

### Roundtable 3: Cross-border ADR to enforce single market rules

Quick, cheap, neutral and flexible alternative dispute resolution (ADR) mechanisms are very important in cross-border commerce, where consumers face higher barriers when it comes to enforcing their rights.

In addition, traders offering goods and services in EU cross-border transactions benefits from easy-accessible, low-cost out-of-court redress mechanisms such as ADR/ODR.

The ECC-Net engages in thousands of cases each year where consumers and traders in different EU countries find themselves in a dispute that needs assistance from an ADR. Many ADRs in EU have streamlined processes and good knowledge in handling national cases, but the same is not always the situation when it comes to handling cross-border disputes.

The 29 European Consumer Centres (all EU countries, Norway, and Iceland) carried out a recent study on the use of ADR in cross-border disputes. The study was based on the experiences from ECC-Net case handling and cooperation with ADRs and the focus was on barriers for consumers and on how to strengthen ADR in the EU.

The study identified the main problems as experienced by ECC-Net practitioners that on a daily basis engage with ADR entities in all EU countries:

- **There is a lack of trader engagement in ADR procedures and compliance with ADR decisions.**
- **In some countries, there is still not full ADR coverage in reality – there are still sectors and areas where there are no ADRs available.**
- **Language barriers are still in some situations preventing consumers from making use of ADR mechanisms in another country.**
- **It is not always possible for the consumers (and traders) to engage in an ADR procedure via easily accessible online procedures.**

The study can be seen as a reality check on EU cross-border ADR as it is today with the following overall conclusion:

***ADR in the EU is a resolution mechanism with too much variation in coverage and quality that tends to diverge significantly across the EU countries as well as cross-sectors.***

With other words, after 7 years with notified ADRs in the EU, there is room to secure a fully coherent and consistent approach supporting high-quality cross-border ADR throughout the EU. Improvements that enable European consumers to make more use of ADR in cross-border disputes.

Improvements that ensure traders a level playing field where not only traders from some EU countries and sectors are obliged to participate in - and pay for - ADR. Improvements that helps ADR entities when dealing with a cross-border case.

### Questions to the participants

1. Do you recognise the barriers and issues identified by the ECC-Net and mentioned above? What are you missing in the description above about the status in cross-border ADR in the EU?
2. How could we improve the use of ADR in cross-border disputes? Which legislative changes could be relevant? Which non-legislative initiatives could improve the situation?