

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 (Directive on consumer ADR)

CHAPTER I

GENERAL PROVISIONS

*Article 2*

**Scope**

1 This Directive 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 Union and a consumer resident in the 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 This Directive 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, unless Member States decide to allow such procedures as ADR procedures under this Directive and the requirements set out in Chapter II, including the specific requirements of independence and transparency set out in Article 6(3), are met;
- 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;
- 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;
- i public providers of further or higher education.

3 This Directive establishes harmonised quality requirements for ADR entities and ADR procedures in order to ensure that, after its implementation, consumers have access to high-quality, transparent, effective and fair out-of-court redress mechanisms no matter where they reside in the Union. Member States may maintain or introduce rules that go beyond those laid down by this Directive, in order to ensure a higher level of consumer protection.

4 This Directive acknowledges the competence of Member States to determine whether ADR entities established on their territories are to have the power to impose a solution.