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**EUROPEAN CONSUMER CENTRE**



**European Consumer Day**

**“Consumer redress”**

**14 March 2008**

**Susan Dowling**

**Dispute Resolution Adviser**

**European Consumer Centre Ireland**

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# EUROPEAN CONSUMER CENTRE Network



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## Dispute Resolution Advisers Functions

1. Assistance to consumer who wish to take their complaint to an ADR Body
  2. Identify existing ADR Bodies and encourage them to consider becoming notified
  3. Liaising with existing ADR Bodies to ensure they comply with the EU recommendations 98/257/EC & 2001/3610/EC
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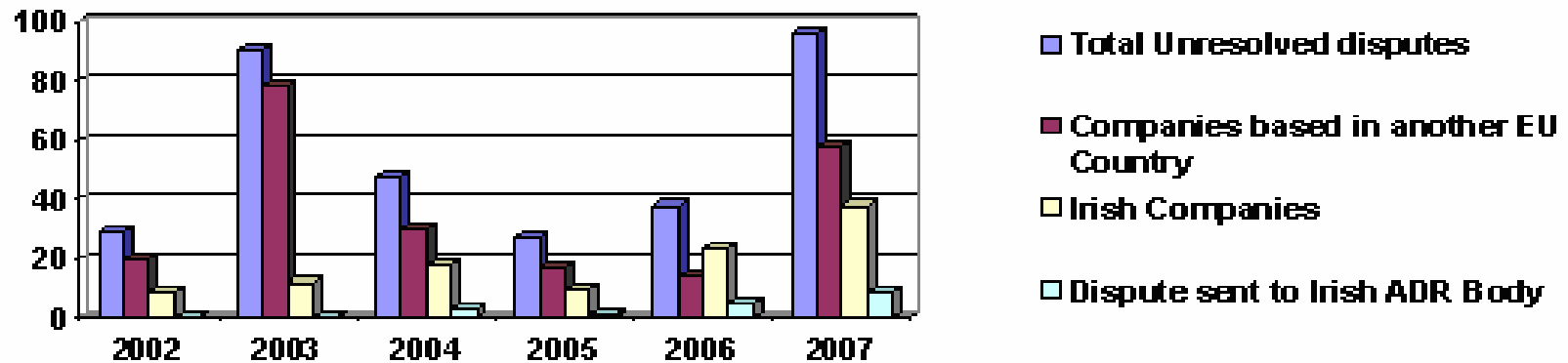
## Notified ADR Bodies in Ireland.

- Advertising Standards Authority of Ireland (ASAI)
  - The Financial Services Ombudsman's Bureau
  - The Office of the Pensions Ombudsman
  - Scheme for Tour Operators, Chartered Institute of Arbitrators
  - Direct Selling Association Ireland
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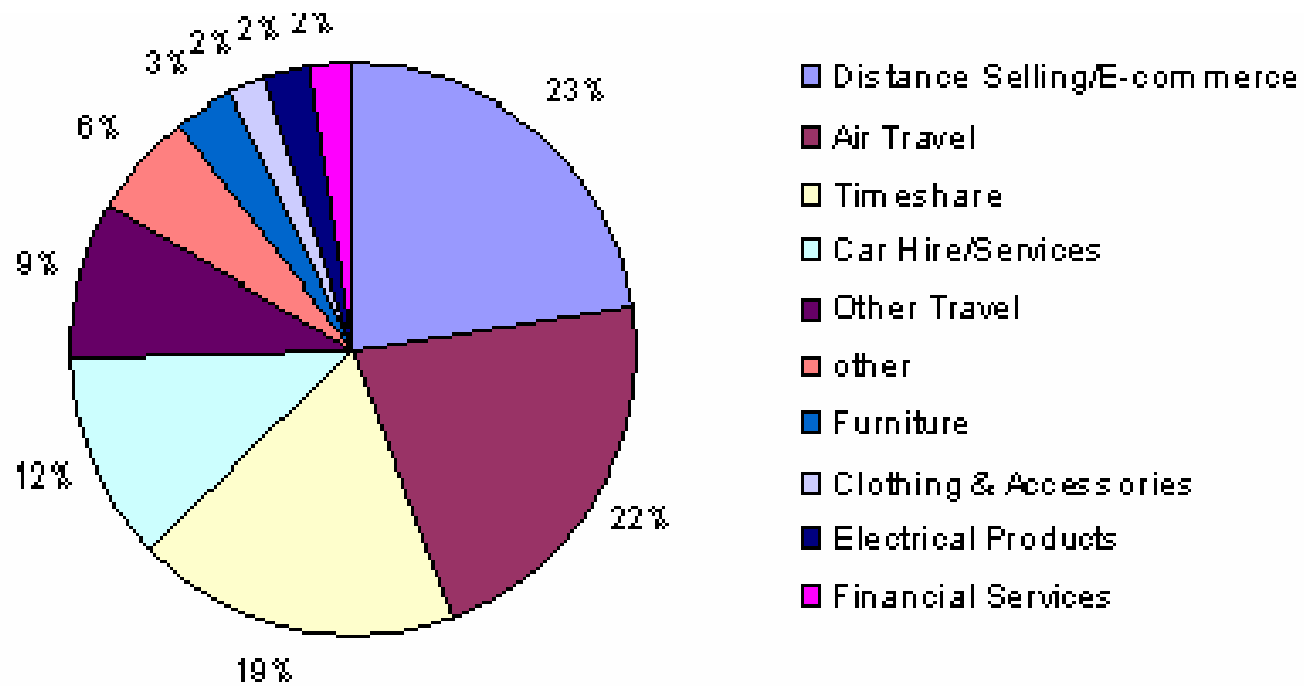
Since 2002, a total of 328 disputes received by ECC  
Ireland



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## Categories of Disputes



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## Case study



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## ADR Development in Ireland



- How to encourage Governments to invest in ADR development?
  - How do we encourage ADR Bodies to become notified on EU Database?
  - Would the creation of a logo/symbol encourage ADR Bodies to consider notification?
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## ADR in the European Union



European Commission ADR Database  
[http://ec.europa.eu/consumers/redress\\_cons/adr\\_en.htm](http://ec.europa.eu/consumers/redress_cons/adr_en.htm)

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## ADR Fact Sheet

 **RESOLVING CROSS-BORDER DISPUTES WITHOUT COURT ACTION, IS YOUR COMPANY DISPUTE WISE?**

**ECC DUBLIN** *Do you have problems in solving cross-border disputes with consumers? The Irish Clearing House has the solution.*

Disputes in business are an unfortunate fact of life. You want to offer a high quality service or product but sometimes problems arise. Perhaps your supplier, distributor or service providers have let you down or you have a consumer complaint which is difficult to resolve amicably. Depending on the seriousness of the problem you may find that going to court is costly and time consuming. But there are other options known as ADR (Alternative Dispute Resolution) schemes.

**ALTERNATIVE DISPUTE RESOLUTION (ADR)**  
ADR is an umbrella term that refers to a variety of conflict resolution processes. The two most popular forms of ADR are mediation and arbitration.

**ARBITRATION**  
This is a consensual procedure for the settlement of disputes under which both parties agree to be bound by the decision of the arbitrator. The arbitrator's decision is final and legally binding on both parties. In Ireland arbitration is governed by the Arbitration Acts, 1954-1998.

**MEDIATION**  
As in arbitration both parties agree to use a neutral third party to help solve a dispute. However the terms of agreement are decided by the parties rather than by the mediator. This is not legally binding or enforceable through the courts but an agreement can be put into legally binding format.

**EUROPE AND ADR SCHEMES**  
If you sell or are thinking of selling your products to the European Market or to European customers visiting Ireland, using ADR can be a quick method of resolving disputes which may arise.

Remember, telling your customers that you offer a dispute resolution scheme will create confidence in your business. Confident customers are good for business because they buy more.

In addition it is interesting to note that the European Commission is committed to developing ADR within the Internal Market to benefit both businesses and consumers. New proposed consumer legislation mentions the need for access to ADR. (See for example the "Proposal for a Directive on Unfair Commercial Practices in the Internal Market" )

If you are interested in learning more about ADR schemes please contact:  
European Consumer Centre (ECC)  
Clearing House  
13a Upper O'Connell Street  
Dublin 1, Ireland  
T: 01 8006500 F: 01 8090601  
E: [disputes@eccdublin.ie](mailto:disputes@eccdublin.ie) W: [www.eccdublin.ie](http://www.eccdublin.ie)

## ADR Benefits for Business

- ✓ Less costly
- ✓ Reduces the risk of being sued in Court
- ✓ Declaring participation in ADR scheme will generate more consumer confidence which will lead to increased sales.

### Business to Consumer ADR Schemes

Business to business arbitration has a long and successful history in Ireland. But do you know that many businesses also avail of ADR schemes to resolve complaints relating to consumer issues?

This is because in many cases, the cost of settling disputes between consumers and business via the courts greatly outweighs the economic value of the transaction concerned. This together with the time required to make a judicial settlement can make the court system an impractical option.

The advantages of using ADR as opposed to the judicial system for solving consumer disputes are:

1. Creates consumer confidence.
2. Cost Effective
3. Proceedings are confidential unlike court.
4. Expertise of the Arbitrator
5. Quick resolution
6. Can relate to national or cross-border transactions

ADR could be an effective answer to resolving disagreements in your business. ADR professionals have developed guidelines for virtually every type of dispute.

### HOW DOES ADR WORK?

A consumer has a complaint with your company which you cannot resolve – you are a member of an ADR scheme so you can offer the consumer the option of proceeding with the complaint through ADR. Thus the consumer sees your business as transparent and one that is willing to solve disputes should they arise.

Did you know that lack of consumer confidence among consumers is the biggest barrier to shopping online in the EU?

If you want to attract consumers from other EU countries it is particularly useful to state membership of an ADR scheme on websites. Being open to offering remedies and clear about what processes your company has in place creates confidence for the consumer.

There are a number of different types of ADR bodies who offer schemes and you should shop around to find the one that best suits your needs as a business.

For example the Irish Travel Agents Association (ITAA) developed a scheme ten years ago with the Ireland Institute of Arbitration (Ireland Branch). The ITAA found that generally the travel industry worldwide is of the view that disputes are most suitable for resolution via ADR rather than the courts.

Electronic Consumer Dispute Resolution (ECONDR) is also another very popular means of dispute resolution. No matter what your business is, ECONDR helps both consumers and businesses prevent or resolve their complaints and disputes online using a quick, efficient and affordable service.

\* The ECC Dublin provides information to consumers on their consumer rights in the EU and assists consumers with cross-border disputes. The ECC Dublin is funded by the European Commission, the Office of the Director of Consumer Affairs and the Department of Enterprise, Trade and Employment.

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http://v2.theclaimroom.com/index.jsp?host=237

the//internet/ombudsman

14 February 2008  
[Home >](#)

**navigation**

[Home](#)

**login**

**Username**

**Password**

[Forgotten your password?](#)


After login, left click your selected case-file and then click the View Case button.

Once inside your file, the message area highlighted in the above navigation links will display.

Click on a message header to open it and click 'Reply' or the 'Add Message' button to respond.

Click on another link above to move to a different area.

[Full User Guide](#)



[Click to see a screenshot](#)

## Welcome to The Internet Ombudsman

On this service, consumers can register their complaints about products or services that they have purchased on the Internet and have them resolved by neutral conciliators and adjudicators.


We operate a two stage process:-

- 1. Mediation:** A neutral third party engages in confidential discussions with each side to try to facilitate an agreement with which both parties find acceptable. To achieve this, he or she will seek to understand as much as possible as to the concerns of each party and try not just to identify a fair and just outcome, but one that both parties can find appropriate. It may well be that such a solution requires novel elements that a court would not be empowered to order.
- 2. Adjudication:** If mediation does not succeed, then another neutral, the Internet Ombudsman, will consider the joint discussions that have taken place, but not those that were conducted in the private areas to which the other party did not have access, as well as responses to further questions he or she may raise and then rule on an appropriate and fair outcome.

The Adjudication is not binding on the consumer. It may be binding on the supplier dependent on the circumstances under which the Ombudsman is engaged.

There are many benefits for suppliers in agreeing to comply with the decisions of the adjudicator as follows:-

1. Speedy third party resolution online is less costly, in terms of management time, and provides more information, to most suppliers than when responding to complaints themselves.
2. Reduces the burden and risk on the credit card charge-back system as well as speeding up closure.



[www.theinternetombudsman.com](http://www.theinternetombudsman.com)

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http://v2.theclaimroom.com/index.bpx?host=237&entry=890&area=entry&entryarea=4398

BBC - Radio 5 live | Parallel Track - PDA Track | Send your stories - LDP Business | Subscribe confirm final | **The Internet Ombudsman**

## the//internet/ombudsman

07 March 2008  
Home > Case Selection > Case No. 890 > Open Conciliation Area >

Case No. 890  
Complainant: Mr Andy Angry  
Supplier : High Street Furnishings Ltd

navigation

- Home
- Available Cases
- Summary
- The Complaint
- Open Conciliation Area**
- Conciliator and Complainant Only
- Adjudication Area
- Documents
- Agreement
- Ajudication Decision
- Private Notes of Complainant

logged in

**Logged in as tiocomplainant.**

Logout

After login, left click your selected case-file and then click the View Case button.

Once inside your file, the message area highlighted in the above navigation links will display.

Click on a message header to open it and click 'Reply' or the 'Add Message' button to respond.

Open Conciliation Area - | Refresh | Add Message | Sort By: Title | Date | Full Text

**Note:** The table below shows the classes of users (in either green or red) who are able to access this message area.  
Classes in neither green nor red cannot access this area.  
Green = Read/Write      Red = Read Only

Complainant	Supplier	Conciliator	Adjudicator
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**22 Jun 2005 04:29pm GMT**

[ **Complainant** ]      **Complaint**      [Reply](#)

Posted by **Mr Andy Angry** Thank you Mr Jones for explaining matters.

I would add to the description of my complaint the fact that I did call HSF immediately the chair was delivered and found to be damaged. I was old to try to screw the leg back on but this was not possible as it had been broken.

I would also add that the attitude of HSF staff was very rude whenever I called them. They did not seem interseted and I felt as if they thought I had damaged the chair simply to get out of the deal.

[ **Conciliator** ]      **Substitute Conciliator**      22 Jun 2005 04:23pm GMT      [Reply](#)

[ **Conciliator** ]      **Chair**      22 Jun 2005 04:14pm GMT      [Reply](#)

Find: bated      Match case

[www.theinternetombudsman.com](http://www.theinternetombudsman.com)

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## Users of TheMediation Room.com include:-

- HM Court Service (England and Wales) – Small Claims Court
  - National Institutes of Health – USA (workplace disputes in the health service)
  - National Mediation Board – USA (workplace disputes in the railway industry)
  - Law Council of Australia
  - Commonwealth Telecommunications Organisation
  - eBay/PayPal - Consumer disputes
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Results of ODR pilot project will be available from

[www.eccdublin.ie](http://www.eccdublin.ie)

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