

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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90th MEETING OF THE EUROPEAN COMMITTEE
ON LEGAL CO-OPERATION
(CDCJ)

Strasbourg, 28-30 October 2015

MEETING REPORT

(EXTRACT)

- *Online dispute resolution mechanisms*

24. CDCJ approved the terms of reference for a preliminary feasibility study on online dispute resolution mechanisms, as they appear in Appendix V and instructed its Bureau to make proposals for a future activity on the basis of the study.

APPENDIX V

ONLINE DISPUTE RESOLUTION MECHANISMS

PRELIMINARY FEASIBILITY STUDY

TERMS OF REFERENCE

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With a view to advising on the feasibility of the CDCJ conducting a preparatory study on the development of online dispute resolution mechanisms (private and public) including the extent to which they might facilitate effective access to justice whilst avoiding formal court proceedings, at the same time complying with fair trial guarantees and the right to an effective remedy as contained in Articles 6 and 13 of the European Convention on Human Rights (ECHR), the consultant shall:

- Advise on the scope of the proposed preparatory technical study in terms of its practicality, (e.g. timeframe, required resources), and relevance with reference to:
 - o disputes arising from online interaction and online commercial transactions
 - o disputes arising between internet users and internet service providers
 - o disputes arising offline but resolved through online mechanisms.
- Advise on the likelihood of achieving the desired outcome of the activity, namely the development of technical solutions in order to guarantee a fair trial and an effective remedy.
- Advise on the design of the two stages of the activity, firstly, preparation of the study and, subsequently, preparation of the technical Article 6 and Article 13 solutions.