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2023/0375 (COD)

**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 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

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2023) 647 final – 2023/0375 COD): 17 October 2023

Date of the opinion of the European Economic and Social Committee: 14 February 2024

Date of the position of the European Parliament, first reading: 13 March 2024

Date of transmission of the amended proposal: N/A

Date of adoption of the position of the Council by qualified majority: 19 November 2024

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The Commission 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 is part of the Rationalisation Package which aims at reducing the administrative burden to maintain the competitiveness of European businesses, in line with the Communication on long-term competitiveness of the EU¹.

The Regulation (EU) No 524/2013 was adopted for the purpose of establishing a European Online Dispute Resolution Platform (hereafter “the European ODR Platform”) where consumers and traders from the EU and EEA could refer their disputes over online purchases to Alternative Dispute Resolution (ADR) entities. The European ODR platform has been operating since 2016 as a multilingual digital infrastructure where consumers and traders can,

¹ Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of Regions: Long-term competitiveness of the EU: looking beyond 2030, Brussels, 16.3.2023, COM(2023) 168 final, https://commission.europa.eu/system/files/2023-03/Communication_Long-term-competitiveness.pdf

by mutual agreement, request an ADR entity to resolve their dispute over an online purchase. The Regulation provided for the Commission to manage the platform, and online businesses to comply with certain information obligations on their websites in order to enhance visibility to the platform. The Regulation further provided for every Member State to host an ODR contact point with two ODR advisors. Despite over two million visits to the European ODR Platform annually, its objective under the Regulation (EU) No 524/2013 was not fulfilled, as only 200 disputes on average reached an ADR entity every year, and the costs of its technical maintenance have been increasing.

The objective of the Commission's proposal is to repeal the ODR Regulation and to discontinue the ODR platform. Pursuant to Annex 7 to the relevant Impact Assessment², discontinuing the platform will save EUR 4,4 million over ten years for the EU budget (annual savings of EUR 600,000 for the maintenance costs of the platform, with eventual additional annual expenditure of EUR 100,000 for other developed solutions to redirect consumers to the right ADR entity), with net benefit of EUR 370 million for businesses due to the removal of superfluous obligations.

The repeal of the ODR Regulation does not undermine the policy objectives related to ADR for consumers. The Commission will maintain the list of the ADR entities and provide information on consumer redress after the European ODR platform is discontinued. The Commission Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828³, which is currently in the inter-institutional dialogues, will provide legal basis for digital tools informing consumers of appropriate redress options, and amend, where necessary, other Directives that mention the European ODR Platform.

3. COMMENTS ON THE POSITION OF THE COUNCIL

In line with the political agreement, the Commission proposal has not been amended on the substance. Instead, it has been referred to the lawyer-linguist revision with a view to the next procedural steps for its adoption by the co-legislators.

The Council's position wholly reflects the original Commission proposal. The legal-linguistic changes do not affect the implementation of the Regulation, its timeline or the role played by the Commission.

The Commission can therefore endorse the Council's proposal.

4. CONCLUSION

The Commission supports the text adopted by the Council.

² Commission Staff Working Document Impact Assessment Report Accompanying the document Proposal for a Directive of the European Parliament and of the Council 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 https://commission.europa.eu/document/download/8be88573-0f6e-48f6-9ba4-cabb04c3a8f_en?filename=SWD_2023_335_1_EN_impact_assessment_part1_v2.pdf

³ Brussels, 17.10.2023 COM(2023) 649 final 2023/0376(COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0649>