Brussels, 12 April 2024
(OR. en)

Interinstitutional File: 2023/0376(COD)

NOTE
From: General Secretariat of the Council
To: Delegations
No. Cion doc.: 14434/23

Delegations will find in the annex drafting proposals concerning the geographical scope (new Article 1(5a) and the corresponding recitals).

Changes compared to the Commission proposal (doc. 14434/23) are marked in bold underlined for new text and strikethrough for deleted text.
Article 1

Amendments to Directive 2013/11/EU

(...)

5a. The following article is inserted:

‘Article 13a

Consumer information by traders established outside of the Union and applicable procedure

1. Member States shall encourage traders established outside of the Union who commit to use ADR in general to:

   (a) designate a single point of contact for the Union to enable them to communicate directly with ADR-entities and consumers;

   (b) make the necessary information available to easily identify and communicate with their single points of contact;

   (c) inform consumers which ADR entity established in the Member State where the consumer resides is competent for the disputes;

   (d) communicate in the language(s) in which complaints can be submitted and the dispute resolution procedure conducted by this ADR entity.

2. Member States shall encourage traders established outside the Union who do not commit to use ADR in general but are willing to participate in an ADR procedure regarding an individual case to send the information contained in points (a) to (d) of paragraph 1 to the consumer concerned by the dispute and to the competent ADR entity of the Member State where the consumer resides.
3. Member States shall encourage traders established outside of the Union to provide the information referred to in paragraphs 1 and 2 in a clear, comprehensible and easily accessible way.

4. When a dispute arises between a consumer and a trader established outside of the Union who committed to use ADR in general or a trader established outside of the Union who indicated in an individual case that he is willing to participate in an ADR procedure, the consumer can contact the relevant ADR entity directly according to its residence and transfer the information communicated by the trader. This ADR entity deals with the dispute according to its procedural rules."

(...) RECITALS

(9) To ensure that ADR procedures are well-suited for the digital age where communication takes place online, including in a cross-border context, it is necessary to ensure swift and fair processes for all consumers. Member States should ensure that ADR entities established in their territories have the competence to provide dispute resolution procedures in disputes between traders established outside of the Union and consumers residing in their territory.

(9a) Member States should ensure that ADR entities established in their territories have the competence to provide dispute resolution procedures in disputes between traders established outside of the Union and consumers residing in their territory if the traders voluntarily agree to take part in the dispute resolution procedures. Whether the trader established outside the Union commits to make use of ADR in general or in an individual case, Member States should encourage these traders to make the necessary information available for consumers. Such information should mention the competent ADR entity which will handle the dispute, and which is established in the Member State where the consumer resides, and should ensure efficient communication between the consumer and the ADR entity.