

European Civil Justice Systems

Consumer-to-Business

ADR Structures:

Harnessing the Power of CADR for
Dispute Resolution and Regulating Market
Behaviour

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Executive Summary

- Consumer alternative dispute resolution (CADR) systems are appearing as a European solution to small disputes between consumers and traders. There are many minor disputes, which are normally not difficult to resolve if handled appropriately, but for which the mechanism of the courts, and even of small claims tracks, are too cumbersome, slow, and costly.
- Many CADR systems have emerged in European Member States, but most remain largely unknown. They have huge potential, not only as cheap and swift means of resolving consumer disputes, but also through their ability to provide real-time aggregated data on systemic issues that are occurring in markets. The data can be used effectively by consumers, competitors, and regulators to identify emerging problems and prevent them from expanding into mass issues.
- The European Commission proposed legislation in November 2011 on the development of CADR into a pan-EU framework, together with an online (ODR) portal. Such a network would need to guarantee the quality and reliability of CADR providers across all Member States. This policy brief sets out the conclusions of the CMS Civil Justice Systems research team at the Centre for Socio-Legal Studies, Oxford on the state-of-the-art design parameters for European CADR that have emerged from their detailed study into CADR systems in ten Member States (just published,¹ and supplemented by ongoing research into other countries).
- The recommendations cover aspects such as independence; the extent to which business sources of funding are acceptable; whether decisions should be binding or not; the need for a simple, clear structure for CADR systems so as to make them visible and trusted by consumers and business; plus the need for transparency of aggregated data if the regulatory and behavioural benefits of the CADR system are to be achieved.

Consumer-to-Business ADR Structures: Harnessing the Power of CADR for Dispute Resolution and Regulating Market Behaviour

The problem of small disputes

Many disputes between consumers and traders ('C2B disputes') involve very small sums of money. They are usually so small that consumers do not bother with them (the rational apathy problem). The courts in many countries are not good at dealing with small claims, since procedures are too slow, costs too disproportionately high for the small sums involved, and procedures are not user-friendly enough for busy individuals. The European Commission considers that it is 'difficult for consumers to enforce their rights'.² The response by Ministries of Justice has been to simplify court procedures, notably with small claims tracks and encouraging mediation before or during the process.³ But those attempts have not made a major impact.

Of 56,471 consumers surveyed across the European Union (EU) from February to April 2010, more than one in five (21%) had encountered a problem with a good, a service, a retailer, or a provider in the previous 12 months, for which they had a legitimate cause to complain.⁴ The average estimated value of the losses was €375, and median €18. More than three-quarters took some form of action in response (77%) while 22 per cent took no action. Those who took action were most likely to have made a complaint to the retailer or provider (65%), with far fewer complaining to a public authority (16%) or the manufacturer (13%), utilizing an alternative dispute resolution (ADR) body (5%) or court (2%).

Consumer complaints reported by national authorities in 2010 totalled 2.4 million in Germany; 835,591 in the UK; 655,771 in Poland; 396,797 in Spain; 123,951 in Sweden; 114,279 in France; 80,058 in Belgium; 64,063 in the Netherlands; 22,954 in Lithuania; and 15,830 in Slovenia.⁵

In 2011, one in five EU consumers who experienced a problem had not complained to the company, a complaint body, friends or family.⁶ The sectors that experienced the largest number of problems in the EU in 2011 (with very similar rankings to 2010) were, in descending order, internet, TV, mobile phone, trains, second-hand cars, real estate services, house and garden, current bank accounts, vehicle upkeep and repair services, fixed telephone services, investments, pensions, and securities. The gap between the number of problems and complaints was widest in train services; legal and accountancy services; tram, local bus, and metro services; airline services; and second-hand cars, indicating that businesses in these sectors should look at improving their services and complaint accessibility.⁷

Whilst individuals might not be unduly concerned at being unable to pursue small problems or losses, the aggregate value of multiple such issues can represent major illicit profits for traders, constitute serious unacceptable trading behaviour, and lead to significant distortion of competition in the market.

The level of distortion is significant on a cross-border basis within the EU. In recent years, the European Consumer Centres Network (ECC-Net) offices⁸ have handled around 50,000 or more complaints annually, involving products and services, often relating to contract terms. Air transport has been by far the main sector concerned, and a large number of complaints also concerned online transactions (55%).⁹

There has been much discussion about trying to use aggregated litigation, through collective actions, to solve the problem. Such an approach was inspired by the use of class actions in the United States, but many in Europe are concerned that the large financial sums

that would be required to incentivize representative claimants and intermediaries (lawyers and third-party funders)¹⁰ would lead inevitably to a level of abuse that would not be acceptable in Europe.¹¹ The collective action route to consumer redress therefore seems to be a dead end. Instead, it has been realized that an answer is not only available but also currently being operated successfully, in the form of consumer ADR systems.

The distinct world of CADR

Consumer ADR (CADR) is distinct from ADR. ADR is now familiar as an alternative to (though often operating with) courts' civil procedure systems.¹² ADR is understood to include ancient techniques¹³ such as mediation, arbitration, early neutral evaluation, and other approaches. CADR includes the same techniques, but within a unique architectural structure that occupies its own space, unconnected with courts. CADR schemes can be referred to as ombudsmen, mediators, or complaint handling under business codes of conduct, or other structures.

The development of ADR has been quiet but is not new. Some states (the Nordics, Spain, the Netherlands) have been developing their CADR systems for up to forty years. However, a 2005 study of consumer redress by Stuyck and colleagues found that, since many ADR schemes and methods are used, and every Member State has put in place a unique mix, it was not clear how a single 'ideal' ADR system could be proposed, although full national coverage would be desirable.¹⁴ A 2009 study suggested that there were 750 consumer-to-business ADR systems across the EU.¹⁵

Our detailed examination of national schemes in ten Member States confirms the diversity of structures.¹⁶ We have also identified how major individual schemes operate, and analysed the issues that arise.

At European level, general principles were published in 2001 to promote consumer ADR standards for extra-court ADR,¹⁷ mirroring similar principles applicable to the bodies responsible for out-of-court settlement of

1998.¹⁸ A European Code of Conduct for Mediators was published in 2004, which requires mediators to have competence, independence, and impartiality. It states that a mediator must keep confidential all information arising out of or in connection with a mediation, including the fact that the mediation is taking place or has taken place, unless compelled by law or public policy to disclose it. Any information disclosed in confidence by one of the parties must not be disclosed without permission to the other parties, unless compelled by law.¹⁹

A number of sectoral EU Directives either encourage or require traders to belong to an ADR scheme. Among those encouraging ADR are those for e-commerce,²⁰ postal services,²¹ financial instruments,²² and services,²³ and the draft Common European Sales Law.²⁴ It is required for telecoms,²⁵ energy,²⁶ consumer credit,²⁷ and payment services.²⁸

Sectoral cross-border CADR networks are emerging at EU level. FIN-NET (Financial Services Complaints Network)²⁹ was established in 2001 to link fifty CADR schemes for disputes in financial services. In 2009, FIN-NET reported 1,523 cross-border cases, of which 884 were in the banking sector, 244 in the insurance sector, 410 in the investment services sector, and four that could not be attributed to one sector. In 2011, a network of energy sector ombudsmen was formed.³⁰

In November 2011, the European Commission published proposals³¹ for a Directive on Consumer ADR³² and a Regulation to establish a web-based ODR (online dispute resolution) platform³³ to which consumers across the EU could direct a complaint, which would refer the complaint to the correct national body. A 2011 Commission consultation found that in 2009 only 6.6% of the cross border complaints received by the ECC-Net had been transferred to an ADR scheme.³⁴ In summary, the Commission's proposals would create a pan-EU framework of consumer ADR bodies, operating within interlinked national frameworks. Each Member State would have a residual ADR capability that would catch every possible type of ADR claim.

These proposals seek to apply CADR to national as well as cross-border disputes, and full national coverage of all types of disputes. However, not all Member States currently have full coverage. There has been some reluctance by governments to find funds to provide full coverage, or to impose the cost of a privatized scheme on business. Further, in some Member States, major retail and online trading sectors argue that they currently handle disputes satisfactorily through in-house customer relations functions, and do not need to pay for anything else. Some very large traders report only fifty court cases a year, which are often brought where consumers instruct lawyers.³⁵

Harnessing the power of CADR: dispute resolution and market competitiveness

These proposals represent developments of fundamental importance for a number of reasons. CADR clearly has considerable potential in providing not only access to justice for mass similar small-value C2B claims. A 2006 survey found that an average of 42% of Europeans considered it easy to assert their claims against suppliers through some alternative means of dispute resolution such as arbitration, mediation, or conciliation.³⁶ However, this was notably more so in northern states (60%) than in southern and central European states (30%).³⁷

But CADR systems, if they are appropriately designed, also offer considerable regulatory possibilities through supporting high standards of behaviour in markets. Some national CADR systems are clearly realising their considerable potential to deliver both increased consumer protection and behavioural consequences for markets and traders, with great efficiency, low cost, and swift results. The power of information, provided to markets and consumers both pre-contract, post-sale, and after an issue has arisen, can both limit the escalation of an issue and prevent issues ballooning into major regulatory and litigation problems. CADR, when designed and operated properly, has the power to transform existing dispute resolution and regulatory systems, and to form a distinctive and effective European approach.

A model for a national consumer ADR architecture

Having reviewed CADR schemes in thirteen European Member States, we propose the following model for a European CADR system.

1. There should be a national CADR system. It should be recognizable as a system, and have a simple and consistent structure that can be easily identified and remembered by consumers and traders. Hence, it should not consist of a multitude of different models or operational arrangements. It is not necessary to impose a single operational model on every kind of sector or dispute, since some sectors might differ, but there should not be too many variations, and the variations should be few and rational.
2. A CADR body must satisfy the essential requirements. All dispute resolution bodies (including courts and stand-alone arbitrators or mediators) should satisfy the same essential requirements. The key requirements are accessibility, requirements of justice (notably independence and fairness), effectiveness, accountability, and verification.
3. The extent to which proof that a CADR body or scheme satisfies the essential requirements might vary. The extent to which a certification process satisfies the requirements (whether granted by the state, or an independent body, or self-certification) depends on the circumstances. In any event, there should be an inspection/audit process, and a power to disqualify.
4. The name 'ombudsman' or 'médiateur' should be reserved for independent CADR bodies that satisfy the essential requirements. Such names should not be available for in-house customer relations of customer complaint functions, or any bodies that do not comply with the essential requirements. It is, of course, wholly appropriate for traders to use mediation functions, whether in-house or outsourced. However, confusion and misleading

impressions as to independence, etc., must be avoided between independent CADR bodies and traders' in-house complaint handling functions/personnel.

5. CADR bodies that have power to make determinations on merits, whether formally binding or persuasive, should be independent of regulatory authorities, businesses and consumers, or any other interested parties, and have no conflicts of interest.

6. All individuals acting for CADR bodies as mediators or decision-makers should be independent and have no conflicts of interest. They should have professional certification, obtained after undertaking training courses and refreshers approved by professional bodies.

7. The CADR system should be free of charge to consumers.

8. CADR bodies may be funded by the state, or from any other source, provided there are sufficient safeguards to ensure a satisfactory level of trust in their operational and decision-making independence and impartiality.

9. Funding from business is acceptable provided there are (a) governance arrangements that guarantee a majority of non-business personnel on an oversight board, (b) full transparency of the funding, mode of operation, personnel, and performance of the body, and (c) the personnel who are involved in mediation and decision-making functions have no conflict of interest and hold professional certification.

10. Consumers should be able to access accurate, independent, and comprehensive information and advice, both before making purchases (this includes choosing between competing products and services) and afterwards (how to contact traders, how to complain, and possibly assistance in the complaint process). The purpose of the advice function is to support informed and competitive consumer and

trading decisions and to reduce the incidence of problems that need to be resolved as disputes.

11. Such advice should ideally be available from state-authorized bodies, even if funded by business (as on the Nordic model of local Consumer Advice Offices funded by local government, and sectoral State Bureaux funded by business associations).

12. The structure of advice and information bodies, of regulatory and of CADR bodies, should be simple and easy for consumers and traders to understand: a clear national structure is important.

- a. For advice bodies, there should be a national body with comprehensive web information, linked with an appropriate number of local outlets, and with a limited number of national sectoral bodies acting as centres of expertise.
- b. For CADR, there should be an ultimate and residual national CADR body, linked with an appropriate number of sectoral bodies that would be competent for handling all issues within their sectors.
- c. For regulators, there should be an ultimate and residual national consumer authority function, linked with an appropriate number of sectoral authorities that would be competent for issues within their sectors, and with a network of local enforcement authorities.

13. When any issue arises with a product or service that has been sold, consumers should be encouraged to contact (a) the supplier, (b) any appropriate source of independent advice.

14. Traders may if they wish inform consumers of a relevant, approved CADR scheme at any time, before or after purchase.

15. Traders should be required to refer consumers to the relevant CADR scheme, or inform them of their ability to contact it, when a dispute has arisen, pointing out that the facility is not available until the expiry of the time within which the trader may

try to resolve the issue, or unless the trader sends a deadlock notification within that period. The cost of this should be kept to a minimum. If the existence of CADR bodies is sufficiently well-known in the country, this notification requirement may be unnecessary.

16. When a dispute arises, consumers should be required to contact the trader first before referring any dispute to court or to a CADR scheme, and to allow the trader an opportunity to respond to the problem within a fixed time. This would not be required where the trader is suspected of being fraudulent or having committed an offence, in which case the enforcement authority should be told as soon as possible.

17. CADR bodies should not be contacted until the trader has been given a reasonable time to respond: the cost to CADR bodies of rejecting premature complaints can be huge. This assumes that the advice function and the CADR function are split.

18. The time that the trader should be allowed to respond to try to resolve the issue should be fixed, and approved by the regulatory authorities, in consultation with all stakeholders. Current standards of eight weeks seem to apply, but this may vary with size of trader and sector and type of problem. However, any variations should be kept to a minimum, since a national standard time would be simple to remember.

19. The dispute resolution system should follow a simple sequence:

- a. Consumer contacts the trader
- b. Consumer contacts the CADR, or is referred by the trader
- c. CADR tries to conciliate
- d. CADR makes a formal determination on a fair solution

20. In diagrammatic form, the consumer should start at the bottom of a pyramid structure. Most disputes would be resolved at the bottom level, and more

would be solved at each higher level, leaving a minimal number to be formally resolved at the highest level. (See Figure 1).

21. When a dispute is received by a CADR body, after the trader has been given a reasonable time to solve it, the CADR body should normally first try to reach a solution through conciliation, and if that is not possible within a reasonable time or with reasonable and proportionate effort, should then make a determination on a fair and legal outcome.

22. Procedural requirements need to be observed: the procedure to be followed should allow all the parties concerned to present their opinion before the competent body and to be aware of and respond to the arguments and facts put forward by the other party.

23. A CADR body should give a written decision that gives reasons of proportionate length that substantiates the determination.

24. After a CADR body has given a determination, whether it is binding or non-binding, the opponent should be given a reasonable (fixed) time to comply, or provide reasoned objections. The nature of CADR cases is that it would be disproportionate to provide a CADR appeal facility.

25. If a party to a CADR case wishes to enforce a non-binding CADR determination, there should be a fast-track court procedure, in order to save costs. The procedure should not require a re-examination of all the evidence afresh (the case file would be transferred to the court by the CADR), but should provide a reasonable opportunity for either side to introduce fresh evidence (subject to a possible cost penalty if the court's time is wasted). The court should be free to make its own determination on the evidence: there should not be a presumption of liability.

26. In principle, the outcomes of disputes and performance of CADR bodies should be transparent.

Relevant aggregated data should be published by CADR bodies, which can be aggregated with data from public agencies or any other source, in order to give a full picture of market issues that might affect consumer trading. Such aggregated data could inform consumer advice and choice, safety issues, protection issues, and enforcement action. The necessary data includes the number of complaints received, the identity of the traders, the outcomes of contacts (settled by the parties, withdrawn, subject to a decision by the CADR body, complaint upheld or rejected), the nature of the issues raised.

27. Notwithstanding efforts at transparency, it may be disproportionately costly to make available the outcome and reasoning in every individual case. Hence, the amount of information made public may vary by sector and type of case. The level of information made public should be decided by the oversight agency and stakeholders, in consultation with the CADR's governing body.

28. CADR bodies should publish Key Performance Targets, indicating if these are agreed with regulators or stakeholders, and their outputs on performance achieved against such targets, at least on an annual basis. Matters covered should include total administrative cost, cost per case handled, number of complaints processed and outcomes, duration of processing.

29. A consumer should be free to bring a complaint in court (thereby complying with ECHR, art. 6).

- a. The court would be the correct track if any point of law needs to be decided.
- b. The court would also be appropriate as a safety-net or long-stop for any case where the CADR system has broken down, or for any other valid reason.
- c. However, the court would normally not accept straightforward cases that could be resolved by an available CADR system, unless and until that CADR system had been tried and not produced a result. (See the EC *Alassini* case,³⁸

which permits mandatory ADR on condition that it does not result in an unreasonable barrier to effective judicial protection.)

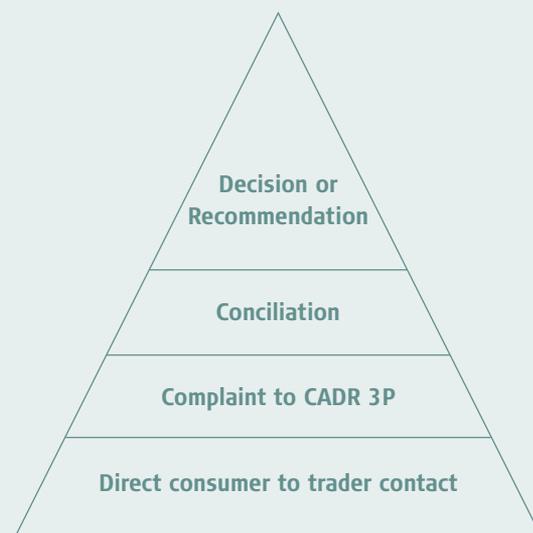
- d. Court guidance may provide that a case should not be commenced unless and until appropriate contact and ADR has occurred between the parties.
- e. Court rules may provide that where a case has been commenced before appropriate contact, and ADR has not occurred between the parties, the commencing party may not or should not be able to recover his costs, and may or should be liable for the opponents' costs.

30. The function of CADR bodies is to apply established law to factual disputes. In principle, CADR bodies should not decide issues of law (although there can be a measure of discretion in cases of little legal importance).

31. CADR bodies should refer issues of law to a court for determination.

32. Equally, courts should refer a case to a relevant CADR body if it involves application of fixed law and it is proportionate for a CADR body to process it. This will usually be the case in mass cases.

Figure 1. Dispute resolution pyramid



Implementation

The European proposals noted above are expected to be approved by Autumn 2012, and to be implemented in Member States eighteen months after that. The real work that needs to be done over the future two years is to develop national CADR schemes so that they operate well and can deliver the regulatory/behavioural benefits of which they are capable. Many Member States have at least some good CADR schemes but, in our view, almost every scheme and national system would benefit from review. The objective should be to encourage business sectors to sponsor a network of high-quality sectoral schemes which conform to a simple model that can be easily recognizable to consumers and operate transparently. The prospect of a new pan-EU structure of CADR schemes opens up considerable opportunities for supporting economic performance, but quality standards must not be compromised.

Notes

1. C. Hodges, I. Benöhr and N. Creutzfeldt-Banda (2012) *Consumer ADR in Europe* (Oxford: Hart Publishing).
2. Commission (EC) 'Proposal for a Directive on alternative dispute resolution for consumer disputes', COM (2011) 793/2, final, 29 November 2011.
3. At EU level, there is Regulation (EC) 861/2007 establishing a European small claims procedure and Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters.
4. Special Eurobarometer 342. Consumer empowerment (European Commission, 2011). Available at: http://ec.europa.eu/consumers/consumer_empowerment/docs/report_eurobarometer_342_en.pdf
5. Commission Staff Working Paper. 'The Consumer Markets Scoreboard. Making markets work for consumers'. 6th edn. October 2011, SEC (2011) 1271, 21.10.2011, p. 25. Note that there are some comparability problems because some countries (such as Germany and Poland) include inquiries as well as complaints.
6. *Ibid.*, para 2.4. See also Eurobarometer, 'Consumer attitudes towards cross-border trade and consumer protection'. Analytical report, 2011. Available at: http://ec.europa.eu/consumers/strategy/docs/consumer_eurobarometer_2011_en.pdf
7. Eurobarometer, 'Consumer attitudes towards cross-border trade and consumer protection' para 2.5.
8. See http://ec.europa.eu/consumers/redress_cons/webcenters_en.htm
9. See http://ec.europa.eu/consumers/ecc/key_facts_figures_en.htm
10. For the swift growth of this market see C. Hodges, J. Peysner and A. Nurse (2012) *Litigation Funding. Status and Issues* (Oxford: Centre for Socio-Legal Studies). Available at: <http://www.csls.ox.ac.uk/documents/ReportonLitigationFunding.pdf>
11. Many EU politicians have referred to the unacceptable risk of abuse. See European Commission DG SANCO, MEMO/08/741, 2009, p. 4 ('The U.S. style class action is not envisaged. EU legal systems are very different from the U.S. legal system which is the result of a "toxic cocktail"—a combination of several elements [punitive damages, contingency fees, opt-out, pre-trial discovery procedures...]; European Parliament resolution of 2 February 2012, 'Towards a Coherent European Approach to Collective Redress' (2011/2089(INI)) ('Notes the efforts made by the US Supreme Court to limit frivolous litigation and abuse of the US class action system ... stresses that Europe must refrain from introducing a US-style class action system or any system which does not respect European legal traditions').
12. Directive 2008/52/EC has had a major impact on some national civil procedures, but mediation had already been introduced in some court systems, notably in England and Wales (Civil Procedure Rules 1999) following Lord Woolf (1996) 'Access to Justice: Interim Report to the Lord Chancellor on the Civil Justice System in England and Wales, Final Report', (London: HMSO). See D. Dwyer (ed) (2009) *The Civil Procedural Rules Ten Years On* (Oxford: Oxford University Press).
13. S. Roberts and M. Palmer (2005) *Dispute Processes. ADR and the Primary Forms of Decision-Making* (Cambridge: Cambridge University Press).
14. J. Stuyck et al. (2007) 'Commission Study on alternative means of consumer redress other than redress through ordinary judicial proceedings' (Catholic University of Leuven, 17 January 2007, issued April 2007). Available at: http://ec.europa.eu/consumers/redress/reports_studies/index_en.htm
15. Civic Consulting, 'Study on the use of Alternative Dispute Resolution in the European Union', 16 October 2009. Available at: http://ec.europa.eu/consumers/redress_cons/adr_study.pdf. We believe 750 to be a considerable over-estimate.
16. C. Hodges, I. Benöhr and N. Creutzfeldt-Banda, *Consumer ADR in Europe*. Preliminary findings announced at a conference in Oxford in October 2011 were: C. Hodges, I. Benöhr and N. Creutzfeldt-Banda (2011) *The Hidden World of Consumer ADR. Redress and Behaviour* (Oxford: The Foundation for Law, Justice and Society). Available at: www.fjls.org/uploads/documents/Hodges-Banda-Benohr_ConsumerADR-Report.pdf
17. Commission Recommendation 2001/310/EC on the Principles for Out-of-Court Bodies involved in the Consensual Resolution of Consumer Disputes.
18. Recommendation 98/257/EC on the Principles Applicable to the Bodies Responsible for Out-of-Court Settlement of Consumer Disputes.
19. European Code of Conduct for Mediators. Available at: http://ec.europa.eu/civiljustice/adr/adr_ec_code_conduct_en.pdf
20. Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.
21. Directive No 2008/6/EC.
22. Directive No 2004/39/EC.
23. Directive 2006/123/EC, art 27.
24. Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law, COM (2011) 635, 11.10.2011, Annex I, art 13.1(g).
25. Directives No 2009/136/EC and No 2009/140/EC; OJ L337, 18.12.2009, p. 11 and 37.
26. Directives No 2009/72/EC and No 2009/73/EC; OJ L 211, 14.8.2009, p. 55 and 94.
27. Directive No 2008/48/EC.
28. Directive No 2007/64/EC.
29. See http://ec.europa.eu/internal_market/finances-retail/finnet/index_en.htm
30. See <http://www.energyombudsmen.com>
31. See 'Communication by the European Commission on "Alternative Dispute Resolution for consumer disputes in the Single Market"', COM (2011) 791/2.
32. Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR), COM (2011) 793/2.
33. Proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR), COM (2011) 793/3.
34. Consultation paper on the use of Alternative Dispute Resolution as a means to resolve disputes related to commercial transactions and practices in the European Union (European Commission, January 2011). Available at: http://ec.europa.eu/dgs/health_consumer/dgs_consultations/ca/docs/adr_consultation_paper_18012011_en.pdf
35. One large UK retailer sold approximately 50 million products in 2011, with average price per item of £35, and received approximately 40,000 customer queries and fifty court claims; another had 130 million transactions with 280,000 consumers, average price per item of £15, and received forty country court cases, of which twenty-seven were admitted or settled straight away: see G. Wynn (2012) *European Commission proposal for a Directive on ADR and a Regulation on ODR, January 2012, BRC Position* (British Retail Consortium).
36. Eurobarometer Special Report 252 'Consumer Protection in the Internal Market', European Commission, 2006, QB28.1.
37. See Commission Staff Working Document, First Consumer Markets Scoreboard, COM (2008) 87, para. 3.2. The survey found that the majority of Slovaks (66%), Czechs (57%), Slovenes (57%), Portuguese (53%), Poles (52%), and Hungarians (50%) find it harder to resolve disputes with suppliers through an arbitration, mediation, or conciliation body.
38. *Rosalba Alassini v Telecom Italia SpA, Filomena Califormio v Wind SpA, Lucia Giorgia Iacono v Telecom Italia SpA and Multiservice Srl v Telecom Italia SpA*, [C-317/8, C-318/08, C-319/08, C-320/08] 18 March 2010.

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The European Civil Justice Systems programme aims to evaluate all options for dispute resolution in a European state, and to propose new frameworks and solutions. It encompasses a comparative examination of procedural, funding, and other mechanisms within civil justice systems, including alternative dispute resolution systems. It aims to analyse the principles and procedures that should, or do apply, and to evaluate effectiveness and outcomes.

The programme also involves research into substantive EU liability law, notably consumer and product liability law, harmonization of laws in the European Union, and in particular the changes taking place in the new Member States of central and Eastern Europe.

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