Commission Implementing Regulation (EU) 2015/1051 of 1 July 2015 on the modalities for the exercise of the functions of the online dispute resolution platform, on the modalities of the electronic complaint form and on the modalities of the cooperation between contact points provided for in Regulation (EU) No 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1051

of 1 July 2015

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)[(1)], and in particular Articles 5(7), 7(7) and 8(4) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

(1) Regulation (EU) No 524/2013 provides for the establishment of an online dispute resolution platform at Union level (ODR platform). The ODR platform should take the form of an interactive and multilingual website offering a single point of entry to consumers and traders seeking to resolve out-of-court disputes concerning contractual obligations stemming from online sales and service contracts.

(2) Article 8(1) of Regulation (EU) No 524/2013 provides that the electronic complaint form shall be user-friendly. Therefore, complainants should be able to complete the electronic complaint form as a draft before submitting a complaint. It should be ensured that drafts that are not submitted by complainants are automatically deleted from the ODR platform after an appropriate period of time.

(3) In order to ensure the proper functioning of the ODR platform, it is necessary to establish how the respondent party should be informed that a complaint has been submitted to the ODR platform as well as what information should be used from the electronic complaint form to facilitate the identification of the competent alternative dispute resolution entities (ADR entities).

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/1051. (See end of Document for details)*

(4) For the same purpose and in order to ensure the consistent application of Regulation (EU) No 524/2013, it is necessary to clarify at which point ADR entities should provide information to the ODR platform concerning the handling of a dispute.

(5) It is necessary to establish the date of conclusion of certain disputes where a complaint cannot be processed further, in order to ensure that personal data related to those disputes can be deleted at the latest six months after that date of conclusion. This includes disputes where the parties cannot agree on an ADR entity due to the lack of response from the respondent party or when an ADR entity refuses to deal with a dispute.

(6) National competent authorities should notify to the Commission and update the list of national ADR entities in a uniform way to streamline the registration of these entities with the ODR platform under Regulation (EU) No 524/2013.

(7) It is appropriate to determine when the parties to a dispute handled through the ODR platform should be able to provide their feedback on the functioning of the ODR platform and on the ADR entity which has handled their dispute.

(8) Regulation (EU) No 524/2013 provides for the designation of one ODR contact point in each Member State to provide support to the parties involved in a dispute and to the ADR entities handling a dispute through the ODR platform. In order to facilitate the cooperation between the ODR contact points it is appropriate to define a common set of principles to underpin that cooperation.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Online Dispute Resolution, set up under Article 16(1) of Regulation (EU) No 524/2013,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the modalities for:

(a) the electronic complaint form;

(b) the exercise of the functions of the ODR platform;

(c) the cooperation between the ODR contact points.

Article 2

Electronic complaint form

The electronic complaint form to be submitted to the ODR platform shall be accessible to consumers and traders in all the official languages of the institutions of the Union. The complainant party shall be able to save a draft of the electronic complaint form on the ODR platform. The draft shall be accessible and editable by the complainant

party prior to submission of the final fully completed electronic complaint form. The draft of the electronic complaint form that is not fully completed and submitted shall be automatically deleted from the ODR platform six months after its creation.

Article 3

Informing the respondent party

Upon receipt of the fully completed electronic complaint form, the ODR platform shall transmit a standard electronic message to the respondent party's electronic address indicated by the complainant party in the electronic complaint form, informing that a complaint has been submitted against it and making available the information according to Article 9(3) of Regulation (EU) No 524/2013.

Article 4

Identification of the alternative dispute resolution (ADR) entity

1 The ODR platform shall display to the respondent party an indicative list of ADR entities, where no competent ADR entity is identified in the electronic complaint form, to facilitate the identification of the competent ADR entity. This list shall be based on the following criteria:

a the geographical address of the parties to the dispute as provided for in the electronic complaint form pursuant to the Annex to Regulation (EU) No 524/2013; and

b the sector that the dispute relates to.

2 The parties shall at any time have access to the list of all ADR entities registered with the ODR platform pursuant to Article 5(6) of Regulation (EU) No 524/2013. A search tool, offered by the ODR platform, shall help the parties to identify the ADR entity competent to deal with their dispute among the ADR entities registered with the ODR platform.

Article 5

Information to be provided by ADR entities

1 ADR entities to which a complaint has been transmitted through the ODR platform and which have agreed to deal with a dispute shall, without delay upon receipt of the complete complaint file related to that dispute, transmit to the ODR platform the date of receipt of the complete complaint file and the subject matter of the dispute.

2 The date of receipt of the complete complaint file starts the 90-calendar day period referred to in point (e) of Article 8 of Directive 2013/11/EU of the European Parliament and of the Council[(2)].

3 ADR entities to which a complaint has been transmitted through the ODR platform and which refuse to deal with a dispute shall transmit the refusal to the ODR platform without delay upon taking that decision in line with Article 5(4) of Directive 2013/11/EU.

4 ADR entities to which a complaint has been transmitted through the ODR platform shall, without delay upon conclusion of the dispute, transmit to the ODR platform the date of conclusion of the ADR procedure as well as its result. This shall include the situation where both