



This month's ebulletin examines the means of redress available for consumers and business when things go wrong. If you have a problem with a purchase from another European country, please contact us on 01 8090600 or [click here](#). For information on your consumer rights in Europe, see www.eccireland.ie

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Manager**

When things go wrong.....

When buying goods and service in Ireland or in another EU/EEA country, you can shop with comfort knowing that your rights are protected under consumer law. But what happens when you encounter a problem?

The majority of retailers will resolve a problem with little inconvenience to you the consumer. But occasionally some do not, and as a consumer you will need to decide which avenue you will use to resolve your complaint.

When your claim is for €2,000 or less, you can bring your dispute to the European Small Claims Procedure. The fee for availing of this procedure in Ireland is €15.00. However there are other ways to resolve a dispute without going to Court.

Alternative Dispute Resolution (ADR)

ADR is an umbrella term used to describe a variety of methods of resolving a complaint without going to court. ADR bodies come in the form of ombudsmen, regulators, arbitrators, mediators, adjudicators and so on.

Each Member State provides the European Commission with the names of those ADR bodies considered to be in conformity with the Commission's recommendations which outline the standards that must be met in this area.

The database of notified ADR bodies maintained by the European Commission contains information which is of interest not only for consumers and businesses alike, but also for ADR bodies so they can familiarise themselves with their counterparts in other European countries.

In Ireland we have five notified ADR bodies which deal with a variety of complaints, but there are other ADR bodies in operation which are not notified, for instance the Injuries Board and the Private Residential Tenancies Board (PRTB).

So why choose ADR over the traditional Court system?

Going to Court can be uncertain, complex, costly and time-consuming. ADR offers a more attractive alternative. Benefits of ADR include:

- it is flexible to suit the requirements of the dispute and it can provide practical solutions tailored to the parties' interests and needs
- the outcome and the existence of the process itself can remain confidential to the extent agreed by the parties
- it provides the support of a neutral third party to facilitate discussions and/or resolve the dispute
- It can preserve the future relationship between the parties as the procedure is less confrontational than litigation
- It is suitable for multi-party disputes

ADR can also be used in business to business disputes. If you an SME with a dispute against a trader in another EU Member State you can now solve your business to business dispute cheaply and efficiently with an innovative Bar Council of Ireland pilot project.

When cross-border disputes arise in business the normal avenues to resolve such problems are through the European Small Claims Procedure for claims under €2000 or litigation for claims above this amount. Unfortunately going to court is not an option for most businesses as it can be expensive, stressful and time-consuming, and this is even more likely to be true when different languages and differing legal systems are involved.

ECC Ireland and the Bar Council of Ireland are delighted to offer the opportunity to avail of a new low cost dispute resolution service for a short time only.

The fee to use this service is 10% of the claim, shared between both disputing parties. If you want more information about this scheme contact the dispute resolution officer, Susan Dowling, at sdowling@eccireland.ie

If you want more information about this or any other cross-border consumer issue you can contact us on 01 8090600 or at www.eccireland.ie.

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