

CONSULTATION PAPER

On the use of Alternative Dispute Resolution as a means to resolve disputes related to commercial transactions and practices in the European Union

This is a DG SANCO services document drafted as a basis for public consultation. The present paper does not in any way prejudge any future action of the European Commission.

1. INTRODUCTION

1. In a modern, globalised and digital economy, consumer confidence in the market plays a key role. As underlined in the recently adopted Communication "Towards a Single Market Act",¹ "*in order to restore confidence, it is important to reach out to consumers as players in the single market*". Encouraging active participation of consumers in the functioning of markets helps protect healthy competitive conditions. Access to efficient means to resolve disputes and obtain compensation for consumers when their rights are violated by traders promotes consumer confidence in the market and improves market performance. The losses incurred by European consumers because of problems with purchased goods or services are estimated at 0.3% of Europe's GDP².
2. When consumers harmed by an illegal practice of a trader want to pursue their case, they face difficulties in accessing effective and affordable means to resolve disputes and obtain compensation. This is particularly true for small value claims. Of consumers who complain to a trader and are not satisfied with the way their complaint is dealt with, 46% take no further action³. Thus, the problems which consumers encounter are frequently left unresolved.
3. Consumers' activities are no longer confined to their own countries. There is an increase in cross-border trade due to travel and e-commerce. In 2009, nearly 3 in 10 EU consumers (29%) purchased goods in another Member State⁴. There is also enormous potential for growth in cross-border purchases. Between 2004 and 2010, the percentage of individuals who ordered goods or services over the internet in the EU-25 rose significantly, from 22% to 37%. The development of on-line transactions is becoming a wide-spread phenomenon in the UK, Luxembourg, Germany, the Netherlands, France and the Nordic countries, where 45% to 65% of internet users are online buyers. The internet-powered economy represents 7.2% of UK GDP⁵. In 2009, however, only 8% of EU consumers bought goods and services via the internet from a seller/provider located in another Member State. One of the reasons why consumers often refrain from online cross-border purchases is the uncertainty about what to do or who to turn to if they experience a problem with a foreign trader. 71% of consumers consider the resolution of problems more difficult when shopping abroad⁶.
4. EU law provides consumers with a set of rights. However, if such rights are to have a practical value, mechanisms must exist to ensure that consumers can exercise them effectively. If consumers are to have confidence in shopping cross-border, in

¹ COM (2010) 608 final

² Special Eurobarometer No 342, "Consumer Empowerment" (not published yet)

³ Flash Eurobarometer No 299, "Attitudes towards cross-border sales and consumer protection" (not published yet)

⁴ ³rd ~~COM (2010) 608 final~~ ~~WH&RQ&P H0 DNHWFRUHERUG± 0 DJS~~

⁵ "The connected Kingdom: How the internet is transforming the UK Economy", The Boston Consulting Group, 2010

⁶ Special Eurobarometer No 252 Consumer Protection in the Internal Market p.55

particular on the internet, and enjoy their substantive EU rights, they need reassurance that if something goes wrong they can resolve their disputes and obtain compensation.

5. Out-of-court dispute resolution mechanisms, also called Alternative Dispute Resolution (ADR) mechanisms, can provide cheap, simple and quick solutions to consumer disputes. For businesses, ADR can be a tool for maintaining business reputation and preserving customer trust. The flexibility of ADR offers the advantages of a tailored and targeted approach to a dispute. ADR is also a means to alleviate the burden on the judicial system.
6. The present document refers to dispute resolution procedures which are designed as an alternative to resolving a dispute in a court. These procedures enable the consumer to obtain compensation for harm suffered as a consequence of an illegal practice by a trader. It covers out-of-court mechanisms that lead to the settling of a dispute through the intervention of a third party. The third party can propose or impose a solution, or merely bring the parties together to assist them in finding a solution. The document does not cover customer complaint handling mechanisms operated by businesses or amicable settlement negotiated directly between parties to the disputes.
7. The purpose of this paper is to consult stakeholders on the difficulties identified and the possible ways in which the use of ADR within the EU could be improved. It also gives stakeholders an opportunity to complete the data gathered by the Commission so far.

2. EXISTING INSTRUMENTS

2.1. Consumer enforcement and redress instruments

8. Several instruments have been put in place or are envisaged to improve the enforcement of consumer rights within the EU. These instruments are complementary and provide a set of tools that can be used to enforce consumer rights depending on the circumstances (e.g. the number of consumers involved, the amounts or the complexity of the claims).
9. In all Member States, consumer organisations or public enforcement authorities can take legal action to stop an illegal practice by a trader who has breached a consumer protection rule⁷. For cross-border cases, a mechanism of cooperation through a network of consumer enforcement authorities exists⁸. In certain sectors, such as financial services, transport, telecommunications and energy, regulators play an

⁷ Directive No 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests, OJ L 166, 11.6.1998, p. 51

⁸ Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, OJ L 364, 9.12.2004, p.1

important role in market surveillance⁹. However, these mechanisms often do not provide consumers with compensation for harm suffered.

10. Consumers can always go to court to resolve disputes and obtain compensation. Traditional court proceedings are, however, not always practical or cost-efficient for consumers or businesses. In the majority of cases, the costs (e.g. court, lawyers' and experts' fees) and the risks attached to litigation make it uneconomic for a consumer to seek compensation. Procedures are sometimes so complex and lengthy that consumers may find themselves entangled without any clear perception of when their case will be resolved. 48% of EU consumers will not go to court for harm below 1/20 of the amount of their claim¹⁰. Simplified court procedures can ease consumers' access to justice and exist in almost all Member States for national cases. The procedure set up by the European Small Claims Regulation will also improve the situation for cross-border claims.¹¹
11. 14 Member States¹² have judicial mechanisms whereby a group of consumers or a representative entity representing the consumer public interest can request compensation for harm caused by an illegal practice. Other Member States may in the foreseeable future introduce such systems (e.g. Belgium). The Commission is currently working on collective redress. In 2011, the Commission will launch a consultation which aims to identify which forms of collective redress could fit into the EU legal system and into the legal order of the 27 EU Member States. These mechanisms are designed for mass claims and can only be used if multiple consumers have been harmed by an illegal practice of a trader. However, not all consumer disputes are mass claims.

2.2. Existing EU instruments on ADR

12. The Commission has adopted two Recommendations to promote consumer ADR. Recommendation 98/257/EC¹³ applies to consumer ADR schemes which either propose (e.g. through recommendations) or impose (e.g. through binding decisions) a solution to resolve a dispute. Recommendation 2001/310/EC¹⁴ applies to a more consensual resolution of disputes, where a third party attempts to resolve the dispute by bringing the parties together to persuade them to find a solution by common consent. The two Recommendations establish a number of minimum guarantees, such as independence and effectiveness that ADR schemes should respect. The

⁹ For example, the recently adopted EU legislation in the area of competition law and consumer protection imposes duties in monitoring the development of competition and ensuring enhanced customer protection and information. The regulators will have new powers, such as the power to issue binding decisions, carry out investigations and impose effective, proportionate and dissuasive penalties. See Directives No 2009/72/EC and No 2009/73/EC; OJ L 211, 14.8.2009 p. 55 & 94

¹⁰ Eurobarometer No 343 (to be published)

¹¹ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, OJ L 199, 31.7.2007, p.1

¹² Austria, Bulgaria, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Spain, Sweden, United Kingdom

¹³ Commission Recommendation No 98/257/EC on the principles applicable to the bodies responsible for the out-of-court settlement of consumer disputes, OJ L 115, 17.04.1998, p. 31

¹⁴ Commission Recommendation No 2001/310/EC on the principles for out-of-court bodies involved in the consensual resolution of consumer ADR, OJ L 109, 19.4.2001, p. 56

Commission has developed a database with more than 500 ADR schemes, which, according to Member States, comply with the Recommendations¹⁵.

13. Several EU Directives, such as the E-commerce Directive¹⁶, the Postal Services Directive¹⁷ and the Markets in Financial Instruments Directive (MiFID)¹⁸ encourage Member States to establish ADR schemes. The EU legislative frameworks regarding the telecom sector¹⁹ and the energy sector²⁰, the Consumer Credit Directive²¹ and the Payment Services Directive²² require that adequate and effective ADR schemes are put in place. The Services Directive²³ requires service providers that are part of an ADR scheme to provide consumers with information in this regard. Finally, the Directive on Mediation²⁴ encourages judges to promote recourse to mediation. It also aims at ensuring a sound relationship between the mediation process and judicial proceedings by establishing common rules in the EU on a number of key aspects of civil procedure, such as the effects of mediation on limitation and prescription periods or the confidentiality of mediation.
14. The Commission has also set up two networks to facilitate consumer access to ADR. Fin-Net²⁵ is a network of national ADR schemes that handle cross-border disputes between consumers and financial services providers. In addition, the European Consumer Centre (ECC) Network²⁶ directs consumers to an appropriate ADR scheme in another Member State.

2.3. ADR in practice

15. More than 750 consumer ADR²⁷ schemes exist in the EU. They are highly diverse across the EU but also within Member States. ADR schemes may be established by public authorities, by industry or be set up in cooperation between the public sector, industry and consumer organisations. Their funding may be private (e.g. by industry), public or a combination of both. In most Member States, the geographical coverage of ADR can be national²⁸ rather than decentralised at regional or local level²⁹. Both sector-specific and multi-sectoral ADR schemes exist in most Member States. The vast majority of ADR procedures are based on the willingness of the parties to engage in the process. Most ADR schemes are free for consumers or at P RCHUDMRWIRZ ¼DQGDHFWOG within a short period of time (an average

¹⁵ See http://ec.europa.eu/consumers/redress_cons/adr_en.htm

¹⁶ Directive No 2000/31/EC; OJ, L 178, 17.7.2000 p. 1

¹⁷ Directive No 2008/6/EC; OJ L 52 27.02.2008 p.3

¹⁸ Directive No 2004/39/EC; OJ L 145/1, 30.4.2004, p. 33

¹⁹ Directives No 2009/136/EC and No 2009/140/EC; OJ L337, 18.12.2009 p.11 & 37

²⁰ Directives No 2009/72/EC and No 2009/73/EC; OJ L 211, 14.8.2009 p. 55 & 94

²¹ Directive No 2008/48/EC; OJ L 133, 22.5.2008, p.66

²² Directive No 2007/64 /EC; OJ L319/1, 5.12.2007 p.32

²³ Directive No 2006/123/EC; OJ L 376, 27.12.2006, p.36

²⁴ Directive No 2008/52/EC; OJ L 136, 24.5.2008, p. 3

²⁵ See http://ec.europa.eu/internal_market/finservices-retail/finnet/index_en.htm

²⁶ See http://ec.europa.eu/consumers/redress_cons/index_en.htm

²⁷ See Study on the Use of Alternative Dispute Resolution in the European Union of 16 October 2009 (ADR Study). For an overall overview of the existing ADR schemes in the Member States, see Annex 1, p.164 to 324

²⁸ For example, Denmark, Estonia, France, Ireland, Lithuania, Luxemburg, Latvia, the Netherlands, Poland, Slovakia, Slovenia, Czech Republic, Malta, the United Kingdom

²⁹ For example, Germany, Spain, Italy and Portugal

of 90 days³⁰). ADR decisions may be taken collegially (e.g. by boards) or by individuals (e.g. by a mediator or ombudsman) and the nature of their decisions may vary considerably (e.g. non-binding recommendations, decisions binding on the trader or on both parties, agreement of the parties). In other words, each ADR scheme is virtually unique.

16. Recent studies³¹ show that ADR cases in the EU have increased during the last years (from 410 000 in 2006 to 530 000 in 2008). ADR has, however, not yet achieved its full potential. In 2009, 6,6% of the cross border complaints received by the European Consumer Centre network were transferred to an ADR scheme³². In 2009, only 3% of European consumers who did not get a satisfactory reply from the trader took their case to an ADR scheme.³³ Finally, only 9% of European retailers have used ADR schemes.³⁴

3. HOW TO ADDRESS THE CURRENT SHORTCOMINGS?

17. The studies on ADR point to a number of shortcomings, such as the lack of consumer and business awareness of ADR or the gaps in the ADR coverage, which hinder the effectiveness of ADR in the EU. The shortcomings are examined in more detail in the paragraphs below. The questions included under each paragraph aim at gathering stakeholders' views on these shortcomings and defining how ADR could be improved in order to enhance consumer's access to simple, cheap and quick means to resolve disputes and obtain compensation.

3.1. Consumer and businesses awareness of ADR

18. Recent face-to-face interviews in EU-27 confirm that consumer awareness of mechanisms to resolve a dispute and obtain compensation in general and ADR in particular is extremely limited³⁵. 40% of retailers declared that they do not know any ADR mechanisms³⁶. In addition, consumers do not have an easy access to detailed information on ADR procedures. The ADR study³⁷ shows that for 41% of ADR schemes, neither consumers nor authorities have access to information about the use of, the number of cases and the past performance of the ADR scheme. Transparency is, however, essential to foster confidence in ADR schemes. This is even truer in cross-border situations.

³⁰ See ADR Study p. 33

³¹ KHS ' 5 6 WQ, DQWQH && 5 HSRURWERCHU' ISXW5 HROXWQO HKDQMP VQ XIRSH
Practical reflections on the need and availability
<http://dokumenter.forbrug.dk/forbrugereuropa/crossborder-dispute-resolution/>

³² See The European Consumer Centres' Network Fifth Anniversary Report 2005-2009, p.26

³³ Eurobarometer No 282, p.20

³⁴ ODK XREDURP HM5 HMOLU DWXCHWZD rds cross-border trade and consumer protection"
(not published yet)

³⁵ See TNS, Consumer redress in the European Union: Experience, perceptions and choices (face-to-face interviews) p.9

http://ec.europa.eu/consumers/redress_cons/docs/cons_redress_EU_qual_study_report_en.pdf

³⁶ Eurobarometer No 278, p.70

³⁷ See the ADR Study p. 135

19. Any initiative on ADR should first ensure that consumers and businesses are aware of the existence of ADR schemes. When faced with a dispute, consumers and businesses should be able to quickly identify the ADR scheme that can deal with their dispute and get information on the main features of that scheme. In some Member States, in certain sectors (e.g. financial services in Belgium) traders are obliged to inform consumers about the ADR scheme in their general contractual conditions. In regulated markets (e.g. energy, telecommunication, financial services), regulators may also have a role to play in directing consumers to ADR. For cross-border cases, the European Consumer Centre Network and Fin-Net can help consumers identify the ADR competent to deal with their dispute in another Member State.

- (1) What are the most efficient ways to raise the awareness of national consumers and consumers from other Member States about ADR schemes?
- (2) What should be the role of the European Consumer Centres Network, national authorities (including regulators) and NGOs in raising consumer and business awareness of ADR?
- (3) Should businesses be required to inform consumers when they are part of an ADR scheme? If so, what would be the most efficient ways?
- (4) How should ADR schemes inform their users about their main features?

3.2. Involvement of traders/suppliers

20. Only 9% of European retailers have actually used ADR³⁸ and only 6% of European traders are members of an ADR scheme³⁹. For 64% of ADR schemes, adherence by industry is voluntary⁴⁰. For example, in France most telecommunication companies have signed an agreement, on the basis of which their customers can bring their case to the Mediator for Electronic Communications. Participation of the industry in an ADR procedure can be encouraged by trade associations - some of them require adherence to an ADR scheme as a condition for membership (e.g. the banking ombudsman in Poland). Adherence by traders can be mandatory by law (e.g. Financial ombudsman service in the UK). This is particularly true in highly regulated sectors.

21. The rate of compliance by businesses with ADR decisions or agreements is in general high. This rate, however, differs depending on the ADR schemes and the nature of their decisions. Compliance rates for schemes issuing non binding-decisions are generally lower. But in Sweden, the National Board for Consumer Complaints takes non-binding decisions, but the compliance rate is quite high. A Swedish magazine publishes a black list of traders that do not comply with the decision of the Board. This acts as a strong deterrent to non-compliance. In Denmark, the non-binding decision of the National Complaint Board becomes

³⁸ See footnote 35

³⁹ ~~CDK~~ %5 HMDUJ DWXCHMRZ DGNFURVERIGHJWDCHDQFRQMP HSRWFWRQ

⁴⁰ See ADR study p. 35

directly enforceable if it is in favour of the consumer and the trader does not react within a certain deadline.

22. The effectiveness of ADR and the fairness of its outcome therefore depend significantly on incentives. The availability of an effective court system or of efficient public enforcement by regulators can act as a strong incentive for parties to use ADR. For example, after being threatened by the Finnish ombudsman, a Dutch mobile service company accepted a settlement with consumers⁴¹. In some Member State (e.g. in Italy), resorting to ADR before going to court is a legal requirement in certain sectors. Such a possibility, however, should not make it impossible or excessively difficult for consumers to exercise their rights and to respect the fundamental rights to access to justice⁴². In addition, the effects of ADR on limitation and prescription periods or the confidentiality of the ADR process in relation to possible related civil litigation must be correctly arranged.

- (5) What means could be effective in persuading consumers and traders to use ADR for individual or multiple claims and to comply with ADR decisions?
- (6) Should adherence by the industry to an ADR scheme be made mandatory? If so, under what conditions? In which sectors?
- (7) Should an attempt to resolve a dispute via individual or collective ADR be a mandatory first step before going to court? If so, under what conditions? In which sectors?
- (8) Should ADR decisions be binding on the trader? On both parties? If so, under what conditions? In which sectors?

3.3. ADR coverage

23. Important gaps, both sector-specific and geographical, exist in most Member States. For example, consumer ADR schemes are a recent development in the Central and Eastern European Member States. In Member States with well developed ADR schemes, gaps still remain. For example, there are no ADR schemes in the transport sector in Austria. ADR schemes are also not always available homogeneously throughout the territory (e.g. Portugal has six regional arbitration centres competent for consumer disputes but they do not cover the whole of Portugal). Finally, in some sectors not all traders are members of the ADR schemes. For example, in the air transport sector in the Netherlands, not all airline companies are members of the Foundation for Consumer Complaint Boards.
24. Consumer ADR schemes have been more widely set up to solve disputes in the financial services, telecommunications and transport sectors. ADR schemes in the

⁴¹ The company offered different games, competitions and intelligence tests in the internet without making clear to consumers that they would have to pay for text messages sent to their phone. <http://www.kuluttajavirasto.fi/Page/d1bc11a7-7371-4140-8681-eb744f0400c8.aspx?groupId=1c5dad8d-0b76-43d3-8440-6480df10ed3d&announcementId=608002b4-babb-4063-977a-39ca3f002065>

⁴² Joint cases Affaires joint C-317/08 to C-320/08; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62008J0317:FR:HTML>

energy sector are also developing. These are regulated sectors where EU legislation requires or encourages the establishment of ADR schemes. In these sectors, certain features (e.g. mandatory membership, the binding nature of the decision, and exchange of information with regulators) are more common than in other sectors. Initiatives will be taken at EU level to further promote the development of ADR in these sectors. The third energy package contains a provision obliging Member States to set up an independent out-of-court resolution scheme for energy complaints. In order to support Member States, the Commission will create a multi-stakeholder working group to identify best practices in ADR in this sector. The Commission also foresees the adoption of a Recommendation to strengthen the Fin-Net network in 2011.

25. Most existing consumer ADR schemes do not make a distinction between the purchase of goods or services by distance selling methods, such as e-commerce or direct selling methods, such as face-to-face, and deal with all types of disputes in their field of competence, regardless of whether they are offline or online. Very few consumer ADR schemes deal exclusively with Internet purchases (e.g. the Internet Ombudsman Net in France, the Internet ombudsmen in Germany and in Austria). They are mainly Online Dispute Resolution (ODR) schemes. This means that the entire ADR procedure is dealt with via electronic means. The offer of ADR schemes to solve consumer disputes related to e-commerce transactions is, therefore, scattered and incomplete. This may create uncertainty and confusion for consumers as they may have difficulty in identifying if there is an ADR scheme that can deal with their disputes. The absence of ADR schemes dealing with e-commerce transactions is also one of the reasons why SMEs are not engaging in cross-border e-commerce, both with consumers or with other businesses. The development of ODR schemes for e-commerce cross-border transactions could improve access to justice for consumers and SMEs.
26. More generally, the existence of a "single entry point" or "umbrella organisations" could also improve consumers' access to means to resolve disputes and obtain compensation. Such an organisation could help consumers and SMEs to access the ADR schemes competent to deal with their dispute, or deal with the dispute when no specific ADR scheme exists.
27. Very few consumer ADR schemes provide collective proceedings. In Sweden and in Finland, the consumer ombudsman can bring proceedings before the National Consumer Complaint Board on behalf of a group of consumers (opt-out system). In Spain, a consumer or consumer organisation can bring a case on behalf of multiple identified consumers to the Spanish Arbitration System. Several ADR schemes conduct collective investigations and then take individual decisions or take a decision on a selective sample of claims which then can be applied to similar cases. Encouraging the availability of collective ADR procedures should improve the handling of mass claims.
28. Finally, only 62 % of the existing ADR schemes deal with claims from consumers residing in another Member State⁴³. Cross-border cases are often linked to e-commerce transactions. Due to the growth of e-commerce transactions, the number

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See ADR study p.339

of internet disputes is likely to expand (see above point 3). In practice, consumers who want to use ADR schemes for cross-border transactions are faced with additional burdens. The competent ADR scheme is located in the Member State where the trader is established. Consumers have to face an unfamiliar ADR system and often another language. Existing ADR procedures may not be convenient for cross-border cases (e.g. recourse to experts, hearings).

- (9) What are the most efficient ways of improving consumer ADR coverage? Would it be feasible to run an ADR scheme which is open for consumer disputes as well as for disputes of SMEs?
- (10) How could ADR coverage for e-commerce transactions be improved? Do you think that a centralised ODR scheme for cross-border e-commerce transactions would help consumers to resolve disputes and obtain compensation?
- (11) Do you think that the existence of a "single entry point" or "umbrella organisations" could improve consumers' access to ADR? Should their role be limited to providing information or should they also deal with disputes when no specific ADR scheme exists?
- (12) Which particular features should ADR schemes include to deal with collective claims?
- (13) What are the most efficient ways to improve the resolution of cross-border disputes via ADR? Are there any particular forms of ADR that are more suitable for cross-border disputes?

3.4. Funding

- 29. Funding is necessary for both the creation and functioning of ADR schemes. ADR schemes should be sustainable. Currently, 25% of the schemes are entirely funded by public funds and 34% by the industry. The remaining are either funded by the parties taking part in the procedure or by a combination of different sources. For example, an annual levy is collected by the ADR scheme from its business members, proportional to the size of the business, or a pay-per-case system is applied. 7% of ADR schemes are funded by a combination of public and industry funds (e.g. in the Foundation for Consumer Complaints boards in the Netherlands, the national authorities fund the infrastructure and industry funds the adjudication of the complaints).
- 30. ADR should be free of charge or at a very low cost for consumers in order to remain accessible. Some ADR schemes charge a small fee to consumers to avoid abusive claims. In some schemes, fees are reimbursed to consumers if they win the case (e.g. the Danish Consumer Complaint Board).
- 31. Funding by the industry has raised some concerns. Parties may have the perception that the loyalty of the decision makers will then be with their paymasters. It could prevent decision-making bodies from reaching a fair and objective decision. Safeguards should be put in place in order to ensure the independence and

impartiality of the decision making bodies. For example, the mediation service Banks + & UFGW, QYHW, HQW, HDLP, IMXQGHG, WH%HDIDQILQQFIDQFWU, RZ HYHU the service is composed of the ombudsman nominated by the financial sector and a representative of consumer organisations.

- (14) What is the most efficient way to fund an ADR scheme?
- (15) How best to maintain independence, when the ADR scheme is totally or partially funded by the industry?
- (16) What should be the cost of ADR for consumers?

4. PUBLIC CONSULTATION

All interested parties are invited to submit their comments and data by 15 March 2011. These contributions should be sent, if possible by electronic form to sanco-consumer-adr@ec.europa.eu or otherwise in writing to:

European Commission
"Consultation on ADR"
Directorate-General Health and Consumers
Avenue de Bourget 1-3
B-1140 Brussels (Evere)
Belgium

Each contribution should be clearly marked "Consultation on ADR". In the interest of transparency, organisations (including NGOs, trade associations and commercial enterprises) are invited to provide the public with relevant information about themselves by registering in the Interest Representative Register and subscribing to its Code of Conduct.

Contributions will be published on the website of the Health and Consumers Directorate-General of the European Commission. It is possible to request that submissions remain confidential. In this case, contributors should expressly state on the first page of their submission that they oppose publication. The Commission will examine the contributions and publish a summary thereof in the first half of 2011.

Privacy statement

Purpose and scope of personal data processing:

The Health and Consumers Directorate-General will record and further process your personal details to the extent that they are necessary for the follow-up of your contribution to the public consultation on the use of ADR in the European Union.

Your data will be handled in conformity with Directive 95/46/EC & 17 RQKH protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data.

Your data are recorded and stored as long as follow-up actions are needed in the context of your contribution.

For transparency purposes, the contributions, including your name and position in your organisation will be communicated to the public, in particular through the Health and Consumers web pages on Europa at:

http://ec.europa.eu/consumers/redress_cons/adr_en.htm

Right of rectification & personal data controller:

Should you require further information concerning the processing of your personal data or exercise of your rights (e.g. access or rectify any inaccurate or incomplete data) please contact:

sanco-consumer-adr@ec.europa.eu

You have the right of recourse at any time to the European Data Protection Supervisor at edps@edps.europa.eu