

New rules for Online Dispute Resolution due in force from January 2016

From 9 January 2016, all businesses that sell goods or services online must place a link on their website to the EU Commission's Online Dispute Resolution (ODR) Platform. Online businesses that are committed to using ADR must also provide information about the ODR platform in their contractual terms and conditions.

From January 2016, the European Commission will set up an online platform (the ODR platform). This will allow consumers who have a complaint about a product or service bought online to submit the complaint via an online complaint form to a trader based in another European country. In cross-border disputes, consumers needing assistance in filling out the form and traders receiving a complaint will be able to get information and assistance from advisers based in their own country, who will work with their European counterparts to facilitate communication between the parties involved in the dispute.

From 9 January 2016, all online traders must provide a link to the ODR platform on their website and state the online trader's e-mail address, irrespective of whether they currently market their products or services to consumers in other Member States. An online marketplace must provide a link to the ODR platform on its website.

Where, under an enactment, trade association rules or a term of a contract, a trader is obliged to use an ADR procedure provided by an ADR entity or EU listed body, the trader must, in addition, provide a link to the ODR platform in any offer made to a consumer by e-mail and inform consumers of the existence of the ODR platform and the possibility of using the ODR platform for resolving disputes. This information must also be provided in general online terms and conditions for sales or services contracts where they exist.