complaint in other ways, for example by filing a lawsuit in a court.
4. If the retailer has indicated his participation in a relevant ADR entity, the ODR platform will send a message to the consumer informing him about the selected ADR entity.
5. When the consumer and the retailer agree on an ADR entity to deal with their dispute, the ODR platform will forward the complaint to that entity.
6. Upon the receipt of this information, the ADR entity will handle the complaint with a set deadline of 90 days to reach an outcome.

Can a trader submit a complaint against a consumer via the ODR platform?

Four Member States: **Belgium, Germany, Luxembourg and Poland** provided for rules that a trader established in these countries can submit a complaint against a consumer through the ODR platform.

(Source: [European Commission](#))

See also the flow chart on page 5.

What happens if an online retailer fails to comply?

Member States are responsible for ensuring that retailers implement and comply with their obligations.

There are no specific EU penalties or EU enforcement bodies. It is up to the Member States to decide on penalties applicable to retailers that fail to comply with the ODR Regulation.

Useful information

For **general information** about the ADR and ODR check the European Commission's [website](#).

For more **specific questions** about ADR and ODR check the [FAQ](#).

To find an **ADR entity** approved by the Member States check the [List of dispute resolution bodies offering out-of-court settlement procedures](#).

For any other relevant question consult the **national contact point**: [List of the contact national contact point](#).

Good practice

The French Retail Federation (FCD) will set up its own ADR entity in early 2016. A mediator will be hired for a period of three years, to facilitate disputes between consumers and trader. The service will be available online via the [FCD website](#).

A sample case study

Facts

An online toy shop based in the UK sells toys across the EU. It is a member of a trade association that requires its members to participate in the ADR.

The toy shop sells a bicycle to a consumer based in Germany. A few months later the consumer finds out that the bicycle has a crack in its frame. The consumer thinks it may be dangerous for his child to use. He complains to the shop and demands a replacement or reduction in price by 50%. The shop says that the crack is minor and offers to reduce the price but only by 15%.

The consumer is not satisfied with the proposal and how his request was handled. The consumer submits a complaint in German using the ODR platform.

The process

The ODR platform forwards the complaint to the toy shop and informs the shop about the ADR entities that are competent to deal with the complaint. One of them is an ADR entity that the toy shop is required to use due to its membership in their trade association. The toy shop informs the ODR platform that it is bound to use this specific ADR entity.

The ODR platform forwards this message to the consumer and tells him that he has 10 days to decide if he wants to use this ADR entity or seek other means of redress.

The consumer decides to use the ADR entity indicated by the toy shop.

The ODR platform forwards the details of the complaint to the ADR entity.

After reviewing the information received, the ADR entity informs the consumer and the toy shop that they will deal with the complaint.

The ODR platform in practice

