

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 II

**ACCESS TO AND REQUIREMENTS APPLICABLE  
TO ADR ENTITIES AND ADR PROCEDURES**

*Article 9*

**Fairness**

- 1 Member States shall ensure that in ADR procedures:
  - a the parties have the possibility, within a reasonable period of time, of expressing their point of view, of being provided by the ADR entity with the arguments, evidence, documents and facts put forward by the other party, any statements made and opinions given by experts, and of being able to comment on them;
  - b the parties are informed that they are not obliged to retain a lawyer or a legal advisor, but they may seek independent advice or be represented or assisted by a third party at any stage of the procedure;
  - c the 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.
- 2 In ADR procedures which aim at resolving the dispute by proposing a solution, Member States shall ensure that:
  - a The parties have the possibility of withdrawing from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure. They shall be informed of that right before the procedure commences. Where national rules provide for mandatory participation by the trader in ADR procedures, this point shall apply only to the consumer.
  - b The parties, before agreeing or following a proposed solution, are informed that:
    - (i) they have the choice as to whether or not to agree to or follow the proposed solution;
    - (ii) participation in the procedure does not preclude the possibility of seeking redress through court proceedings;
    - (iii) the proposed solution may be different from an outcome determined by a court applying legal rules.
  - c The parties, before agreeing to or following a proposed solution, are informed of the legal effect of agreeing to or following such a proposed solution.
  - d The parties, before expressing their consent to a proposed solution or amicable agreement, are allowed a reasonable period of time to reflect.
- 3 Where, in accordance with national law, ADR procedures provide that their outcome becomes binding on the trader once the consumer has accepted the proposed solution, Article 9(2) shall be read as applicable only to the consumer.