



STATUTORY INSTRUMENTS.

S.I. No. 343 of 2015

EUROPEAN UNION (ALTERNATIVE DISPUTE RESOLUTION FOR
CONSUMER DISPUTES) REGULATIONS 2015

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**EUROPEAN UNION (ALTERNATIVE DISPUTE RESOLUTION FOR
CONSUMER DISPUTES) REGULATIONS 2015**

I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013¹, hereby make the following regulations:

PART 1

PRELIMINARY MATTERS

Citation

1. These Regulations may be cited as the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015.

Interpretation

2. (1) In these Regulations—

“Act of 2007” means the Consumer Protection Act 2007 (No. 19 of 2007);

“Act of 2014” means the Competition and Consumer Protection Act 2014 (No. 29 of 2014);

“ADR” means alternative dispute resolution;

“ADR procedure” means a procedure, as referred to in Regulation 3(1), which complies with the requirements set out in these Regulations and is carried out by an ADR entity;

“ADR entity” means any entity, however named or referred to, which is established on a durable basis and offers the resolution of a dispute through an ADR procedure that is listed in accordance with Regulation 8;

“annual activity report” shall be construed in accordance with Regulation 10;

“calendar year” means the period commencing on each 1 January and ending on the 31 December and includes the part of that period that an ADR entity is listed in accordance with Regulation 8;

“Commission” means the Competition and Consumer Protection Commission;

¹OJ No L 165, 18.06.2013, p.63.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th August, 2015.*

“consumer” means any natural person (whether in the State or not) who is acting wholly or mainly for purposes unrelated to the person’s trade, business, craft or profession;

“cross-border dispute” means a contractual dispute arising from a sales or service contract where, at the time the consumer orders the goods or services, the consumer is resident in a Member State other than the Member State in which the trader is established;

“Directive” means Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013² on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC;

“domestic dispute” means a contractual dispute arising from a sales or service contract where, at the time a consumer orders the goods or services, the consumer is resident in the same Member State as that in which the trader is established;

“durable medium” means any medium, including paper and e-mail, that—

- (a) enables information to be stored in a way that is accessible for future reference for a period of time adequate to the purposes of the information, and
- (b) allows the unchanged reproduction of the stored information;

“Regulations of 2013” means the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013);

“sales contract” means a contract under which the trader transfers or undertakes to transfer the ownership of goods to a consumer and the consumer pays or undertakes to pay the price thereof, including a contract having as its object both goods and services;

“service contract” means a contract, other than a sales contract, under which the trader supplies or undertakes to supply a service to a consumer and the consumer pays or undertakes to pay the price thereof;

“trader” means

- (a) a natural person,
- (b) or a legal person, whether—
 - (i) privately owned,
 - (ii) publicly owned, or
 - (iii) partly privately owned and partly publicly owned,

²OJ No. L165, 18.06.2013, p.63.

who is acting for purposes related to the person's trade, business, craft or profession, and includes any person acting in the name, or on behalf, of the trader.

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

(3) Save where the Directive states otherwise, where any provision of the Directive conflicts with a provision laid down in another legal act of the European Union which relates to out-of-court redress procedures initiated by a consumer against a trader, the provision of the Directive shall prevail.

(4) The Directive shall be without prejudice to Directive 2008/52/EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters³.

(5) Article 13 of the Directive shall be without prejudice to provisions of consumer information on out-of-court redress procedures contained in other legal acts of the European Union which shall apply to that Article.

Application of Regulations

3. (1) Subject to paragraph (2), these Regulations shall apply to procedures for the out-of-court resolution of domestic and cross-border disputes concerning contractual obligations stemming from sales contracts or service contracts between a trader established in the European Union and a consumer resident in the European Union through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution.

(2) These Regulations shall not apply to:

- (a) procedures before dispute resolution entities where the natural persons in charge of dispute resolution are employed or remunerated exclusively by the individual trader;
- (b) procedures before consumer complaint-handling systems operated by the trader;
- (c) non-economic services of general interest;
- (d) disputes between traders;
- (e) direct negotiation between the consumer and the trader;
- (f) attempts made by a judge to settle a dispute in the course of a judicial proceeding concerning that dispute;
- (g) procedures initiated by a trader against a consumer;

³O.J. No. L136, 24.05.2008, p.1.

- (h) health services provided by health professionals to patients to assess, maintain or restore their state of health, including the prescription, dispensation and provision of medicinal products and medical devices; and
- (i) public providers of further or higher education.

Place of establishment

4. (1) For the purpose of these Regulations, an ADR entity is established—
 - (a) if operated by a natural person, at the place where he or she carries out ADR activities,
 - (b) if the entity is operated by a legal person or an association of natural or legal persons, at the place where that legal person or association of natural or legal persons carries out ADR activities or has its statutory seat, or
 - (c) if it is operated by an authority or other public body, at the place where that authority or other public body has its seat.

(2) For the purposes of these Regulations, a trader shall be treated as being established—

- (a) if the trader is a natural person, where he or she has his or her place of business, or
- (b) if the trader is a company or other legal person or association of natural or legal persons, where it has its statutory seat, central administration or place of business, including a branch, agency or any other establishment.

PART 2

THE COMMISSION AND GENERAL INFORMATION

The Commission

5. (1) The Commission is designated as the competent authority in the State for the purposes of these Regulations and the Directive.
- (2) The Commission shall encourage relevant consumer organisations and business associations to make publicly available on their websites, and by any other means they consider appropriate, the list of ADR entities referred to in Article 20(4) of the Directive.
- (3) The Commission shall ensure appropriate dissemination of information on how consumers can access ADR procedures for resolving disputes to which these Regulations apply.
- (4) The Commission shall take measures to encourage consumer organisations and professional organisations to—

- (a) raise awareness of ADR entities and their procedures,
- (b) promote the use of ADR by traders and consumers, and
- (c) provide consumers with information about competent ADR entities when they receive complaints from consumers.

(5) Where a network of ADR entities facilitating the resolution of cross-border disputes exists in a sector-specific area within the Union, the Commission shall encourage ADR entities that deal with disputes in that area to become a member of that network.

- (6) (a) The Commission shall encourage ADR entities to provide training for natural persons in charge of ADR procedures for the purposes of Regulation 11(2)(a).
- (b) If such training is provided, the Commission shall monitor the training schemes established by the ADR entities on the basis of information communicated to it in accordance with Regulation 10(3)(g).

(7) By 9 July 2018, and every 4 years thereafter, the Commission shall publish and send to the European Commission a report on the development and functioning of ADR entities listed in accordance with Regulation 8.

- (8) The report referred to in paragraph (7) shall—
 - (a) identify best practices of ADR entities,
 - (b) identify the shortcomings, supported by statistics, that hinder the functioning of such ADR entities for both domestic and cross-border disputes, where appropriate, and
 - (c) make recommendations on how to improve the effective and efficient functioning of such ADR entities, where appropriate.

The European Consumer Centre Ireland

6. (1) The European Consumer Centre Ireland shall, with regard to disputes arising from cross-border sales or service contracts, provide consumers with information and assistance to access ADR entities operating in another Member State which is competent to deal with a consumer's cross-border dispute.

- (2) The European Consumer Centre Ireland—
 - (a) shall make the list of ADR entities referred to in Article 20(4) of the Directive publicly available by providing a link to the relevant European Commission website on its website, and
 - (b) in so far as is possible, make the list referred to in paragraph (a) available on a durable medium at its premises.

PART 3

NOTIFICATION AND REQUIREMENTS APPLICABLE TO ADR ENTITIES AND ADR PROCEDURES

Information to be notified to Commission by ADR entity

7. (1) A dispute resolution entity established in the State which intends to qualify as an ADR entity under these Regulations and be listed in accordance with Regulation 8 shall notify the Commission of the information specified in Schedule 1.

(2) The notification referred to in paragraph (1) shall be submitted in a form and manner specified by the Commission.

(3) Where a dispute resolution entity has made a notification under paragraph (1), the Commission shall assess whether—

- (a) it qualifies as an ADR entity falling within the scope of these Regulations, and
- (b) it complies with the quality requirements set out in Part 3 of these Regulations,

and shall in such assessment, include the information notified to it under paragraph (2).

(4) As soon as reasonably practicable, the Commission shall notify the dispute resolution entity in writing of its assessment under paragraph (3).

(5) An ADR entity shall without undue delay notify any changes to the information referred to in paragraphs (a) to (h) of Schedule 1 to the Commission.

List of ADR entities

8. (1) The Commission shall, on the basis of the assessment under Regulation 7(3), establish and maintain a list of ADR entities that have been notified to it and which fulfil the conditions in Regulation 7(3).

(2) The list referred to in paragraph (1) shall include the following information:

- (a) the name, contact details and website address of the ADR entity;
- (b) the fees, if applicable;
- (c) the language or languages in which complaints can be submitted and the ADR procedure conducted;
- (d) the types of disputes covered by the ADR procedure;
- (e) the sectors and categories of disputes covered by the ADR entity;

- (f) the need for the physical presence of the parties or of their representatives, if applicable, including a statement by the ADR entity on whether the ADR procedure is or can be conducted as an oral or a written procedure; and
- (g) the binding or non-binding nature of the outcome of the procedure.

(3) The Commission shall without undue delay notify the European Commission of the list of ADR entities referred to in paragraph (1) and where any changes to it are notified to the Commission (including any changes notified in accordance with Regulation 7(5)), the Commission shall—

- (a) update the list without undue delay, and
- (b) notify the relevant information to the European Commission.

(4) The Commission shall monitor the compliance of ADR entities with the requirements of these Regulations and if a dispute resolution entity listed as an ADR entity no longer complies with the requirements of Regulation 7(3), the Commission shall notify the ADR entity in writing, specifying the requirements that the ADR entity has failed to comply with and request it to ensure compliance immediately.

- (5) (a) If the dispute resolution entity, referred to in paragraph (3), after a period of 3 months still does not fulfil the requirements referred to in Regulation 7(3), the Commission shall remove the dispute resolution entity from the list referred to in paragraph (1).
- (b) The Commission shall update the list referred to in paragraph (1) without undue delay and shall notify the relevant information to the European Commission.

(6) The Commission shall make publicly available the list of ADR entities referred to in Article 20(4) of the Directive—

- (a) by providing a link to the relevant European Commission website on its website, and
- (b) by making the consolidated list available on a durable medium.

Obligations on ADR entities

9. (1) An ADR entity shall:

- (a) maintain an up-to-date website which provides the parties with easy access to information concerning the ADR procedure, and which enables consumers to submit a complaint and the requisite supporting documents online;
- (b) provide the parties, at their request, with the information referred to in subparagraph (a) on a durable medium;

- (c) where applicable, enable the consumer to submit a complaint offline;
 - (d) enable the exchange of information between the parties via electronic means or, if applicable, by post;
 - (e) accept both domestic and cross-border disputes, including disputes covered by Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013⁴ on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC; and
 - (f) when dealing with disputes to which these Regulations apply, take the necessary measures to ensure that the processing of personal data complies with the rules on the protection of personal data in accordance with the Data Protection Acts 1988 and 2003.
- (2) An ADR entity shall—
- (a) cooperate with other ADR entities in the resolution of cross-border disputes, and
 - (b) conduct regular exchanges of best practices with other ADR entities as regards the settlement of both cross-border and domestic disputes.

Reporting

10. (1) An ADR entity shall make a report (in these Regulations referred to as an “annual activity report”) publicly available—
- (a) on its website,
 - (b) on a durable medium upon request, and
 - (c) by any other means it considers appropriate,

within 6 months of the expiration of each calendar year.

- (2) An annual activity report shall include the following information in relation to both domestic disputes and cross border disputes:
- (a) the number of disputes received and the types of complaints to which they related;
 - (b) any systematic or significant problems that occur frequently and lead to disputes between consumers and traders and such information may be accompanied by recommendations as to how such problems can be avoided or resolved in future, in order to raise traders’ standards and to facilitate the exchange of information and best practices;
 - (c) the percentage share of ADR procedures which were discontinued and, if known, the reasons for their discontinuation;

⁴O.J.No. L 165, 18.6.2013, p. 1.

- (d) the average time taken to resolve disputes;
- (e) the rate of compliance, if known, with the outcomes of the ADR procedures; and
- (f) cooperation of ADR entities within networks of ADR entities which facilitate the resolution of cross-border disputes, if applicable.

(3) An ADR entity shall submit a report to the Commission, within 6 months of the expiration of every 2 calendar years and the report shall include the following information:

- (a) the number of disputes it has received and the types of complaints to which they related;
- (b) the percentage share of ADR procedures which were discontinued before an outcome was reached;
- (c) the average time taken to resolve the disputes received;
- (d) the rate of compliance, if known, with the outcomes of the ADR procedures;
- (e) any systematic or significant problems that occur frequently and lead to disputes between consumers and traders and such information communicated in this regard may be accompanied by recommendations as to how such problems can be avoided or resolved in future;
- (f) where applicable, an assessment of the effectiveness of their cooperation within networks of ADR entities facilitating the resolution of cross-border disputes;
- (g) where applicable, the training provided to natural persons in charge of ADR procedures for the purpose of Regulation 5(6); and
- (h) an assessment of the effectiveness of the ADR procedure offered by the entity and of possible ways of improving its performance.

Expertise, independence and impartiality

11. (1) An ADR entity shall ensure that a natural person who is in charge of ADR shall possess the necessary expertise and be independent and impartial.

(2) A natural person referred to in paragraph (1) shall:

- (a) possess the necessary knowledge and skills in the field of alternative or judicial resolution of consumer disputes, as well as a general understanding of law;
- (b) be appointed for a term of office of sufficient duration to ensure the independence of his or her actions, and not be liable to be relieved from his or her duties without just cause;

- (c) not be subject to any instructions from either party or the representatives of the parties;
- (d) be remunerated in a way that is not linked to the outcome of the procedure; and
- (e) disclose without undue delay, to the ADR entity—
 - (i) any circumstances that may, or may be seen to, affect his or her independence and impartiality or give rise to a conflict of interest with either party to the dispute that the natural person concerned is asked to resolve; and
 - (ii) throughout the ADR procedure, the circumstances referred to in clause (i).

(3) Without prejudice to Regulation 14(2)(a), an ADR entity shall have in place procedures to ensure that in the circumstances referred to in paragraph (2)(e)—

- (a) the natural person concerned is replaced by another natural person who shall be entrusted with conducting the ADR procedure,
- (b) where it is not possible to replace the natural person as provided for in subparagraph (a), the natural person concerned shall refrain from conducting the ADR procedure and, where possible, the ADR entity shall propose to the parties to submit the dispute to another ADR entity which is competent to deal with the dispute, or,
- (c) where it is not possible to comply with subparagraph (b), the circumstances are disclosed to the parties and the natural person concerned is allowed to continue to conduct the ADR procedure only if the parties have not objected after they have been informed of the circumstances and their right to object.

(4) Where an ADR entity comprises only one natural person, paragraph 3(a) shall not apply.

(5) An ADR entity shall ensure that there where the natural persons in charge of dispute resolution form part of a collegial body, there are an equal number of representatives of consumers' interests and of representatives of traders' interests in that body.

(6) Subject to paragraph (7), where the natural person in charge of ADR is employed or remunerated exclusively by a professional organisation or a business association of which the trader is a member, the ADR entity concerned shall, in addition to paragraphs (1), (2) and (5), have a separate and dedicated budget at the disposal of that person which is sufficient to fulfil the carrying out of his or her tasks.

(7) Paragraph (6) shall not apply where the natural persons concerned form part of a collegial body composed of an equal number of representatives of the professional organisation or business association by which he or she is employed or remunerated and of consumer organisations.

Transparency

12. (1) An ADR entity shall make publicly available, in a clear and easily understandable manner, the information specified in Schedule 2—

- (a) on its website,
- (b) on a durable medium upon request, and
- (c) by any other means it considers appropriate.

(2) An ADR entity—

- (a) shall make the list of ADR entities referred to in Article 20(4) of the Directive publicly available by providing a link to the relevant European Commission website on its website, and
- (b) if possible, make the list referred to in paragraph (a) available on a durable medium at its premises.

Effectiveness

13. (1) An ADR entity shall ensure that the ADR procedures it carries out are effective and fulfil the requirements specified in paragraph (2).

(2) The requirements referred to in paragraph (1) are:

- (a) the ADR procedure is available and easily accessible online and off-line to both parties irrespective of where they are;
- (b) the parties have access to the ADR procedure without being obliged to retain a lawyer or legal advisor but the ADR procedure shall not deprive the parties of their right to independent advice or to be represented or assisted by a third party at any stage of the procedure;
- (c) the ADR procedure is free of charge or available at a nominal fee for consumers;
- (d) the ADR entity which has received a complaint notifies the parties to the dispute as soon as it has received all the documents containing the relevant information relating to the complaint;
- (e) subject to subparagraph (f), the outcome of the ADR procedure is made available within a period of 90 calendar days from the date on which the ADR entity has received the complete complaint file; and
- (f) in the case of highly complex disputes, the ADR entity in charge may, at its own discretion, extend the 90 calendar days' time period and shall inform the parties to the dispute in writing of any extension of

that period and of the expected length of time that will be needed for the conclusion of the dispute.

Fairness

14. (1) An ADR entity shall ensure that in ADR procedures:

- (a) the parties have the possibility, within a reasonable period of time, of-
 - (i) expressing their point of view,
 - (ii) being provided by the ADR entity with the arguments, evidence, documents and facts put forward by the other party, any statements made and opinions given by experts, and
 - (iii) being able to comment on them;
- (b) the parties are informed that they are not obliged to retain a lawyer or legal advisor, but they may seek independent advice or be represented or assisted by a third party at any stage of the procedure; and
- (c) the parties are notified of the outcome of the ADR procedure in writing or on a durable medium, and are given a statement of the grounds on which the outcome is based.

(2) In ADR procedures which aim at resolving the dispute by proposing a solution, an ADR entity shall ensure that:

- (a) the parties have the possibility of withdrawing from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure and for that purpose an ADR entity shall inform the parties of that right before the procedure commences;
- (b) the parties, before agreeing or following a proposed solution, are informed that:
 - (i) they have the choice as to whether or not to agree to or follow the proposed solution;
 - (ii) participation in the procedure does not preclude the possibility of seeking redress through court proceedings; and
 - (iii) the proposed solution may be different from an outcome determined by a court applying legal rules;
- (c) the parties, before agreeing to or following a proposed solution, are informed of the legal effect of agreeing to or following such a proposed solution; and
- (d) the parties, before expressing their consent to a proposed solution or amicable agreement, are allowed a reasonable period of time to reflect.

Liberty

15. (1) An ADR entity shall ensure that an agreement between a consumer and a trader to submit complaints to the ADR entity is not binding on the consumer if—

- (a) it was concluded before the dispute has materialised, and
- (b) it has the effect of depriving the consumer of his or her right to bring an action before the courts for the settlement of the dispute.

(2) Where an ADR procedure has the objective of resolving a dispute by imposing a solution, the ADR entity shall, in advance of the commencement of the ADR procedure, notify the parties of the binding nature of the procedure.

(3) Where an ADR procedure has the objective of resolving the dispute by imposing a solution, any solution imposed pursuant to the procedure shall not be binding on the parties unless the parties—

- (a) were informed of the binding nature of that solution in advance in accordance with paragraph (2), and
- (b) specifically accepted the binding nature of that solution.

Legality

16. (1) Where an ADR procedure has the objective of resolving the dispute by imposing a solution on the consumer, an ADR entity shall ensure that:

- (a) in a situation where there is no conflict of laws, the solution imposed shall not result in the consumer being deprived of the protection afforded to him or her by the provisions that cannot be derogated from by agreement by virtue of the law of the Member State where the consumer and the trader are habitually resident;
- (b) in a situation involving a conflict of laws, where the law applicable to the sales or service contract is determined in accordance with Article 6(1) and 6(2) of Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008⁵ on the law applicable to contractual obligations (Rome I), the solution imposed by the ADR entity shall not result in the consumer being deprived of the protection afforded to him or her by the provisions that cannot be derogated from by agreement by virtue of the law of the Member State in which he or she is habitually resident; or
- (c) in a situation involving a conflict of laws, where the law applicable to the sales or service contract is determined in accordance with Article 5(1) to (3) of the Rome Convention⁶ on the law applicable to contractual obligations, the solution imposed by the ADR entity shall not result in the consumer being deprived of the protection afforded to

⁵O.J.No. L 177, 04.07.2008, p.6.

⁶O.J. No. C 27, 26.01.98, p.34.

him or her by the mandatory rules of the law of the Member State in which he or she is habitually resident.

(2) For the purposes of this Regulation, ‘habitual residence’ shall be determined in accordance with Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I).

Effect of ADR procedures on limitation and prescription periods

17. (1) Where parties to a dispute attempt to settle the dispute, and have in respect of such attempt had recourse to ADR procedures which have an outcome that is not binding on the parties, the parties shall not be prevented from initiating judicial proceedings in relation to that dispute by virtue of the expiry, during the period in which the ADR procedure concerned took place, of a limitation period that applies to the dispute or to a prescription period.

(2) Paragraph (1) is without prejudice to limitation or prescription periods contained in an international agreement to which the State is a party.

PART 4

CONSUMER INFORMATION BY TRADERS

Consumer information by traders

18. (1) A trader established in the State that has committed or is obliged to use an ADR entity to resolve disputes with consumers shall inform a consumer of the ADR entity or entities which cover that trader’s sector including the website address of the relevant ADR entities.

(2) A trader shall provide the information referred to in paragraph (1) in a clear, comprehensible and easily accessible way—

- (a) on the trader’s website, where one exists, and,
- (b) if applicable, in the general terms and conditions of sales or service contracts between the trader and a consumer.

(3) If a dispute between a consumer and a trader could not be settled further to a complaint submitted directly by the consumer to the trader, the trader shall provide the consumer with the information referred to in paragraph (1) and shall specify whether he or she will make use of the relevant ADR entity to settle the dispute.

(4) The trader shall provide the information referred to in paragraph (3) in writing or on another durable medium.

(5) A trader who contravenes a provision of this Regulation shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or to both.

(6) Sections 77, 78, 80 and 84 of the Act of 2007 shall apply to an offence under these Regulations as they apply to an offence under that Act and, accordingly, references in those sections to an offence under that Act shall be construed as including references to an offence under these Regulations.

PART 5

ENFORCEMENT

Amendment of Act of 2007

19. The Act of 2007 is amended—

(a) in section 67, by the insertion of the following paragraph after paragraph (g) (inserted by Regulation 33(b) of the Regulations of 2013):

“(h) any contravention of the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 343 of 2015),”,

(b) in section 90(1)—

(i) in paragraph (e), (inserted by Regulation 33(d) of the Regulations of 2013), by the substitution of “2013);” for “2013).”, and

(ii) by the insertion of the following paragraph after paragraph (e):

“(f) the provisions of the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 343 of 2015).”,

and

(c) in Schedule 5, by the insertion—

(i) in Column (1), of: “S.I. No. 343 of 2015”, and

(ii) in Column (2), of: “the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015”.

Amendment of European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006 (S.I. No. 290 of 2006)

20. The European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006 (S.I. No. 290 of 2006) are amended in the Schedule by the insertion of the following entry after the entry at Reference Number 20 (inserted by Regulation 36 of the Regulations of 2013):

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21.	Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 ⁷ on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC	European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 343 of 2015)	Competition and Consumer Protection Commission
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Amendment of European Communities (Court Orders for the Protection of Consumer Interests) Regulations 2010 (S.I. No. 555 of 2010)

21. The European Communities (Court Orders for the Protection of Consumer Interests) Regulations 2010 (S.I. No. 555 of 2010) are amended in the Schedule by the insertion of the following paragraph after paragraph 14 (inserted by Regulation 37 of the Regulations of 2013):

“15. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC.”.

Construction of References

22. (1) Section 75 of the Act of 2007 shall apply for the purposes of these Regulations subject to the modification that references to a prohibited act or practice shall be construed as a reference to a contravention of these Regulations.

(2) Section 87 of the Act of 2007 shall apply for the purposes of these Regulations subject to the modification that references to the relevant statutory provisions shall be construed as a reference to these Regulations.

(3) Sections 10(1), 24, 35 and 36 of the Act of 2014 shall apply for the purposes of these Regulations subject to the modification that references to the relevant statutory provisions shall be construed as a reference to these Regulations.

⁷OJ No L 165, 18.06.2013, p.63.

SCHEDULE 1

Regulation 7
Notification

The information to be provided by a dispute resolution entity in a notification referred to in Regulation 7(2) is as follows:

- (a) the name, contact details and website address of the dispute resolution entity;
- (b) information on the structure and funding of the dispute resolution entity, including information on the natural persons in charge of dispute resolution, the remuneration of such persons, the term of office of such persons and the persons by whom those natural persons are employed;
- (c) the procedural rules of the dispute resolution entity;
- (d) the fees charged by the dispute resolution entity, if applicable;
- (e) the average length of the dispute resolution procedures;
- (f) the language or languages in which complaints can be submitted and the dispute resolution procedure conducted;
- (g) a statement on the types of disputes covered by the dispute resolution procedure;
- (h) a reasoned statement on whether the entity qualifies as an ADR entity for the purpose of these Regulations and complies with the requirements set out in Part 3 of these Regulations.

SCHEDULE 2

Regulation 12(1)

Information to be provided by ADR Entity

The information to be provided by the ADR entity in accordance with Regulation 12(1) is as follows:

- (a) the contact details of the ADR entity, including its postal address and e-mail address;
- (b) a statement that the ADR entity is listed in accordance with Regulation 8;
- (c) a list of the natural persons in charge of ADR procedures, the method of the appointment of such persons and the length of the mandate of such persons;
- (d) the membership of the ADR entity in networks of ADR entities facilitating cross-border dispute resolution, if applicable;
- (e) the types of disputes the ADR entity is competent to deal with, including any threshold if applicable;
- (f) the languages in which complaints can be submitted to the ADR entity and in which the ADR procedure is conducted;
- (g) the types of rules the ADR entity may use as a basis for the dispute resolution, including legal provisions, considerations of equity and codes of conduct;
- (h) any preliminary requirements the parties may have to meet before an ADR procedure can be instituted, including the requirement that an attempt be made by the consumer to resolve the matter directly with the trader;
- (i) whether or not the parties can withdraw from the procedure;
- (j) the costs, if any, to be borne by the parties, including any rules on awarding costs at the end of the procedure;
- (k) the average length of the ADR procedure;
- (l) the legal effect of the outcome of the ADR procedure, including the penalties for non-compliance in the case of a decision having binding effect on the parties, if applicable;
- (m) the enforceability of the ADR decision, if relevant.



GIVEN under my Official Seal,
31 July 2015.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Regulations give effect to Directive 2013/11/EU on alternative dispute resolution for consumer disputes and amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC.

The Regulations apply to procedures for the out-of-court resolution of domestic and cross-border consumer disputes concerning contractual obligations stemming from sales or services contracts, both online and offline, in all economic sectors, other than the exempted sectors and only apply to complaints submitted by a consumer against a trader.

The Regulations designate the Competition and Consumer Protection Commission as the competent authority in the State for the purposes of the Directive and the enforcement of the Regulations.

The Regulations set out the requirements which a dispute resolution entity must fulfil to be recognised as a qualified ADR entity, and specifies the information which a trader must make available to a consumer.

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