



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

## NOTIFICATION FORM FOR DISPUTE RESOLUTION ENTITIES

### Seeking listing as an ADR entity under S.I. No. 343 of 2015 - European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015

The Competition and Consumer Protection Commission (the “Commission”) is the designated competent authority for the purposes of S.I. No. 343 of 2015 (the “Regulations”) and Directive 2013/11/EU on alternative dispute resolution (“ADR”) for consumer disputes (the “Directive”).

A dispute resolution entity which is seeking to qualify as an ADR entity under the Regulations must notify the Commission of the information set out in this notification form. This information is required to enable the Commission to assess, for the purposes of the Regulations, if the notifying entity qualifies as an ADR entity and satisfies the quality requirements thereof. Submission and receipt of a notification cannot be construed as meaning that the notifying entity will be automatically listed as an ADR entity or satisfies the quality requirements under the Regulations.

It is important to ensure that all the required information is supplied with the notification. Failure to supply all or any of the information required will result in the form being returned to the notifying entity and the assessment process, foreseen under Regulation 7 of the Regulations, being suspended until all information has been supplied. All parts of this form must be fully completed by the notifying entity.

The notifying entity should attach to its completed form a schedule of supporting documentary evidence and information that it is forwarding to the Commission in support of its request for qualification as an ADR entity under the Regulations. This supporting material should be supplied in pdf format initially and certified copies may be requested, as appropriate, in due course.

An information note is appended to this form to assist notifying entities to fully complete the form.

Submission of a notification must be made electronically in the format set out below and to the following e-mail address: [adr@ccpc.ie](mailto:adr@ccpc.ie)

The notification must be signed and dated by an appropriate person representing the notifying entity.

## **1. Identity and contact details**

- Name of dispute resolution entity.
- Contact details.
- Website address.

## **2. Structure and funding**

- Structure and funding of the dispute resolution entity.
- The natural persons in charge of dispute resolution.
- The remuneration of such natural persons.
- The term of office of such natural persons.
- The persons by whom those natural persons are employed.

## **3. Procedures**

- The procedural rules of the dispute resolution entity.

## **4. Fees**

- Any and all fees charged by the dispute resolution entity.

## **5. Average length**

- The average length of the dispute resolution procedures.

## **6. Languages**

- The language or languages in which complaints can be submitted.
- The language or languages in which the dispute resolution procedure can be conducted.

## **7. Types of disputes**

- A statement on the types of disputes covered by the dispute resolution procedure.

## **8. Reasoned statement**

A reasoned statement demonstrating that the entity

- a) qualifies as an ADR entity for the purpose of the Regulations, and
- b) complies with the requirements set out in Part 3 of the Regulations, which are -
  - *Access to the entity and to information concerning the ADR procedure* (Regulation 9).
  - *Expertise, independence and impartiality* (Regulation 11).
  - *Transparency* (Regulation 12).
  - *Effectiveness* (Regulation 13).
  - *Fairness* (Regulation 14).
  - *Liberty* (Regulation 15).
  - *Legality* (Regulation 16).

# INFORMATION NOTE

In providing information under the headings above, notifying entities should have regard to the Regulations and are requested to consider the following:

## 1. Identity and contact details

- Does the notifying entity operate under a trading name?
- Did the notifying entity operate under any other trading names previously?
- Does the notifying entity have a registered address for correspondence that differs from where the business of the notifying entity is conducted?
- Does the notifying entity have a preferred email address for business correspondence?
- Does the notifying entity have a fax number, landline number, or mobile phone number for business correspondence?

## 2. Structure and funding

- What is the business model of the notifying entity?
- Is the notifying entity a public body and, if so, under what statute?
- Is the notifying party a private body and, if so, of what legal form?
- Does the notifying entity provide other (non-ADR) services and, if so, to whom?
- Is the notifying entity a member of any networks of ADR entities facilitating cross border dispute resolution?
- What is the organisational structure of the notifying entity?
- Who are the natural persons in charge of dispute resolution?
- What are the remuneration arrangements, in full, of such natural persons?
- What is the term of office/duration of employment of such natural persons?
- Who are the employers of these natural persons and are these arrangements direct or indirect?
- Who is directly involved in ADR duties?
- How are they remunerated (e.g. fixed salary, *per diem* basis, per dispute processed)?
- Who are the employers of those directly involved in ADR duties and on what basis are they employed (e.g. permanent, fixed contract, per diem basis)?
- What is the funding model of the notifying entity? Is it by
  - Fees for services provided?
  - Funding from industry sectors?
  - Retainers from certain firms or sectors?
  - Public funding (from the Irish State, EU or other)?
  - Other sources?
  - A combination of the above? In what proportion?
- What are the details of each funding arrangement in place?
- What proportion of (each) funding goes towards financing the ADR procedures and what proportion goes towards other services the notifying entity provides (if any)?

### **3. Procedures**

- What types of ADR procedures does the notifying entity offer?
- Which ADR procedures are binding or can become binding on the consumer?
- What rules does the notifying entity use as a basis for dispute resolution (e.g. legal provisions, relevant precedents, code of conduct, principles and values)?
- What are the time periods for the commencement and the conclusion of the procedure after the consumer complaint has been lodged?
- Under what circumstances may a party withdraw from an ADR procedure?
- Can the ADR procedure be conducted as an oral or written procedure?
- When is the presence of the consumer required?
- What are the circumstances in which a determination by the notifying entity becomes binding on the consumer and trader and how is that determination enforced?

### **4. Fees**

- Are fees charged to a consumer who initiates a complaint?
- Are any such fees fixed or do they vary in different circumstances and how?
- Are further fees applicable to the consumer (including any sharing of fees) as the dispute resolution progresses?
- If so, when do these arise and how is the consumer kept informed?
- Does the notifying entity apply minimum or maximum award thresholds?

### **5. Average length**

- The average length of time taken to conclude the notifying entity's ADR procedure.
- If you offer more than one type of procedure, what is the average length of time for each procedure?

### **6. Languages**

- In what language or languages can complaints be submitted?
- In what language or languages can the ADR procedure be conducted?

### **7. Types of disputes**

- What sectors or categories of goods or services are covered by the notifying entity's ADR procedures?
- Does the notifying entity apply any monetary threshold to any of the ADR procedures it offers?

### **8. Reasoned statement**

- How does the notifying entity qualify as an ADR entity for the purpose of the Regulations?
- How does the notifying entity comply with the requirements set out in Part 3?

*Access to the entity and to information concerning the ADR procedure (Regulation 9)*

- Do you accept both online and offline consumer complaints?
- Do you accept both domestic and cross-border disputes, including disputes covered by EU Regulation (EU) No. 524/2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC?
- How does your website provide up-to-date and easy access to information concerning the ADR procedure(s)?
- How do you provide up-to-date and easy access to information concerning the ADR procedure(s) in a durable medium (on request)?
- Does your website enable consumers to submit both a complaint and the supporting documents online?
- Does your ADR procedure enable the exchange of information between the parties via electronic means or, if applicable, by post?
- Has the notifying entity put in place 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?
- How will the notifying entity cooperate with other dispute ADR entities in the resolution of cross-border disputes?
- How will the notifying entity exchange best practice with other ADR entities regarding both cross-border and domestic disputes?

*Expertise, independence and impartiality (Regulation 11)*

- What qualifications, experience or accreditation does each natural person in charge of ADR have that ensures they possess the necessary knowledge and skills in the field of alternative or judicial resolution of consumer disputes?
- What qualifications and/or experience does each natural person in charge of ADR have that ensures they possess a general understanding of the law?
- How does the notifying entity ensure that each natural person in charge of ADR is not liable to be relieved from his or her duties without just cause?
- How does the notifying entity ensure that each natural person in charge of ADR is not subject to any instructions from either party to the dispute nor any representative of either party?
- How does the notifying entity ensure that each natural person in charge of ADR is not remunerated in a way that is linked to the outcome of the ADR procedure?
- How does the notifying entity ensure that each natural person in charge of ADR is independent and impartial, and that any circumstances that may or may be seen to affect his or her independence and impartiality or give rise to a conflict of interest are disclosed without undue delay?
- What procedures does the notifying party have in place to deal with a situation where a conflict of interest or perception of lack of independence or impartiality arises? How do these procedures meet the requirements of regulation 11(3)?

- Do the natural persons in charge of ADR form part of a collegial body? If so, are there an equal number of representatives of consumer interests and of representatives of trader interests in that body?
- Is the natural person in charge of ADR employed or remunerated exclusively by a professional organisation or business association of which the trader is a member? If so, does the notifying party have a separate and dedicated budget at the disposal of that person? How has the notifying party ensured that this dedicated budget is sufficient to fulfil the carrying out of his or her tasks?
- Where the notifying entity provides other (non-ADR) services, how will it ensure that the provision of these other services, and the remuneration or funding of such services, will not impinge on the independence and impartiality of those natural persons in charge of or involved in the ADR procedure?

#### *Transparency (Regulation 12)*

- If listed as an ADR entity by the Commission, how will the notifying entity make publicly available, in a clear and easily understandable manner, the information specified in Schedule 2 of the Regulations, on its website and in a durable medium and any other means it considers appropriate?

#### *Effectiveness (Regulation 13)*

- Has the notifying entity ensured that its ADR procedure is available and easily accessible online and offline to both parties irrespective of where they are?
- How has the notifying entity ensured that the parties are not obliged to retain a lawyer or legal advisor but continue to have the right to independent advice or to be represented or assisted by a third party at any stage of the procedure?
- How has the notifying entity ensured that the ADR procedure is available either free of charge or at a nominal fee to consumers?
- When the notifying entity has received a complaint does it notify the parties to the dispute as soon as it has received all the documents containing the relevant information?
- How does/will the notifying party ensure that the outcome of the ADR procedure is made available within 90 days of receiving the complaint?
- How the circumstances for an extension to the 90 day deadline might arise and how they will be handled – e.g. what criteria will be used to base a decision on whether to extend the deadline?

#### *Fairness (Regulation 14)*

- How does/will the notifying entity ensure that the parties have the possibility, within a reasonable period of time, of (i) expressing their point of view, (ii) being provided by the notifying entity with the arguments, evidence, documents and facts put forward by the other party, and (iii) being able to comment on them?
- How does/will the notifying entity ensure that 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?

- Do the notifying entity's ADR procedures provide that both 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?
- Does the notifying entity's ADR procedure propose solutions to disputes? If so,
  - Do the parties have the possibility of withdrawing from the ADR procedure at any stage if they are dissatisfied with the performance or the operation of the procedure?
  - Do you inform the parties of this right before the procedure commences?
  - Are the parties informed that they have a choice as to whether or not to agree to or follow the proposed solution?
  - Are the parties informed that participation in the ADR procedure does not preclude the possibility of seeking redress through court proceedings?
  - Are the parties informed that the proposed solution may be different from an outcome determined by a court applying legal rules?
  - Are the parties informed of the legal effect of agreeing to or following a proposed solution?
  - What time period are the parties allowed to reflect on a proposed solution before expressing their consent or otherwise?

*Liberty* (Regulation 15)

- How will the notifying entity ensure that an agreement between a consumer and a trader to submit a complaint to the entity is not binding on the consumer if it was concluded before the dispute materialised?
- How will the notifying entity ensure that an agreement between a consumer and a trader to submit a complaint to the entity is not binding on the consumer if 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?
- Will (one of) your ADR procedures have the objective of resolving a dispute by imposing a solution? If so, how will you notify the parties of the binding nature of the ADR procedure, in advance of the commencement of the procedure?
- Where (one of) your ADR procedures has the objective of resolving a dispute by imposing a solution, how will you record that the parties have specifically accepted the binding nature of the solution?

*Legality* (Regulation 16)

- If (one of) your ADR procedures has the objective of resolving a dispute by imposing a solution, how will you ensure that the consumer is not deprived of the protection afforded to him/her under law – as required under regulation 16?

**Signature**

- The notification must be signed and dated by an appropriate person representing the notifying entity, such as a director or company secretary.
- Please provide the job title and name of the signatory.