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AGREEMENT

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Standardisation of Online Dispute Resolution Tools

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The formal process followed by the Workshop in the development of this Workshop Agreement has been endorsed by the National Members of CEN but neither the National Members of CEN nor the CEN Management Centre can be held accountable for the technical content of this CEN Workshop Agreement or possible conflicts with standards or legislation.

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Foreword

Many different On-line Dispute Resolution (ODR) services were developed all over Europe to allow consumers and other potential users (B2B and B2C) to exploit ADR (Alternative Dispute Resolution) resources.

This CEN Workshop Agreement (CWA) contains guidelines for users to access ADR resources using electronic tools, focussing on Online Dispute Resolution (ODR). The production of this CWA was formally accepted at the CEN Workshop Stand ODR kick-off meeting on 17 December 2007.

In Europe, several organisations are involved on the management of ADR. ODRs are becoming more and more important at international level for the out-of-court settlement of disputes on e-commerce, e-business and e-tourism.

In the CWA, whilst recognising that the technical requirements of ODR may necessitate the introduction of specific processes that vary from those applicable in ADR, ODR and ADR processes are examined in as close a synergy as may be practicable. This CWA recommends that their future evolution goes on in parallel to the maximum practicable extent and promotes clear, simple and homogeneous rules for the use of ODR services on a pan-European basis.

In different European countries, and even sometimes within the same country, available ODR services are currently implementing heterogeneous procedures that create confusion among potential users. Moreover, ODR systems offer different user interfaces, and are seldom multi-lingual. They are unable to exchange information with each other, preventing potential users from using their features within a multi-language and cross-country business environment. This represents a barrier to the development of European e-business for both consumers and industries.

A conference was held in Brussels on 31 March 2009 to present the CWA to interested stakeholders and discuss the way forward. The CWA was approved in an electronic endorsement round which run from July to end August 2009. The organisations supporting this CWA were:

ADR Chambers, Canada

CMAF (Centre of mediation and arbitration) of the Paris Chamber of Commerce, France

Consumer Council of DIN, Germany

Eurochambres, Belgium

European Multimedia Forum, Belgium

FEDMA (Federation of European Direct and Interactive Marketing), Belgium

Forum des droits sur l'Internet, France

Free University Amsterdam, The Netherlands

Mediation Service of the Turin Chamber of Commerce, Italy

The Mediation Room, United Kingdom

Ebay/Paypal, USA

Tinnova, Italy

Tiga Technologies, France

Unioncamere Toscana (Union of the Tuscan Chambers of Commerce), Italy

University of Leicester, School of Law, United Kingdom

University College Dublin, Ireland

University of Barcelona, Institute of Law and Technology, Spain

Mr Zondag, New Zealand

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Comments or suggestions from the users of the CEN Workshop Agreement are welcome and should be addressed to the CEN Management Centre.

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1. Scope

This CEN Workshop Agreement (CWA) specifies guidelines to facilitate a clearer and easier use and exploitation of ADR resources to the potential users. The focus is Online Dispute Resolution (ODR).

This CEN Workshop Agreement contains:

1. **Analysis of the different kind of ODR models and tools in Europe and at the international level** (the most relevant). This includes: business process models and workflow, bodies in charge of them, regulations and legal frameworks, roles, technological solutions, impacts on users and on markets, existing and on-going standardisation processes (EU & US). Cross reference to ISO 10003 will be made for the items which are already covered by ISO 10003 (ex. Dispute resolution methods).
2. **Identification of interoperability issues** among existing ODR systems and services;
3. **Identification of the framework for generating methodological improvements and standardization supports** enabling cross-country access to ODR resources and interoperability among them;
4. **Definition of the taxonomy** of business concepts, roles and processes;
5. **Mapping of this taxonomy to a XML-based dialect**. To this end, past and on-going experiences such the ODR Xml and the jurisdiction-based model of XBRL are considered.

2. Normative References

2.1 Normative References

The following normative documents contain provisions which, through reference in this text, constitute provisions of this CWA. For dated references, subsequent amendments to, or revisions of, any of these publications do not apply. However, parties to agreements based on this CWA are encouraged to investigate the possibility of applying the most recent editions of the normative documents indicated below. For undated references, the latest edition of the normative document referred to applies.

ISO 10003:2007 "Quality Management – Customer satisfaction – Guidelines for dispute resolution external to organizations"

ISO/IEC 13335-1:2004 "Information technology – Security techniques – Management of information and communications technology security – Part 1: Concepts and models for information and communications technology security management"

ISO/IEC 2382-1 "Information Technology – Vocabulary – Part 1: Fundamental Terms"

EN ISO 3166 "Codes for the representation of names of countries and their subdivisions – Part 1: Country codes (ISO 3166-1:2006)"

2.2 Informative References

The present document takes due account of other relevant standards-related work as far as possible and relevant, including:

CWA15710:2007 - Metalex (Open XML Interchange Format for Legal and Legislative Resources).

OASIS draft specification (draft 3.1) developed in OASIS Technical Committee on legal XML electronic court filing.

A Framework for ADR Standards – National ADR Advisory Council, April 2001.

Canadian Working Group on Electronic Commerce and Consumers "Principles of Consumer Protection for Electronic Commerce, A Canadian Framework" <strategies.ic.gc.ca>.

Alliance for Global Business "A Global Action Plan for Electronic Business" July, 2002
<www.iccwbo.org/home/e_business/word_documents/3rd%20Edition%20Global%20Action%20Plan.pdf>.

Global Business Dialogue on electronic commerce, Consumer Confidence Working Group, "Alternative Dispute Resolution – The Tokyo 2001 Recommendations"
<www.gbde.org/adrtokyo2001.pdf>

Transatlantic Consumer Dialogue "Alternative Dispute Resolution in the Context of Electronic Commerce" February, 2000.

Consumers International, "Disputes in Cyberspace" (2001)
<www.consumersinternational.org/document_store/Doc517.pdf>.

"Alternative Dispute Resolution – BEUC's Position on the Commission's Green Paper"
BEUC/X/048/2002.