

Survey to be completed at <https://ec.europa.eu/eusurvey/runner/ADR-Report-2018>

SECTION 1: INTRODUCTION

***1. Name of your organisation?**

The Competition and Consumer Protection Commission (CCPC).

***2. Member State in which your organisation is based?**

Ireland

***3. Is your organisation?**

checkbox

label

- | | |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | The sole competent authority in your Member State |
| <input type="checkbox"/> | The competent authority designated as single point of contact in your Member State (your Member State has designated more than one competent authority under Directive 2013/11/EU) |

***4. How many competent authorities operate in your Member State (including your own)?**

The CCPC is the sole competent authority for the purposes of ADR.

***5. Briefly describe your relationship with the other competent authorities in your Member State and how you collected information for the report from those competent authorities.**

The CCPC is the sole competent authority for the purposes of ADR.

SECTION 2. ADR ACTIVITY

***This section is concerned with the activities within the purview of individual competent authorities in your Member State. If there is more than one competent authority in your Member State, please fill in this section separately for each competent authority. To that purpose, you can add another competent authority at the end of each section.**

1. Name of competent authority

The Competition and Consumer Protection Commission (CCPC)

***2. Date it commenced operating as competent authority**

S.I No. 343 of 2015 – European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations which transposes the ADR Directive (2013/11/EU) came into effect on 31 July 2015. CCPC has therefore been operating as the competent authority for the purposes of the ADR Regulations since that date.

***3. Define its area of competence (e.g. by business sector)**

The CCPC has a broad mandate, covering all sectors of the economy, with statutory responsibility for the enforcement of competition and consumer protection law. The CCPC promotes competition and consumer welfare. This is done in a variety of ways, including enforcement of the relevant statutory provisions, conducting research, undertaking studies, publishing papers and making submissions to inform Government policy. The CCPC publishes guidance documents to inform and assist stakeholders and other interested parties in understanding the scope and content of competition and consumer protection laws. The CCPC's consumer helpline and website provide information to consumers to help them make informed decisions and assert their rights. The CCPC offers impartial information about personal finance and promote personal financial education. The CCPC also has specific responsibilities in relation to the safety of consumer products, alternative dispute resolution and the regulation of grocery sector business relationships.

***4. Describe the certification process for becoming a notified ADR body under this competent authority.**

- Any ADR bodies that are seeking to qualify as an ADR entity under S.I No. 343 of 2015 – European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (“the Regulations”) are required to notify the Competition and Consumer Protection Commission.
- ADR bodies are required to complete a notification form (the form and manner of this form has been specified by the CCPC).
- The information required in the notification form is as outlined in Schedule 1 of the Regulations.
- The notification form is available to download from the CCPC website.
- The notification form includes an information note to assist notifying entities to fully complete the form.
- The notifying entity is required to complete the notification form and provide any additional supporting documentation and information in support of its request for qualification as an ADR entity under the Regulations.
- Completed notification forms must be made electronically and sent to adr@ccpc.ie.
- The notification form must be signed and dated by the appropriate person representing the notifying entity.
- On receipt of a completed notification form the CCPC will assess whether the notifying entity

- (a) qualifies as an ADR entity falling within the scope of the Regulations and
- (b) Complies with the quality requirements.

- The CCPC will revert to the notifying entity if any clarification or further information is required to carry out the assessment as described above.
- Once satisfied that the requirements are met, the CCPC will inform the notifying entity that they have been approved.
- The CCPC will also inform the entity of the reporting obligations required under the Regulations in particular;
 - (a) The reporting obligations on ADR bodies as required under Regulation 10,
 - (b) The inclusion of a link on the ADR body website to the European Commission ODR portal.
- Once the EU Commission published the details on the ADR entity, the CCPC will include the details of the approved ADR entity on their website also.

***5. How many ADR bodies are notified under its competence?**

The CCPC to date have notified 4 bodies to the European Commission:

- 3 bodies have been notified and published by the European Commission. The bodies were notified on 18 December 2015, 13 December 2017 and 12 January 2018 respectively.
- 1 body has been notified and are awaiting publication by the European Commission. This body was notified on 11th May 2018.

In addition, 1 application from an ADR body has been received for approval to the CCPC and is currently under consideration.

Note in relation to Question 6 to 13

Regulation 10(1) requires ADR entities to make a report (annual activity report) publicly available within 6 months of the expiration of each calendar year. The annual activity report is required to include the following information:

- (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;

One ADR entity which has been notified since December 2015. In accordance with Regulation 10, this entity has published their annual activity report for the last 3 years on its website. The entity in question has received 110 disputes between 1st January 2016 and 31st December 2017. 106 of these disputes were discontinued for operational reasons.

As the other 3 entities have only been notified/published in 2018, no annual reports or statistics have been published in relation to ADR for these entities. Until such figures are available, it is difficult to give a full overview on ADR activity and we are not in a position to provide full information for Questions 6-13.

As we are required to put a figure in for Q6-13, we have put 0 in for some of these questions in order to proceed with the questionnaire.

***6. How many disputes were submitted to these ADR bodies? 110**

***7. How many complaints were accepted for handling by these ADR bodies? 4**

***8. How many complaints accepted by these ADR bodies were subsequently withdrawn? 0**

*By consumers?0

*By traders?0

***9. How many complaints were refused to be handled by these ADR bodies?0**

***10. Of cases not handled, what percentage were refused because:**

* (a) No prior attempt was made to contact trader

* (b) Complaint was frivolous/vexatious

* (c) Dispute was previously considered by ADR body or court

* (d) The value of the claim fell below an applicable threshold

* (e) The complaint was not submitted on time

* (f) Dealing with the complaint would impair the effective operation of the ADR body

***11. In how many cases did these ADR bodies were able to complete the procedure with an outcome? 4**

*12. How many days on average did these ADR bodies take to issue a final decision? **24 days**

*13. Is there a mechanism for checking and ensuring compliance by the parties with the outcome of the ADR procedure? **N/A**

SECTION 3: BEST PRACTICES & SHORTCOMINGS

***This section requires information to be given about the ADR landscape in your Member State. You should use this section to provide an overview, but you should also provide specific examples and statistical data where appropriate.**

***1. What best practices have developed relating to ADR in your Member State?**

The CCPC has a dedicated webpage to ADR with information on ADR and also information for traders on how to become an approved ADR entity under the Regulations. The terms 'ADR' and 'Alternative Dispute Resolution' are also promoted on search engines so that consumers and traders searching for information online will be directed to the CCPC's information.

The CCPC also has a link to the EU portal on its webpage which provides information to the ADR bodies registered with EU national authorities as compliant with the standards as set down by the ADR Directive. The CCPC received 865 visits to the ADR webpage in a 12 month period from May 2017 to May 2018.

***2. What actions, if any, were taken to promote trader engagement in your Member State and how do you assess the success of these actions (please provide data supporting your assessment)?**

The CCPC has a dedicated webpage to ADR which includes information for traders on how to become an approved ADR entity under the Regulations. The CCPC will afford assistance to dispute resolution bodies who indicate their intention to undertake the notification process.

The CCPC has participated and presented at a number of ADR/ODR seminars notably an ADR/ODR seminar hosted by the Law Society of Ireland and European Consumer Centre (ECC Ireland) in 2015 and an ADR/ODR seminar hosted by Dublin Chamber of Commerce in 2016. (No seminar was held last year). The aim of the seminars was to raise awareness among traders of their obligations under the ADR Directive and ODR Regulation.

In January 2016, the EU-wide Online Dispute Resolution (ODR) platform and ECC Ireland became the host of the national ODR contact point. ECC Ireland is co-funded by the CCPC and the European Commission.

ECC Ireland provides awareness about ADR procedures for consumers in Ireland. Activities undertaken by ECC Ireland to promote awareness and use of ADR procedures include hosting

seminars, making public presentations, issuing press releases and publishing leaflets about the use of ADR procedures.

ECC Ireland has a dedicated page was created on their website featuring information about the ODR platform, the ADR/ODR regulation etc. This also includes the link to the ADR bodies registered with EU national authorities as compliant with the standards as set down by the ADR Directive. A Twitter account was also created - <https://twitter.com/ODRIreland>.

ECC Ireland have held a number of talks at Europe Direct centres in libraries across the country during which mentioned and explained ADR/ODR.

ECC Ireland has published a number of press releases and published leaflets on ADR/ODR. One of the most popular leaflets is the '10 Tips for Online Selling' which is targeted at traders. A seminar about ADR/ODR was also held and jointly run with Europe Direct Network and the Dublin Chamber of Commerce. The event was very well attended by big traders and SMEs. The launch of the leaflet was then promoted via a joint press release with the Dublin Chamber, Twitter, on the website, e-bulletin, and during various interviews.

In 2017, ECC Ireland focused its promotional activities mainly on developing a new ODR leaflet/guide and online advertising. The guide was officially launched on the last day of the National Ploughing Championships in Tullamore where EU Commissioner Phil Hogan was in attendance and helped to promote the guide. A press release was issued to the media - <https://www.eccireland.ie/new-online-dispute-resolution-platform-guide/> - and it was also promoted via Twitter, e-bulletin, and follow-up interviews.

ADR/ODR was also promoted during consumer rights training provided by ECC Ireland to officers from Citizens Information Centres across the country. There were talks held in Sligo, Dublin, Portlaoise, Cork, Limerick, and Galway.

ECC Ireland has distributed the ADR/ODR leaflets to Citizens Information Offices, Europe Direct centres, LEOS, and chambers of commerces around the country. In 2018, ECC Ireland also distributed the ODR guide to all of the citizen's information centres and the Dublin Chamber of Commerce.

***3. Describe the instances, if any, of cooperation between competent authorities and/or ADR bodies in your Member State?**

The CCPC will offer assistance to dispute resolution bodies who indicate their intention to undertake the notification process.

ADR bodies are required to submit the initial notification form and other supporting documents to the CCPC for approval. To date the notification process has required engagement with the bodies in question if any clarification or further information is required to carry out the assessment for notification which the bodies have willingly engaged in.

***4. Describe cooperation between ADR entities and national enforcement authorities in your Member State (Article 17 of Directive 2013/11/EU)**

The CCPC is the sole competent authority for the purposes of ADR

*5. In your Member State is there at least one ADR body available to solve consumer disputes in each economic sector covered by Directive 2013/11/EU? (Please be specific about any gaps in coverage that may exist)

ALL ADR Categories on ODR portal	Covered Y/N
Consumer Goods (27)	
· Food - Fruit and vegetables	Y
· Food – Meat	Y
· Food - Bread and Cereals	Y
· Food - Health food and nutrients	Y
· Food – Other	Y
· Non-alcoholic beverages	Y
· Alcoholic beverages	Y
· Tobacco	Y
· Clothing (including tailor-made goods) and footwear	Y
· House maintenance and improvement goods	Y
· Furnishings	Y
· Large domestic household appliances (including vacuum cleaners and microwaves)	Y
· Small domestic household appliances (including coffee machines and food-processing appliances)	Y
· Electronic goods (non-ICT/recreational)	Y
· Information and Communication Technology (ICT) goods	N
· Leisure goods (sports equipment, musical instruments, etc.)	Y
· New cars	Y
· Second-hand cars	Y
· Other personal transport	Y
· Spares and accessories for vehicles and other means of personal transport	Y
· Fuels and lubricants for vehicles and other means of personal transport	Y
· Books, magazines, newspapers, stationery (excluding postal delivery)	Y
· Pets and pet goods	Y
· Electrical appliances for personal care	Y
· Cosmetics and toiletries for personal care	Y
· Jewellery, silverware, clocks, watches and accessories	Y
· Baby and child care articles	Y
· Cleaning and maintenance products, articles for cleaning and non-durable household articles	Y
· Other	Pending*
Education (3)	
· Schools	Pending

- Language, driving instruction and other private courses Y
- Other Pending

Energy and Water (4)

- Water Y
- Electricity Y
- Gas Y
- Other energy sources Pending

Financial Services (12)

- Financial Services - Payment account and payment services Y
- Financial Services - Credit (excluding mortgage/home loans) Y
- Financial Services - Mortgages / Home loans Y
- Financial Services – Savings Y
- Financial Services – Other Y
- Investments, pensions and securities Y
- Non-life Insurance - Home and property Y
- Non-life Insurance – Transport Y
- Non-life Insurance – Travel Y
- Non-life Insurance - Health, accident and other Y
- Insurance – Life Y
- Insurance – Other Pending

General Consumer Services (14)

- Real estate services Pending
- Construction of new houses Y
- House maintenance and improvement services Y
- House removal and storage Y
- House Cleaning Services Pending
- Personal Care Services Pending
- Cleaning, repair and hiring of clothing and footwear Y
- Support, research and intermediary services Y
- Maintenance and repair of vehicles and other transport Y
- Legal Services and Accountancy Pending
- Funeral services Y
- Child care Y
- Pet Services Y
- Other Pending

Health (6)

- Prescribed Medicine N
- Over-the-counter medication N
- Medical Devices and other physical aids used by patients N
- Health Services N
- Retirement homes and care homes N
- Other N

Leisure Services (9)

- Hotels and other holiday accommodation Y
- Package travel Y
- Travel agency services Y

· Timeshare and similar	Y
· Restaurants and bars	Y
· Services related to sports and hobbies	Y
· Cultural and entertainment services	Y
· Gambling and lotteries	N
· Other leisure services	Y

Postal services and electronic communications (6)

· Postal Services and Couriers	Pending
· Fixed Telephone Services	Pending
· Mobile telephone services	Pending
· Internet Services	Y
· Television Services	Y
· Other Communication Services	Pending

Transport services (8)

· Tram, bus, metro and underground	Y
· Railways	Pending
· Airlines	Y
· Taxi	Y
· Sea, river, other water transport	Y
· Transport infrastructure services	Pending
· Rental services	Y
· Other	Pending

Other (1)

· Other (includes both goods and services)	Pending
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*"Pending" relates to a request from one entity to update their notification and include these additional categories for which they can act as an ADR entity for. This is currently under consideration internally within the CCPC.

***6. Does a residual ADR entity operate in your Member State? if so, what is the share of consumer disputes submitted to ADR entities handled by the residual ADR entity?**

There is no residual ADR operating in Ireland at present. The introduction of same would be a policy matter. Consumer ADR policy matters are predominantly dealt with by the Department of Business, Enterprise and Innovation.

***7. Describe the overall situation in your Member State in relation ADR quality according to the following criteria:**

***(a) Transparency**

When ADR bodies apply to the CCPC to become an approved ADR body under the Regulations, they are asked to demonstrate how they will meet the quality requirements in accordance with the Regulations. No particular issues have arisen to date.

The development of ADR in an Irish context has been slow to date and is in the early stages. Therefore, due to the slow uptake, it is difficult to describe the overall situation and to make an objective assessment with respect to quality. There has been 1 ADR body notified since 2015 and 3 more have been notified in the last 7 months.

*(b) Independence

See above – 7(a)

*(c) Accessibility/Cost

See above – 7(a)

All notified ADR entities offer their ADR procedures free of charge or at a low cost to consumers.

*(d) Expertise in dispute resolution

See above – 7(a)

***8. What shortcomings relating to ADR operating in your Member State have you identified? How did you identify these shortcomings? (Please provide supporting data).**

At present Ireland has a, low cost option of resolving consumer disputes through the Small Claims Procedure of the Irish District Court and as a result Ireland does not have a well-developed ADR culture. In 2016 there were 2786 Small Claims Procedure applications received in Ireland and of these 2072 were settled out of court (includes 1,044 applications received but deemed to fall outside the scope of the rules for small claims.)¹

The success of the Small Claims Procedure therefore has an impact on the development, or lack thereof, of the ADR landscape in Ireland.

At present ADR in Ireland has been slow to develop and there has been relatively low volumes of activity to date. There are 3 ADR bodies notified at present and 1 further entity has been approved and is going through the process of being included onto the EU online portal and then subsequently on our website as an authorised ADR entity.

¹ 2016 Courts Service Annual Report -

[http://www.courts.ie/Courts.ie/library3.nsf/\(WebFiles\)/300A3D2A10D824E88025816800370ED2/\\$FILE/Courts%20Service%20Annual%20Report%202016.pdf](http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/300A3D2A10D824E88025816800370ED2/$FILE/Courts%20Service%20Annual%20Report%202016.pdf)

Participation in ADR is voluntary and traders are not obliged by the Directive to use ADR to settle their disputes. In order for ADR to become more effective, businesses must be willing to engage. There is considerable effort required to establish ADR in an Irish context.

***9. What issues relating to compliance with quality criteria emerged and what actions were taken, if any, to address these issues?**

Not applicable/ No issues arising

***10. What, if any, enforcement proceedings were taken against ADR bodies in your area of competence?**

No enforcement proceedings were taken against ADR bodies.

***11. What other steps if any were taken by your organisation to improve ADR in your area of competence?**

N/A

SECTION 4: RECOMMENDATIONS

***1. What are your recommendations for improving the effectiveness and efficient functioning of ADR entities and of your national ADR landscape altogether?**

The establishment of a forum for competent authorities to engage and discuss issues and share best practice would be beneficial. In this regard we would be very interested in learning about any initiatives taken to promote the development of ADR.

***2. Are there any other issues you would like to raise?**

Not applicable.

***Please note:** After you have submitted the survey, you will have the possibility to download your answers and re-use them for the ADR report to be published under your responsibility. We recommend you follow the same structure as in this survey