Online Dispute Resolution (ODR) is a form of dispute resolution that uses technology to facilitate the resolution of disputes between parties. It primarily involves negotiation, mediation, arbitration, or a combination of all three. In this respect it is often seen as being the online equivalent of alternative dispute resolution (ADR). However, ODR can also augment these traditional means of resolving disputes by applying innovative techniques and online technologies to the process.

Numerous ODR services have been developed over the last ten years, in Europe and internationally, to give consumers and businesses new and innovative access to Alternative Dispute Resolution (ADR) resources.

A wide variety of services and providers exists – some come from the public sector; others are private; some focus on specific types of dispute; others are of general application. As things stand, existing ODR systems offer different user interfaces, adopt different languages and are not equipped to exchange information in an efficient manner. This lack of interoperability prevents potential users from using ODR services across languages, borders and legal environments. It is also a barrier to the uptake of e-business and the use of ICT, especially for small and medium size companies.
CEN WORKSHOP AND CWA

The CEN Workshop Agreement (CWA) on Online Dispute Resolution (ODR) tools specifies guidelines to facilitate efficient use of ODR.

The CEN Workshop Agreement contains:

- Analysis of the different kinds of ODR models and tools in Europe and at international level. This includes: business process and workflows and bodies in charge of them, regulations and legal framework, roles, technological solutions, impact on users and markets, existing and ongoing standardization process. ISO 10003:2007 on ‘Quality management – Guidelines for Dispute resolution external to organizations’ is taken into account;
- Identification of interoperability issues among existing ODR systems and services;
- Identification of the framework for generating methodological improvements and standardization supports enabling cross-country access to ODR resources and interoperability among them;
- Definition of the taxonomy of business concepts, roles and processes;
- Mapping of this taxonomy to a XML-based dialect. Past and ongoing experiences such as ODRxml and the jurisdiction-based model of XBRL are considered.

An analysis of the laws applicable to ADR/ODR at European level is also included.

MAIN RECOMMENDATIONS

The main recommendations of the CWA on ODR tools include:

Supporting pan-European ODR

Many ODR providers appear to face difficulties in developing a sustainable business model. The European Commission should envisage the co-funding in the long term of a pan-European ODR for business-to-business (B2B), business-to-consumer (B2C) and government-to-consumer (G2C) conflicts.

Reducing the barriers to ODR

Legal rules relating to ADR and ODR continue to be complex or incomplete, and this complexity may hinder the development of ODR processes such as online arbitration. The European Commission and Member States should work on simplifying the regulatory framework for ODR.
Increasing trust and confidence in ODR
Trust is key to the development of ODR services. Public authorities, business and consumer associations should encourage the training of mediators and the introduction of voluntary quality control mechanisms concerning the provision of ODR services.

Promoting ODR
There is little awareness about Online Dispute Resolution. It is however recognized as a quick and cost-effective process tailored to the needs of the parties. Public authorities, business and consumer association should encourage the provision of information to the general public on how to contact organizations providing ODR services. They should also encourage legal practitioners and persons exercising similar functions to inform their clients of the possibility of ODR.

Improving the accessibility of ODR
ODR providers should be encouraged to take advantage of the XML generated in the CWA to share information about the processes, thus improving accessibility. Public authorities, business and consumer associations have a role to play in encouraging and facilitating this.

Gathering and sharing information about ODR
The integration of the XML generated by the taxonomy defined in the CWA into ODR systems will facilitate information exchange with third parties and enable the gathering of statistics. The ODR community and public, commercial and consumer bodies should work to encouraging the generation and sharing of such statistics.

Future standards related work
The following standards-related work focusing on:
→ Standards applicable to ODR providers
→ Standards applicable to ODR communications
→ Standards concerning ODR statistics
would contribute further to providing a framework for ODR quality control mechanisms, voluntary or otherwise.

ABOUT THE PROJECT
The CEN Workshop on ‘Standardization of ODR tools’ was launched in 2007 by Unioncamere Toscana (Union of the Chambers of Commerce in Tuscany).

The CWA will be published in June 2009 at www.cen.eu/iss under the item ‘CEN Workshop Agreements’.
CEN WORKSHOP STAND-ODR EXPERTS
Metaware S.p.A. (Italy) → Free University Amsterdam – Computer/Law Institute (The Netherlands) → Zontag & Associates, Thames (New Zealand) → De Grooth Consultant (The Netherlands) → Unioncamere Veneto (Italy) → The Mediationroom.com (UK) → FEDMA – Federation of European Direct and Interactive Marketing → CMAP – Centre de Médiation et Arbitrage de Paris (France) → Victoria University Melbourne (Australia) → Unioncamere Toscana (Italy) → CNCU – National Council of Consumers and Users (Italy) → Consumer Council of DIN – German Institute for Standardization → The Internet Rights Forum (France) → Telecom Italia S.p.A. (Italy) → Chamber of Arbitration of Milan (Italy) → TINNOVA – Special Agency of the Chambers of Commerce of Florence and Prato (Italy) → Eurochambres → University College Dublin (Ireland) → University College Cork (Ireland) → Tiga Technologies (France) → UAB – Universitat Autonoma de Barcelona, Institute of Law and Technology (Spain)

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ABOUT CEN

The European Committee for Standardization (CEN) is a business facilitator in Europe, removing trade barriers for European industry and consumers. Its mission is to foster the European economy in global trading, the welfare of European citizens and the environment. Through its services it provides a platform for the development of European Standards and other technical specifications.

CEN’s 30 National Members work together to develop voluntary European Standards (ENs) in various sectors to build a European Internal Market for goods and services and to position Europe in the global economy. By supporting research and helping disseminate innovation, standards are a powerful tool for economic growth. More than 60,000 technical experts as well as business federations, consumer and other societal interest organizations are involved in the CEN network that reaches over 480 million people.

For further information please visit: www.cen.eu

ABOUT UNIONCAMERE TOSCANA

Unioncamere Toscana promotes and coordinates the Chambers of Commerce of Tuscany and defends their interest with the region’s public and private agencies. They also provide mediation and arbitration services and monitor contracts to find and eliminate onerous clauses, as well as preparing standard agreements, and monitoring unfair commercial practices such as dumping.

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