



CENTRE EUROPEEN DES CONSOMMATEURS GIE  
**LUXEMBOURG**



Co-funded by  
the European Union

## **1<sup>st</sup> ANNUAL ODR REPORT 2016**

**18<sup>th</sup> April 2016 – 31<sup>st</sup> December 2016**

**Centre Européen des Consommateurs (CEC)  
Groupement d'Intérêt Économique (GIE) du Luxembourg**

**European Consumer Centre Luxembourg**



## **INTRODUCTION**

Online Dispute Resolution (ODR) and Alternative Dispute Resolution (ADR) are ways for consumers to resolve their complaints about goods and services. In April 2016, the consumer ADR directive (2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes) was implemented in Luxembourgish Law (Code de la Consommation, Loi du 17 février 2016) and requires member states to provide ADR bodies for consumer to business (c2b) disputes. Therefore, Luxembourg notified 3 ADR bodies in November 2016 (Annex 1) to the European Commission.

Additionally, the regulation on ODR (Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes), implemented in February 2016, involves the creation of the ODR-platform as access point for complaints about e-commerce.

Combined, the legislations cover dispute resolution for domestic, cross-border, and e-commerce consumer disputes. The aim is to provide an accessible and simple way for European consumer to access justice and to safeguard their rights in the EU single market.

Since 18<sup>th</sup> April 2016 Luxembourg has a national contact point according to Art. L 412-3 Code de la consommation, with two ODR Advisors, Daniel Bracker and Marie-Christine Mathieu, based in the European Consumer Centre Luxembourg. Daniel Bracker worked in 2016 20 hours per week and Marie-Christine Mathieu 4 hours per week.



### **a) Functioning of the ODR Platform**

The ODR platform is accessible to consumers and traders since 15<sup>th</sup> February 2016. The ODR platform is a web-based platform developed by the European Commission. Its objective is to help consumers and traders in resolving their contractual disputes about online purchases of goods and services out-of-court, in a simple and fast way. The ODR platform only transfers the disputes to the quality dispute resolution ADR- bodies and the Member States establish a national contact point to provide assistance to users of the ODR platform, so called ODR-Advisors. Each dispute resolution body has its own rules and procedure. The consumer can do everything online in 4 main steps:

1. Submitting a complaint.
2. Agreeing on a dispute resolution body.
3. Complaint handling by the dispute resolution body.
4. Outcome and closure of complaint.

### **b) Tasks for the ODR- advisors**

The task of an ODR-advisor is to provide general information on consumer rights and redress in relation to online purchases, to assist with the submission of complaints and to facilitate communication between the parties and the competent ADR entity through the ODR platform.

### **c) Observation by the ODR-advisors**

The ODR-Advisors participated in the ODR-Training and came across some strengths and weaknesses of the platform. For instance, it is important that the consumer knows right from the start, that 4 different parties participate in the ODR- process (Consumer, Trader, ADR- body and ODR-Advisor) and what role they play. The ODR-Advisor only guides the consumer through the ODR-process and the ADR entity solves the dispute. This is not that clear to the consumer. The consumer can get confused, because she/he thinks that the ODR-Advisor is the one who solves the dispute. Or even, that the ODR-Platform is a Customer Service. Also, it should be more clear, how the process of finding the right ADR entity works.



## ACTIVITIES

### 1. Meetings

The Director of the European Consumer Centre Luxembourg, Karin Basenach, participated in the ODR-Meeting On 17<sup>th</sup> of March 2016 in Brussels.

The ODR-Advisors held meetings with the Ministry of Economy, concerning the new ODR-Platform and exchanged general information on ADR and ODR. During the study visit of ECC Luxembourg at the ECC Prague (24.-25.10.2016), Daniel Bracker discussed ODR-topics with the ODR-Advisor of ECC Prague. Mr Claude Fellens the new médiateur de la consommation, presented himself to the European Consumer Centre Luxembourg on 18<sup>th</sup> November 2016 to discuss the cooperation concerning the ODR- Platform.

### 2. ODR Training

The ODR-Advisors participated in the ODR-Training organized by the European Commission.

### 3. Communication Campaign

Unfortunately, Luxembourg was excluded from the first wave of the communication campaign, promoting the ODR platform launched in June 2016, because at this time, Luxembourg had no notified ADR-body. This is also the reason why, Luxembourg has no registered cases on the ODR Platform.

Since the new ADR-bodies have been notified in November 2016, the European Commission targeted Luxembourg with information about ODR.

Luxembourg was kindly invited to join the ODR Xmas campaign 2016, launched between 17.-30. December, promoting the ODR platform in the holiday season, especially for the period before Christmas when consumers shop online. The consumer was targeted via digital communication: a video and a visual ad were posted on the Twitter and Facebook accounts of the ECC Luxemburg and on the website of the ECC Luxemburg.



#### **4. Promoting of ODR in Luxembourg**

Mr Bracker presented the ODR Platform on 4<sup>th</sup> Mai 2016 at the “Midi du Consommateur” (A one hour conference at noon on European Consumer Law) to a wide audience of consumers and professionals. A press release concerning the new national contact point in Luxembourg and the ODR-Platform was posted on Twitter, Facebook and on the ECC Luxembourg’s website.

#### **5. Handling Information requests**

##### **a. Creation of ODR- Fiche de Saisine**

The ODR-Advisors drew up register forms (ODR – Fiche de Saisine) in order to register the information requests submitted to ECC Luxembourg as an ODR contact point (Annex 2).

##### **b. Encoding of requests**

The ODR-Advisors received in 2016 two information requests via the new ODR-email address ([odr@cecluxembourg.lu](mailto:odr@cecluxembourg.lu)) concerning the questions what ODR is and how the ODR-Platform works.

Luxembourg, 21 December 2016

Daniel Bracker LL.M



Centre Européen des Consommateurs GIE

2A, rue Kalchesbrück

L- 1852 Luxembourg

Tél.: +352 26 84 64-1

Fax: +352 26 84 57 61

[www.cecluxembourg.lu](http://www.cecluxembourg.lu)

[odr@cecluxembourg.lu](mailto:odr@cecluxembourg.lu)





## ANNEX 1

### Notified Alternative Dispute Resolution Bodies in Luxembourg

Since the beginning of November 2016, Luxembourg has three notified entities, registered on the list of the alternative dispute resolution bodies within the meaning of Article 431-1 of the Code de la consommation. The new ADR bodies are the following:

1. **The National service of the Mediator of consumption** (Service national du Médiateur de la consommation) is a neutral and independent body which makes a voluntary and confidential procedure designed to resolve consumer disputes available to consumers and traders. This is to say disputes deriving from a sale contract or a service contract entered into between a consumer and a trader, on an amicable basis. The Mediator of consumption may serve as an impartial intermediary in order to facilitate dialogue between the parties and assist them in jointly seeking an amicable solution.
2. **Commission de Surveillance du Secteur Financier - CSSF** (Financial Sector Supervisory Commission)

The CSSF is competent to receive complaints from customers of the professionals subject to its supervision and to act as an intermediary in order to seek an amicable settlement of these complaints. The CSSF acts in its capacity as a dispute resolution body, notably pursuant to the European legislation relating to the out-of-court resolution of consumer disputes that was transposed into Luxembourg national law and introduced into the Consumer Code in 2016.

3. **Commission luxembourgeoise des litiges de voyages – CLLV** (Luxembourg Commission for Travel Disputes)

The entity is competent for disputes in the following sectors: Leisure Services

- Package travel
- Travel agency services

Another ADR body (Institut Luxembourgeois de Régulation) will be notified soon.



**ANNEX 2**

**ODR- FICHE DE SAISINE**

DATE D'INTRODUCTION :

ODR ADVISER : DB  MCM

**Mode d'introduction :**

- Tél.
- E-mail
- Lettre
- Fax
- Visite
- IT-Tool
- ULC
- Autres

**Requérant :**

- CONSOMMATEUR
- PROFESSIONNEL
- ODR CONTACT POINT
- AUTRES

**CONSOMMATEUR**

**PROFESSIONNEL**

<b>Nom:</b>	<b>Nom:</b>
<b>(Adresse):</b>	<b>(Adresse):</b>
<b>Age:</b> <input type="checkbox"/> 16-25 <input type="checkbox"/> 26-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> plus de 65	
<input type="checkbox"/> Homme <input type="checkbox"/> Femme	
<b>E-mail:</b>	<b>E-mail:</b>

**OBJET :**

**OBJET DE LA DEMANDE :**

- BIENS DE CONSOMMATION
- ENSEIGNEMENT
- ENERGIE ET EAU
- SERVICES FINANCIERS
- SERVICES GENERAUX AUX CONSOMMATEURS
- SANTE
- SERVICE ET LOISIRS
- SERVICES POSTAUX ET COMMUNICATION
- SERVICES DE TRANSPORT
- AUTRES
- DEMANDE D'INFORMATION

**DESCRIPTION DE LA PLAINTE :**

- BIEN OU SERVICE DEFECTUEUX
- BIEN OU SERVICE NON CONFORME A LA COMMANDE
- LIVRAISON
- FACTURATION
- GARANTIE
- AUTRES

**REMARQUES COMPLEMENTAIRES :**