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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Directive amending Directive 2013/11/EU on
alternative dispute resolution for consumer disputes, as well as Directives (EU)
2015/2302, (EU) 2019/2161 and (EU) 2020/1828, following the discontinuation of the
European Online Dispute Resolution Platform**

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1. BACKGROUND

Date of publication of the proposal: (COM(2023) 649 final – 2023/376 COD)	17 October 2023
Date of the opinion of the European Economic and Social Committee:	14 February 2024
Date of the first reading position of the European Parliament:	13 March 2024
Date of the position of the Council	17 November 2025

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The aim of this proposal is:

- (a) to expand the material and the geographical scope of the Directive;
- (b) to incentivise traders to participate in alternative dispute resolution (ADR) by introducing an obligation for traders to reply to ADR enquiries within a specific timeframe to indicate whether or not they intend to participate;
- (c) to better assist consumers in cross-border disputes through the introduction of ADR contact points;
- (d) to alleviate the administrative burden on the actors involved in the ADR process;
- (e) to have a digital information tool on redress mechanisms developed for consumers by the Commission.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The Council's position at first reading comprises the following key aspects on which the co-legislators were able to find agreement:

- (a) extending the **material scope** to include contractual disputes related to the pre-contractual stage, contracts for the provision of digital content and digital services, and contracts for which the consumer does not pay a price. The proposed extension

of the scope to include disputes stemming from non-contractual obligations was deleted;

- (b) extending the **geographical scope** to include third-country traders subject to (i) a joint request for an ADR procedure from the trader and the consumer, and (ii) the trader's activity being directed towards one or more Member States. Member States may set additional conditions for the participation of third country traders in ADR procedures;
- (c) introducing new definitions and adapting existing ones to reflect the modified scope of Directive 2013/11/EU;
- (d) introducing a **duty for traders to reply** to requests from ADR entities within a period of 20 working days to indicate whether or not they agree to participate in an ADR process. In the case of complex disputes or exceptional circumstances this period may be extended to 30 working days. Upon expiry of the deadline, if a trader has not replied, the ADR entity may take this to mean the trader has refused to participate in the procedure and may close the case and inform the consumer accordingly. Further consequences of traders failing to reply will be laid down in national legislation. Exemptions from the duty to reply are applicable where national legislation makes the trader's participation mandatory, the outcomes of ADR procedures can be reached without the trader's consent to participate, or the trader has already committed to participate in ADR procedures;
- (e) introducing an obligation for Member States to put in place **measures to promote the participation of traders and consumers in ADR procedures**. When designing and implementing these measures, Member States are expected to pay particular attention to sectors with low levels of trader participation and high numbers of consumer complaints, such as transport and tourism, in particular in the field of air passenger rights. Alternatively, Member States may introduce mandatory participation in those sectors;
- (f) incorporating a new provision whereby consumers must be informed in advance if **automated means** are used in ADR decision-making processes;
- (g) including **unfair commercial practices and terms** among the practices about which ADR entities and the competent authorities must mutually exchange information in the event of multiple consumer complaints. In addition, ADR entities are obliged to make the competent authorities' contact information publicly available;
- (h) simplifying certain **reporting requirements**. Specifically, ADR entities no longer need to publish their activity reports every year but every two years. Moreover, they are no longer required to report on their cooperation within ADR networks. Nevertheless, it was agreed to maintain the reporting requirements regarding i) the effectiveness of ADR networks, ii) the training provided to staff and iii) how ADR entities intend to improve their performance;
- (i) including an obligation for the **competent authorities** to carry out the **necessary checks** to monitor compliance with this Directive. A recital clarifies that ADR entities, competent authorities and ADR contact points must have adequate human, material and financial **resources** and that Member States may determine the appropriate forms of funding for this purpose;
- (j) setting a **transposition deadline** for the Directive of 26 months following its entry into force and an **application deadline** six months after, i.e. 32 months following entry into force of the Directive.

The Commission welcomed the constructive atmosphere throughout the negotiations. As a result of the review of Directive 2013/11/EU, EU consumers will have access to an out-of-court dispute resolution process which is fit for the digital age. The Council's position fully reflects the political agreement reached between the European Parliament and the Council on 26 June 2025. For this reason, the Commission can accept the aspects set out above for the purposes of reaching a final agreement and can endorse the Council's position.

4. CONCLUSION

The Commission accepts the position taken by the Council.