C/2024/7272

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Statement of the Council's reasons: Position (EU) No 1/2024 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council repealing Regulation (EU) No 524/2013, and amending Regulations (EU) 2017/2394 and (EU) 2018/1724 with regard to the discontinuation of the European Online Dispute Resolution Platform

(C/2024/7272)

I. INTRODUCTION

1. On 17 October 2023, the Commission submitted to the European Parliament and the Council a proposal for a Regulation of the European Parliament and of the Council repealing Regulation (EU) No 524/2013 and amending Regulations (EU) 2017/2394 and (EU) 2018/1724 with regards to the discontinuation of the European ODR Platform ([1]).

2. The proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

3. The European Economic and Social Committee delivered its opinion on 14 February 2024. ([2])

4. The European Parliament adopted its position at first reading ([3]) by taking over the Commission proposal at the plenary session on 13 March 2024 and forwarded its position to the Council.

5. On 25 September 2024, the Permanent Representatives Committee reached a political agreement ([4]) not to make any amendments to the Commission proposal, subject to legal-linguistic revision.

6. On 5 November 2024 the Chair of the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) sent a letter to the Chair of the Permanent Representatives Committee confirming that, should the Council approve the Commission proposal text without changes at first reading, after legal-linguistic revision, the Parliament would approve the Council's position without amendments in its second reading.

7. According to the fifth paragraph of Article 294 TFEU, if the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament. According to the sixth paragraph of Article 294 TFEU, the Council shall inform the European Parliament fully of the reasons which led it to adopt its position at first reading.

II. OBJECTIVE

8. The Regulation aims to repeal Regulation (EU) No 524/2013, thus discontinuing the ODR platform and removing the associated obligations. The level of performance of the ODR platform does not justify the costs incurred by the Commission to maintain the tool, nor the cost borne by public administrations and by online businesses to comply with their obligations under the ODR Regulation.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

9. The Council agrees with the Commission proposal and, consequently, with the European Parliament's position at first reading on the substance. However, the Council's position at first reading contains the text with the necessary revisions by the lawyer-linguists. It makes no substantial amendments to the text but seeks to clarify its language for reasons of legal certainty.

IV. CONCLUSIONS

10. On substance, the Council position at first reading does not amend the Commission proposal and, consequently, is in line with the European Parliament's position. The Council position at first reading only includes changes resulting from the legal-linguistic revision. It should therefore allow the Parliament to approve the Council's position without amendments in its second reading.

([1]) Doc. 14451/23.
([2]) Doc. 6964/24.
([3]) Doc. 10617/24.
([4]) Doc. 13402/24.