

# The Research Project

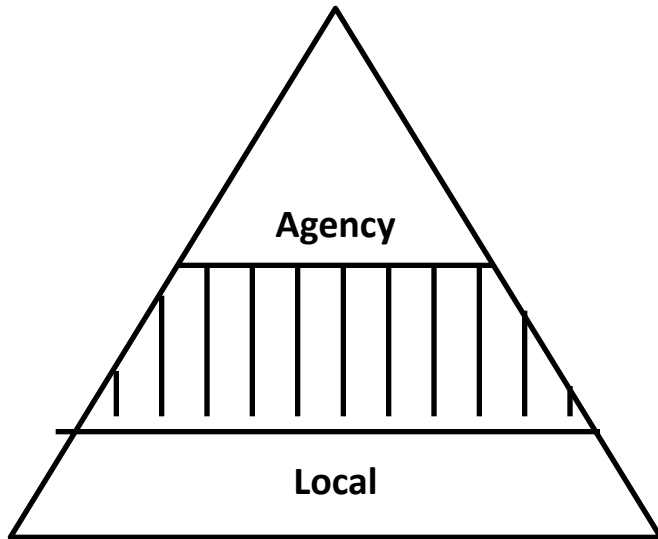
## What is CONSUMER ADR ?

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Oxford and Erasmus Universities

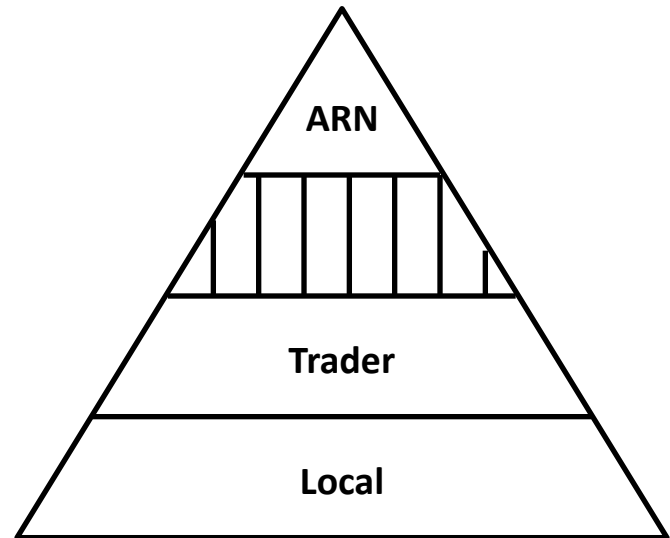
# Confusion over what CADR is

- Courts? Arbitration? Mediation?
- CADR is its own world, with its own architecture, requirements and modes of operation
- Often very small claim value

# Sweden



**Information**

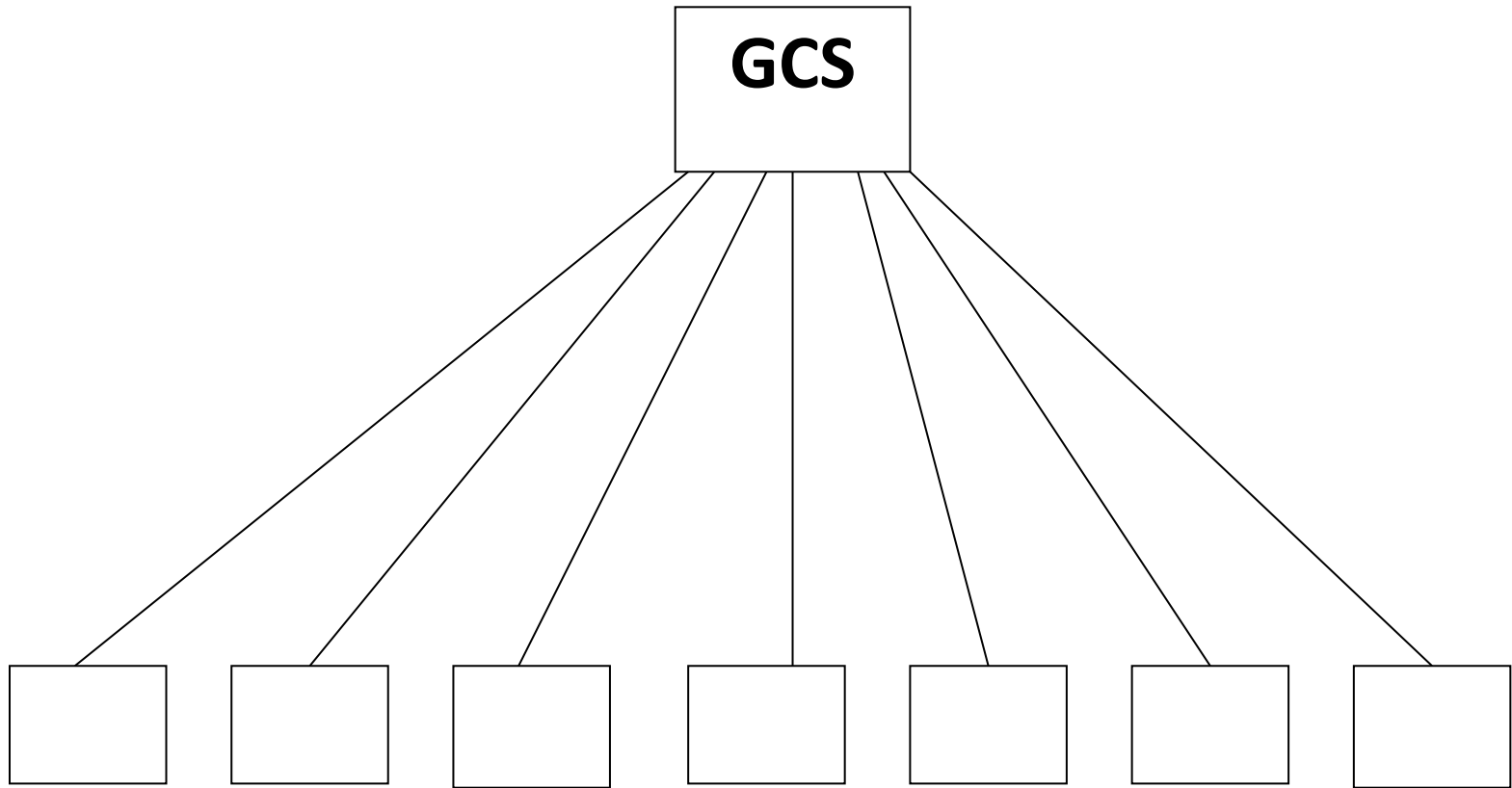


**Dispute**

# UK, GERMANY

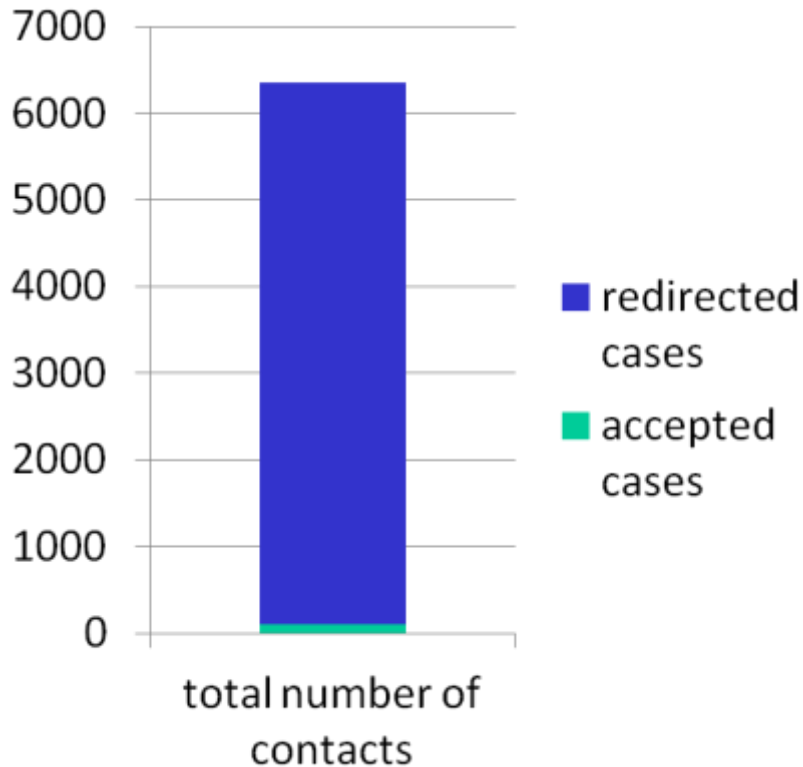


# Netherlands Model



# France

**2010 complaints data GDF SUEZ  
In-house mediation**



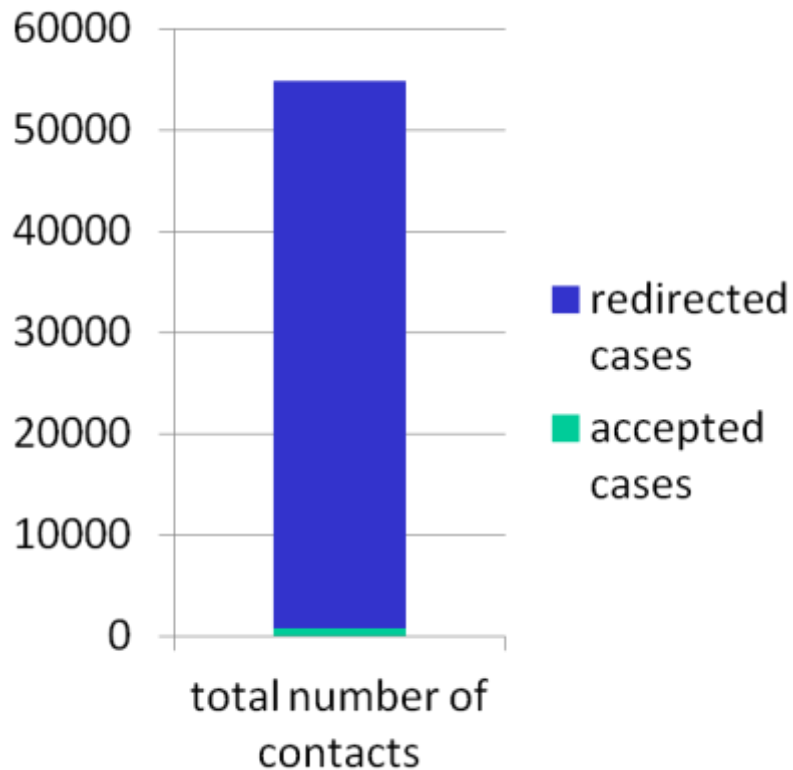
**2010 complaints data Médiateur  
national de l'énergie**



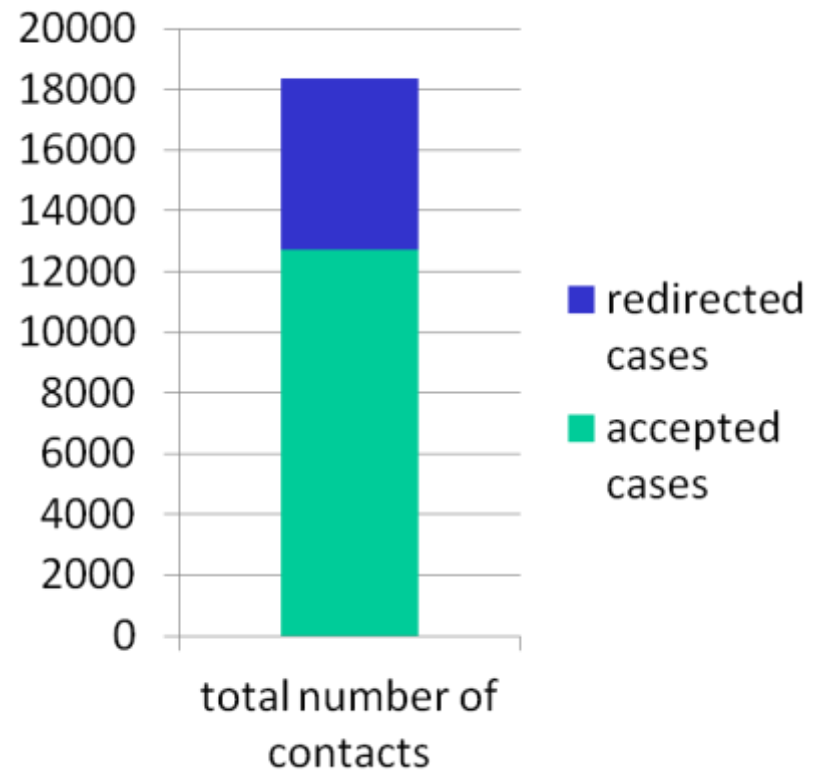
# Germany

## 2010 complaints data

### Bundesnetzagentur Telecom conciliation scheme

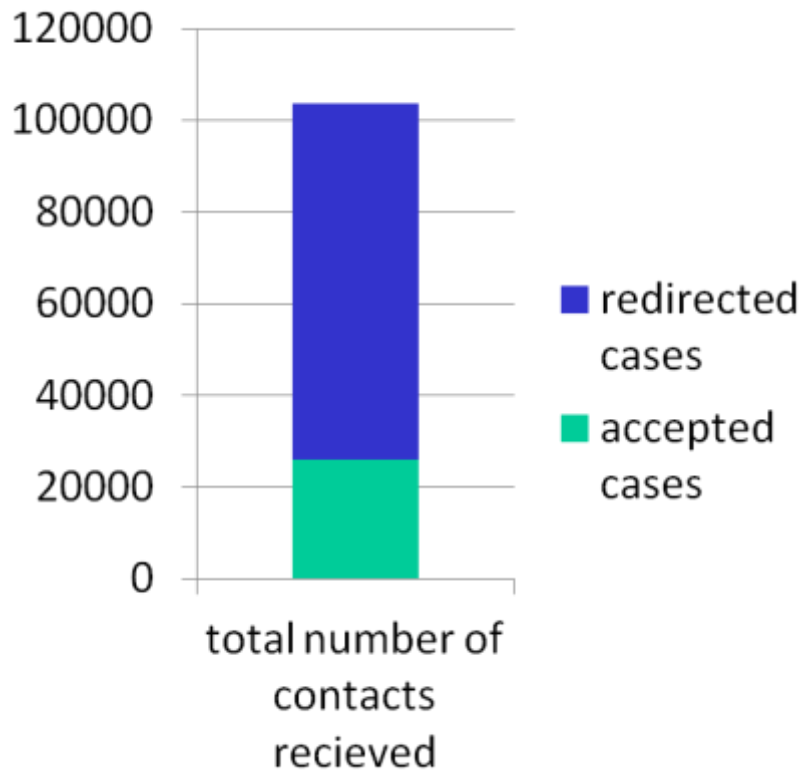


## 2010 complaints data Insurance Ombudsman

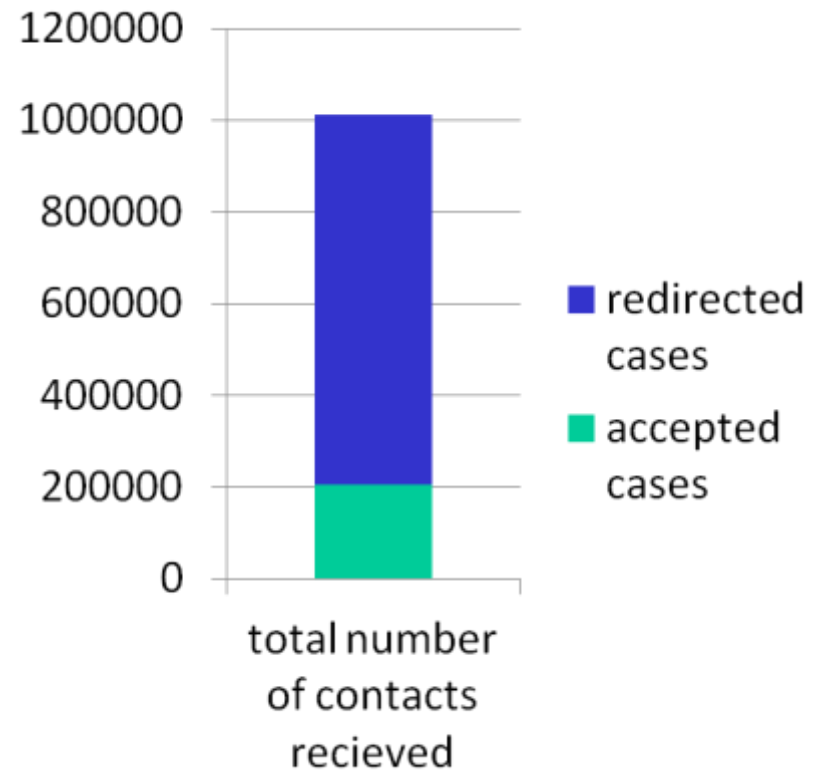


# United Kingdom

## 2010 data Ombudsman Services: Communications



## 2010 complaints data FOS

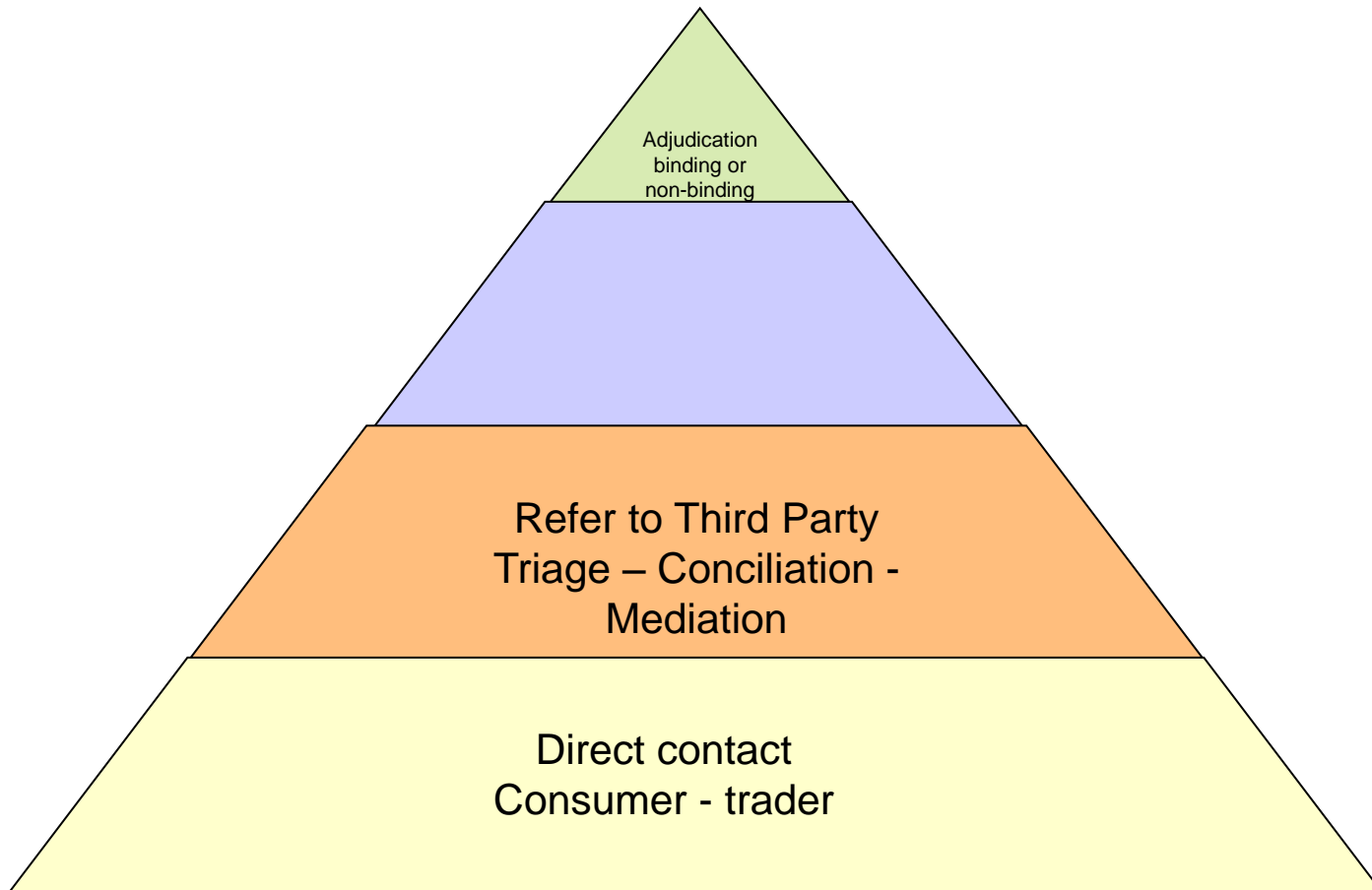




# Historical evolution of Models

- ▶ Courts: Procedural Justice
- ▶ Arbitration: panels of 3
  - ▶ Spain
  - ▶ Nordic Consumer Complaint Boards
  - ▶ Netherlands Geschillencommissie
  - ▶ UK Self-regulatory systems (Codes) and hybrids
- ▶ Mediation: French médiateurs: in ministries/regulators and companies
- ▶ Public Ombudsmen (privatised, regulated industry sectors)
- ▶ Private sector Ombudsmen: single case handlers and ombudsmen

# Multiple Techniques: an escalating pyramid



# Models of CADR

- Rules applied: law; fairness; codes
- Binding & non-binding: + voluntary acceptance
- Coverage: full or sectoral
- CADR often linked with regulatory agency
- Free to consumer: often funded by business (some state funded), rarely a fee

# What CADR can do – if designed well

- Capture small C2B disputes that courts would not: increase access to justice
- Provide a source of reliable information to consumers (although this is best done earlier)
- Improve traders' compliance with legal requirements: market hence regulation, at low cost, especially SMEs
- Hence, solve collective/mass issues

# Commission 2011 ADR/ODR Proposals

## 1. Gaps in coverage

- Sectors
- Member States

Fill gaps by mandatory horizontal cover

Lessons from Netherlands/Nordic unified model

ODR platform

## 2. Lack of awareness

How increase usage?

visibility and adherence: National, EU and global umbrellas

## 3. Variation in quality

Quality principles (the 2 recommendations) and

regulatory scheme with national competent authorities

# The Integrated Model of Dispute Resolution

- **Voluntary Settlement – ADR**

encourage specific schemes, negotiation, mediation, ombudsmen

- **Regulatory Oversight of Restitution**

Danish Consumer Ombudsman: residual powers to arrange collective redress, opt-out, or

UK targeted responsive enforcement policy, plus restorative justice

- **Judicial Procedure**

last resort, so not expansive, generally opt-in

CIVIL JUSTICE SYSTEMS

# Consumer ADR in Europe

*Civil Justice Systems*

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