CONSUMER DISPUTE RESOLUTION – IMPLEMENTING THE DIRECTIVE

Oxford, 30-31 October 2014

This conference will bring together once again public officials, regulators, ombudsmen, ADR bodies, consumers, business and academics interested in ADR to examine the major topical issues arising out of implementation of the EU Consumer ADR Directive.

30 October: MAJOR ISSUES IN BUILDING THE EU SYSTEM

09:00
Registration

Welcome by Professor Timothy Endicott
Dean of the Faculty of Law, University of Oxford

The EU Framework for Consumer ADR
Christoph Decker, European Commission, DG SANCO

09:30-11:00
Session 1: Models, Issues and Lessons on Implementation
Chair: Professor Stefan Vogenauer,
Linklaters Professor of Comparative Law, University of Oxford

- Austria: Dr Maria Reiffenstein, Federal Ministry of Labour, Social Affairs and Consumer Protection
- Belgium: Patricia de Somere, Council of State
- Finland: [Riitta Haapasaari, ]
- France: [M Paccino, Ministry of the Economy]
- Germany: Dr Ulrike Janzen, Bundesministerium der Justiz und für Verbraucherschutz
- Lithuania: Algis Balezentis, Ministry of Justice
- Netherlands: [], Ministry of Justice
- Poland: [Pawel Zagaj, Polish Office of Competition and Consumer Protection]
- Portugal: Teresa Moreira, Director-General, Consumer Directorate-General
- Spain: [Alicia Menendez, ]
- UK: Nick Mawhinney, Department for Business Innovation & Skills
11:00-11:20
Coffee break

11:20-13:00

Session 2: Major Developments
Chair: Professor Cosmo Graham, Leicester University

- Airlines: Dr Christoph Berlin, Schlichtungsstelle für den öffentlichen Personenverkehr, Germany
- ECC: Jolanda Girzl, Konsument Europa/ECC Sweden and Konsumentverket/Swedish Consumer Agency
- Henrik Øe, Consumer Ombudsman, Denmark

13:00-14:00
Lunch

14:00-15:30

Session 3: How to guarantee and build trust and legitimacy in ADR entities?
Dr Naomi Creutzfeldt, CSLS, Oxford

Summary of research project and Chairing Panel discussion on how ADR bodies perceive and respond to trust issues, and how outsiders perceive them. How can/do/should ADRs satisfying the criteria:

a. Expertise
b. Training
c. Independence, lack of bias
d. Governance
e. Transparency
f. Regulation of CDR bodies
g. Cost
h. Verification/audit/peer review

- Stéphane Mialot, Directeur General, Le médiateur nationale de l’Energie, France
- Eric Houtman, Energy Ombudsman, Belgium
- Caroline Mitchell, Financial Ombudsman, UK
- Augusta Maciuleviciute, BEUC, Brussels

15.30 – 16.00
Coffee break

16:00-17:30

Session 4: General/Panel Discussion: Current Issues
Chair: Dr Stefaan Voet, Gent University

- Are rights protected? Is the EU strengthening rights but weakening process and justice?
- Arbitration model or Ombudsman model? Is mediation essential?
- Long term vision and short term deliverables
- Binding or not?
- Funding from traders
- Publishing results
- How to deliver quality?
  a. Should there be standard training?
  b. Should there be a professional qualification? Who will fix?
  c. Need to manage expectations of consumers, the media, businesses, politicians, regulators – how?
  d. Should there be a statement of best practice? Identifying but also specifying different models? And providing for future innovations?
31 October: MAINSTREAM, NO LONGER ALTERNATIVE

THE IMMEDIATE ISSUES AND THE ULTIMATE VISION: THE EXAMPLE OF UK

09:00

How Consumer ADR fits in a Bigger Picture:
Professor Christopher Hodges
Professor of Justice Systems, and
Head of the CMNS/Swiss Research Programme on Civil Justice Systems,
Centre for Socio-Legal Studies, University of Oxford

ADR in public sector disputes, compensation schemes for personal injuries, smart regulation and enforcement. Implications for Consumer ADR policy: avoid fragmentation of the landscape; Linking CDR with regulatory bodies: logic that complete data needs to be available; hence smaller number of ADR bodies

The Future of Dispute Resolution
Caroline Wayman
Financial Ombudsman, UK

Delivering Professionalism in Ombudsmen
Lewis Shand Smith
Ombudsman Services and Chairman of the Ombudsman Association

Panel Discussion: The Vision for Consumer ADR in the UK: Challenges over implementing in the next 12 months.
Chair: Brian Hutchinson, University College, Dublin

Issues:
- A single consumer ombudsman?
- Links with regulators – how?
- Consumer advice – can CDR fill the gap left by Citizens Advice etc.?
- Do we need a single portal? Connectivity – how? Who is going to lead/do it?

Robert Behrens, Independent Adjudicator for Higher Education
[Adam Sampson, Legal Ombudsman]
[Kevin Grix, Furniture Ombudsman]
Christopher Hamer, Property Ombudsman
Gina Shim, CEDR
Richard Dilks, Which?
Dr Sonia Macleod, Centre for Socio-Legal Studies, Oxford
Dr Ying Yu, China University of Political Science and Law, Beijing and Wolfson College, Oxford

13:00 -14:00
Lunch and Finish