

The impact of technology on Conflict Management: An examination of Online Dispute
Resolution and the challenges that emerge from electronic commerce.

Kamilla Mendes Matos 51693658
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Student Number(s):	51693658	# here	# here	# here	# here

Student Name(s):
(In the same order as student numbers above)

Kamilla Mendes Matos

Lecturer's Name(s):

John Dunnes

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Abstract

This study aims to understand the impact of technology on conflict management, specifically in what concerns the interplay between Online Dispute Resolution and Electronic Commerce. This research assesses the biggest challenges faced by online consumers, traders and the EU Commission regarding electronic disputes while investigates the influences affecting the growth of ODR and its penetration into the electronic market as a dispute resolution service.

This research is based on the inductive approach, using qualitative and quantitative mix-methods. Primary data was collected through conversational interviews and secondary data was gathered through the EU Commission online sources as also reliable literature and reports. Epistemology with focus on interpretivism was adopted as this study philosophy.

This study has found that the engagement of traders and consumers in ODR mechanisms is a big challenge to be overcome. The fact that trader's participation on ODR systems is voluntary appears as a great aspect to determine the success of such tools. The lack of information and awareness about ODR mechanisms among people residing in Europe, not only consumers but also traders, are another important finding in what concerns the penetration of ODR mechanism as a dispute resolution service. Finally, lack of digital skills, expertise and understanding of e-commerce was found to have a significant effect in the growth of the digital market.

List of Abbreviation

ADR	Alternative Dispute Resolution
B2B	Business to Business
B2C	Business to Consumer
B2G	Business to Government
C2B	Consumer to Business
C2C	Consumer to Consumer
C2G	Consumer to Government
ECC	European Consumer Centre
E-commerce	Electronic Commerce
EU	Europe
E-disputes	Electronic disputes
NCAIR	National Centre for Automated Information Research
ODR	Online Dispute Resolution

Introduction

Background and context

Although the internet was created in 1969, commercial transactions only began to occur from the 1990s. The emergence of the internet started a technological process and enabled the rapid growth of domestic and cross-border online shopping. After the development of the World Wide Web in 1989, geographic limits became irrelevant and massively impacted the commercial sector, originating what we call Electronic Commerce (e-commerce). According to Cortés (2009 p.1) more than half of EU citizens use the internet regularly, and one-third of EU citizens used the internet in 2008 to shop online. Electronic Commerce is the largest and fastest-growing market in the world, facilitating business through cyberspace. E-commerce enables the trading of goods, money, and information from computer to computer. Ritendra (2007 p.1). However, once the cyberspace enables human online interaction to a global extent impasses and conflicts also emerge. On this wise, many potential obstacles may stand in the way of e-commerce advancement. Then what we call Online Dispute Resolution (ODR) would be an important tool. In 1996 the most significant ODR Conference happened and from that point ODR has been in constant development and currently has become accepted as a necessary process. Katsh (2011). ODR applies the tools and resources of cyberspace to the goals and processes of dispute resolution. (Moffit & Bordone, 2005). It brings the traditional Alternative Dispute Resolution including Mediation, Negotiation and Arbitration to a cyberspace, where people can resolve the conflicts, they had without meeting face-to-face, making use of online tools.

Problem statement

In the last decades people have been trading through online tools and currently there are no geographic limits to the online shopping market. The emergence of e-commerce culminated in the need of tools to redress conflicts in a fast pace and with simple procedures. Litigation is no longer appropriated to resolve online disputes that are often related to small value items. Originated from the need to redress e-disputes, Online Dispute Resolution mechanisms have been in constant development since 1996 and have become a necessary process to the advancement of the Electronic Commerce sector. Despite of the constant improvement of ODR and e-commerce a set of barriers and challenges still stand on the way of the full potential's achievement of both.

Research Aims and Objectives

This research aims to understand the impact of technology on conflict management, specifically in what concerns the interplay between Online Dispute Resolution and Electronic Commerce. It will include the challenges faced by online consumers, traders, and the EU Commission as also the influences affecting the growth of ODR and its penetration into the electronic market as a dispute resolution service.

E-commerce facilitates domestic and cross-border online shopping and gives customers and traders many opportunities of making good deals. However, several inconveniences including delivery, quality of goods, services being different from what was proposed, and issues involving payment may occur. Due to high costs and the considerable time that it may take, chances are that litigation will not help customers to address these types of conflicts, especially when the disputes involve small value goods and services. Hence, ODR methods could be a good option to consider. In this sense, begins the relationship between ODR and e-commerce. The main question posed is: What are the biggest challenges arising from the connection between Online Dispute Resolution and Electronic Commerce.

To successfully assess the influence of ODR on e-commerce, it is essential to:

- 1- Critically review the challenges faced by the online consumers,
- 2- Critically appraise the market penetration of ODR as a dispute resolution service and,
- 3- Critically evaluate the influences affecting the growth of a digital market.

Chapter 1 will explore the concepts of e-commerce and ODR highlighting their main features, the legal framework behind them, the public European tool to redress e-commerce dispute and the EU Commission reports view on ADR and ODR.

Chapter 2 will point out the research methodology, describing the philosophies, approaches, strategies, choices, time horizon, techniques and procedures applied to this study.

Chapter 3 will present the relevant data collected through primary and secondary sources.

Chapter 4 will analyse the findings obtained from primary and secondary sources while Chapter 5 will contain the discussion and conclusion of this study.

Value of the Research

This study investigates the biggest challenges arising from the relationship between ODR and e-commerce. It explores the main obstacles faced by consumers, traders, and the EU Commission regarding online shopping and dispute resolution mechanisms. The major contribution of the study consists in identifying what are the biggest barriers preventing the growth of e-commerce and the complete market penetration of ODR as a dispute resolution service.

Due to the Covid-19 pandemic face-to-face interaction restrictions, the range of interviews was limited, which impacted on the populations and sampling. Traders were not directly interviewed; however reliable, relevant, and current secondary data was collected from the 2021 European E-commerce Report and that enabled the analysis of the biggest challenges for Small and Medium-sized enterprises (SME's) from the perspective of 17 national association experts in Europe.

Chapter 1: Review of the Literature

1.1 What is e-commerce?

Electronic Commerce (e-commerce) is basically business through communication networks. According to Cortés (2009 p.1), it is the largest and fastest-growing market in the world. It offers online consumers a vast selection of products and businesses with an enormous potential customer base.

To examine e-commerce, it is essential to trace it back to the invention of the internet. It is undeniable that the creation of the Internet, in 1969, started a technological process that has been impacting various sectors of society until the current days. Initially, only restricted groups had access to it, such as military and academic professionals. However, over the years, as new technologies continued emerging, the development of the World Wide Web, in 1989, enhanced exponentially the importance of the internet, enabling, through the years, the interaction of an expressive number of citizens at a simple click of a mouse, as pointed out by Moffit & Bordone (2005).

In 1992, although the internet was not as popular as it is nowadays, the first internet-based commercial activities started to take place, consequently initiating the e-commerce revolution process.

Ritendra (2007 p.1) points out that “Electronic commerce enables the trading of goods, money, and information electronically from computer to computer. Business is done electronically and there is no longer a need for physical currency or goods to conduct business.”

Bjaj and Nag (2005 p.14) shares the same understanding and point out that “e-commerce refers to the paperless exchange of business information using electronic data interchange, electronic mail, electronic bulletin boards, electronic funds transfer, World Wide Web, and other network-based technologies. E-commerce not only automates manual process and paper transactions but also helps organizations move to a fully electronic environment and change the way they operate”

According to Saleh and Snow, it involves a simple process of search catalogues, navigate catalogues, negotiate items, negotiate price, negotiate delivery, ordering, payment, delivery, post-sale service, and disputes. All of it through cyberspace.

Goel (2007, p.5) also describes the process of e-commerce arguing that it “is about setting your business on the Internet, allowing visitors to access your website, and go through a virtual catalogue of your products/services online. When a visitor wants to buy something he/she likes, they merely “add” it to their virtual shopping basket. Items in the virtual shopping basket can be added or deleted, and when you are all set to check out, you head to the virtual checkout counter, which has your complete total, and that will ask you for your name, address, etc. and method of payment. Once you have entered all this information you can then just wait for delivery.

1.1.2 Types of E-Commerce Transactions by acronymous

According to Zheng, Jie (2020 p. 28) There are various types of e-commerce transactions, such as Business to Business (B2B), Business to consumer (B2C), Consumer to Business (C2B), Consumer to Consumer (C2C), Consumer to Government (C2G), Business to Government (B2G), Government to Government (G2G).

In this study, we will mainly focus on Business to Consumer (B2C), which according to Zheng (2020) represents a growing sector that has doubled its forecast from 2013 to 2018 generating 2.4 trillion USD.

The term (B2C) refers to the process of business selling goods and services to the consumers who are the end-users of what was purchased. The consumers are considered the weaker part and have their rights protected by government rules.

1.1.3 Barriers that affect e-commerce

Despite the commodity of online purchase, conflicts are quite frequent, especially due to geographic, language, and juridical barriers. The disputes arising from e-commerce have different features if we compare it with the traditional business. Instead of going to a physical store, customers and traders negotiate in a virtual space. In such manner, a considerable number of intricacies can be observed, such as the customer not being able to measure the quality of the goods or service they are purchasing, the possibility of having their bank details disclosed or used in a fraudulent way, delivery issues or even misunderstandings due to different cultural perspectives, language, legislation, etc.

The possibilities of conflict are several and not only consumers fear them as also do traders. According to the Retailers’ attitudes towards cross-border trade and consumer protection 2018,

traders also encounter obstacles regarding online sales. The table below represents what concerns traders the most:

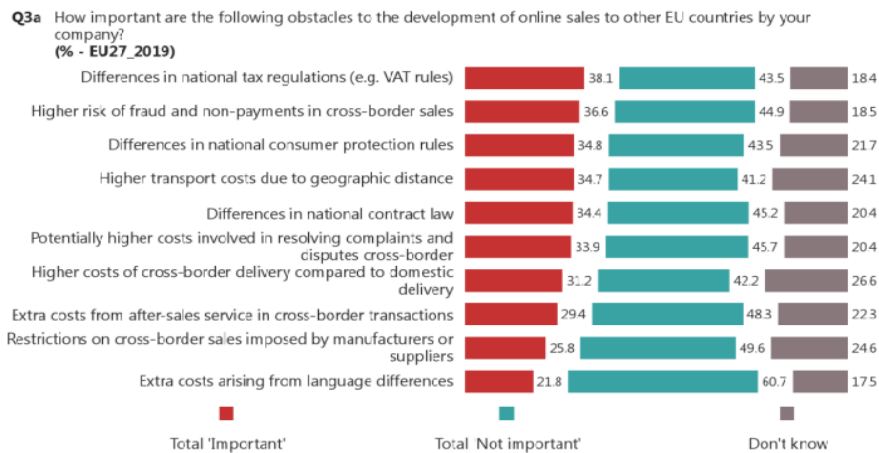


Figure 1. Final Report Retailer's attitudes towards cross-border trade and consumer protection 2018, p.169

For traders Differences in tax regulations and the higher risk of fraud and non-payment are the most concerning factors in EU countries while operating online sales.

Geographic freedom from e-commerce enables cross-border interaction, which means that people from different countries or even continents can trade. Due to this feature, a number of inconveniences may occur, such as failure to deliver, faulty goods, etc. Additionally, in cross-border interactions, people usually speak different languages, have different cultural perspectives, and even some different consumer rights. In a report published by the European Commission (which constantly monitor's the community's consumer market) under the title “Consumer Markets Scoreboard 10th edition – June 2014”, it was shown that the level of protection in the consumer market differs among members states. As a result, Internet shoppers have limited trust in traders from other EU countries (Mania, 2015 p.82).

In the EU, many potential online trade barriers – for instance diverse tax regimes, complications with payments systems, heterogeneous consumer protection rules, cross country legal and regulatory barriers, or vertical restrictions to selling online, among others – may stand in the way of a fully-integrated digital single market. Many of these potential online barriers were identified in early discussions (Coppel, 2000) and have become more relevant now that e-commerce has emerged as an important distribution channel. Coad and Duch-Brown(2017, p.4)

When it comes to cross-continental purchases, the scenario tends to become even more complicated, once legislation across the globe can vary from place to place, resulting in a lack of alignment and harmony that generates different cultural perspectives, rights, and ways of dealing with post- sales.

Additionally, to the geographic issues and differences concerning consumers rights, according to Zheng (2020), it has been estimated that in EU, 37% of e-commerce websites does not comply with consumer's right already in force. On this wise, not only does the variation of legislation from country to country or from continent to continent represents a barrier to the shoppers, but also the disrespect to the law that happens to occur. The author has also mentioned that, due to its features, most e-disputes are usually low-value purchases, which means that even in domestic scenarios the traditional court's methods could not be effective in addressing e-disputes due to its high costs. Furthermore, online commerce enables the parties to negotiate in an accelerated mode in comparison with the traditional methods. Litigation could go on the other way, taking a considerable amount of time, when it comes to presenting a resolution to the demanded issues.

The EU ODR Platform which is the European public tool to resolve disputes emerging from e-commerce enumerated the several facts that are included in the big picture of shopping online difficulties, pointing the most complained sectors, the main reasons consumers complained, and which countries submitted the highest number of complaints in the Platform.

Overview of disputes in the ODR platform during the first year of operation:

- The most complained about sectors were consumer clothing and footwear (11.5%), airline tickets (8.5%), and information and communication technology goods (8%) which also represent the main e-commerce sectors in EU⁸.
- The main reasons why consumers complained were linked to problems with the delivery of the goods (21%), followed by non-conformity with the order (15%) and problems with defective goods (12%).
- 1/3 of complaints related to a cross-border issue.
- Germany and UK, where the proportion of e-shoppers is the highest in EU⁹, are the two countries where most complaints have been lodged and also where most traders concerned are located.

Figure2. Overview of disputes in ODR platform. First report on the functioning of ODR, p.6

In this sense, Online Dispute Resolution can be related to e-commerce, operating as a tool to facilitate the resolution of disputes that emerges from online commercial transactions. Additionally, even though recently ODR has being used in offline originated disputes its

original and main goal is to address conflicts that emerge from an online environment.

1.2 Online Dispute Resolution: Origins and Concepts

In one brief analysis of History studies, it is possible to identify that conflict seems to be highly recurrent in human interactions. Like it or not, on a larger or smaller scale, “We are all faced with conflicting situations in many aspects of our lives, whether in our personal life, in the workplace, or with just about anyone we meet”. (Furlong, 2005 p.01).

Once cyberspace enabled human online interaction to a global extent, especially commercial transactions, some sort of conflicts started to emerge, therefore the need of developing a tool to address online conflict resulted in the emergence of Online Dispute Resolution (ODR).

In 1996, The National Centre for Automated Information Research (NCAIR) sponsored the first conference devoted to ODR, by the recognition that cyberspace would become gradually less peaceful and there would be the need to develop tools to respond to conflicts that were emerging from online activities, Katsh (2011). From that point, ODR has gained notable importance and has been accepted as a tool not only to resolve online disputes but also a mechanism to assist with traditional offline disputes.

After a brief analysis of ODR origins, it is important to outline the definition of Online Dispute Resolution (ODR) itself. Although it has been largely discussed in the last years the ODR concept has still not been completely settled in the doctrine. However, the most largely accepted concept is that ODR is a form of settling disputes while availing of tools and resources available in cyberspace.

ODR can bring the traditional Alternative Dispute Resolution (ADR) systems, that do not need to be taken into the court of public tribunal. such as Mediation, Negotiation, and Arbitration, to an online space where people can resolve the conflicts they had, whether they emerged from online or offline interactions, without meeting face-to-face. Furthermore, it can be used to assist offline dispute resolution systems, such as litigation. The last approach is not completely settled among the main authors.

According to Cortes (2011, p.52) “Some commentators have defined ODR exclusively as use of ADR assisted principally with Information and Communication Technologies (ICT) tools, although part of the doctrine incorporates a broader approach including online litigation and other sui generis forms of dispute resolution when they are assisted largely by ICT tools”

Moffit & Bordone (2005, p. 425) pointed out that “ODR applies the tools and resources of cyberspace to the goals and processes of dispute resolution”. They assert that although the focus of ODR was on addressing online demands, now it has been also assisting in offline disputes.

While Mania (2015) defines ODR as an online form of ADR that can originate from online or offline disputes, Kohler and Schultz (2004) state the contrast between the approaches that visualise ODR as an online alternative dispute resolution system and those who define it as a *sui generis* form of dispute resolution, remarking that both approaches are not complete while adopting the position that even though ODR can be broadly applied to many forms of ADR and court proceedings, the actual term can only be used for those disputes that were resolved solely online.

Rule (2002) argues that to define ODR, we have to link its origins to ADR techniques and roles. In this sense ADR systems, which are usually less costly and faster than the traditional systems such as litigation, aims to help parties involved in a conflict to achieve the most suitable outcome possible in their dispute. In some cases, as Negotiation and Mediation, the parties are often in control of their outcomes. These two techniques mainly focus is on providing parties with the opportunity to have a conversation to resolve jointly their differences. Mediation techniques rely on the assistance of a neutral third party, while Negotiation also offers the option of parties resolving their conflicts solely between themselves. In the case of Arbitration, the disputants agree on a third party, often a qualified professional with expertise in the field of the conflict, to examine the case and render a decision. All those techniques mentioned are basically face-to-face attempts to resolve conflicts out of court. ODR in this context is the effort to resolve conflicts while making use of technology. “Any use of technology to complement, support, or administrate a dispute resolution process falls into the world of ODR” Rule (2002, p.44)

1.2.1 Advantages and disadvantages of ODR

Although Online Dispute Resolution has being in evidence since 1996, it can be considered a field that is still in development. There are a set of difficulties that still need to be overcome and some challenges that are still in the way of its complete advancement. Nevertheless, there are many advantages, especially when it comes to e-commerce disputes.

As e-commerce disputes are often a cross-border interaction, with consumers and traders being

distant from each other, ODR is advantageous in offering the opportunity of addressing potential disputes without face-to-face interaction. Furthermore, most ODR techniques are out-court based, which means that there is no need for the disputants to take part in a procedure conducted in a court of a public tribunal. This feature of ODR often results in a less costly and much faster procedure than a traditional litigation process. Moreover, e-commerce disputes are often related to small value purchases, and consequently, saving time and money in this type of conflict may be quite advantageous from the consumer's perspective. Additionally, as Cortés (2011) points out, the disputants have control over outcomes, which affects the level of satisfaction of both parties that can reach an agreement mutually beneficial.

Despite the advantages, there are still a few difficulties when it comes to ODR: As the internet became popular only a few decades ago, people's skills and technological problems resulting from quality and internet speed may still impact the effectiveness of ODR. Additionally, clear legal standards regulating ODR are still missing. In many cases, the dispute may arise within different countries with different approaches to consumer protection. Not to mention the language barrier that can occur when traders and consumers are in different countries. Another important point is that misunderstandings due to lack of face-to-face interaction may impact the effectiveness of an Online conflict resolution, once body language and voice tone are extremely important in the process of communication between disputants. Finally, confidentiality is still a concern once records and documents can be easily spread in cyberspace activities.

It is undeniable that ODR is a growing sector, especially if compared with traditional methods of dispute resolution such as litigation. As everything is still flourishing some work must be done yet to develop better strategies to make it function more effectively. According to Cole (2006) at this stage, the aim is to maximize the pros and minimize cons regarding ODR procedures.

For some types of dispute resolution, ODR is already quite developed, such as regarding commercial transactions. It is already possible to address conflicts that happen in different countries within the European Union with little effort, low cost, and reasonable speed. However, ODR has still its limitations and challenges to be overcome.

- **Funding:** ODR needs to be promoted, funded and monitored by the government in partnership with private sources. When the government does not take part there is a risk that the process does not be as transparent as it should be.

- **Directing disputants to ODR services:** The awareness of how ODR works should be increased among the consumers, people frequently do not know a lot about their consumer's rights as also as do not have knowledge about the ODR procedures, how mediation/ negotiation or arbitration works, what are the rules, codes of conducts, etc. ODR is an important tool to elevate people's trust when purchasing online or resolving any long-distance conflict, however, it is not very known yet.
- **Fairness and due process:** It is important that outside bodies set standards ensuring that the imbalance of power between business and consumer be addressed. It is also extremely relevant that impartiality and neutrality be delivered even when there are cultural differences and backgrounds between parties. The third party here must be aware that in many cases they will be dealing with people from different countries with different languages and different perception of fairness and impartiality and neutrality. Finally, ODR must allow legal representation when it is needed.
- **Enforcement:** Different possibilities on how courts enforce online agreements should be developed. There is still considerable legal uncertainty regarding ODR enforcement. The Consumer Complaint Board in Denmark has been using the strategy of naming and shaming when business members refuse to comply with the agreements. Even though most of the companies obey the decisions taken, the 30 percent remaining has been resolved through the blacklist strategy.
- **The role of technology:** It is extremely important that the ODR tools and platforms operate in an easy and practical way. It must be accessible and interactive to the average consumer. Additionally, when needed, the third party should be trained and capable of assisting the users when help is needed.

ODR's future is undoubtedly highly positive, and it has the potential to become an even more important tool when it comes to dispute resolution. When efforts to address its limitations are put in place it will certainly improve a lot, benefiting a variety of other sectors and potentially impacting the increment of online commercial transactions and decreasing the demand for traditional dispute resolution methods such as litigation (court procedures).

1.3 E-commerce and ODR.

It's undeniable that the emergence of the Internet has enabled a major change in the commercial scenario. The way to buy and sell products, goods, and services have changed over the last few decades and impacted positively the global economy. Cortes (2011, p. 1) states that more than

half of EU citizens use the internet regularly, and one-third of EU citizens used the internet in 2008 to buy something online".

When it comes to cyberspace, geographic location is no longer a barrier to prevent business, contrarily, it decreases the trades expenses with physical stores and staff needed, consequently resulting in a much cheaper experience that impacts both: traders and clients. The gap generated by language differences is no longer restraining e-commerce and people from different countries or even different continents are dealing with only a few clicks. Furthermore, the virtual space enabled people to negotiate at a much faster pace. E-commerce is undoubtedly bringing commodity to traders and consumers, however, it has also created a new form of conflict: the e-dispute, since a set of difficulties including delivery issues, products, and services not matching the client expectations, problems with refund and payment are ordinarily recurrent in the digital market. As e-commerce has its origins online, the adequate dispute resolution mechanism should equally occur in cyberspace. In this sense, we have the interplay between e-commerce and ODR.

1.3.1 Most used modalities of dispute resolution in trade

1.3.2 Assisted and Automated Negotiation

Negotiation can be defined as back-and-forth communication designed to reach an agreement between two or more parties with some interests that are shared and others that may conflict or simply be different. As such, negotiation is one of the most basic forms of interaction, intrinsic to any kind of joint action, as well as to problem-solving and dispute resolution. It can be verbal or nonverbal, explicit, or implicit, direct or through intermediaries, oral or written, face-to-face, ear-to-ear, or by letter or e-mail (Moffit et al p. 279).

Fisher and Ury (1981) share the same understanding that negotiation is a part of daily life, and it happens as a consequence of the interaction between human beings. All of us are negotiators.

Assisted negotiation is an extension of traditional negotiation that happens via the internet. Instead of face-to-face interactions, the disputants will try to reach an agreement through technological tools. Assisted negotiation comprises tools such as threaded message board systems, secure sites, storage means, online meeting management devices, software for setting

up the communication, engaging in productive discussions, identifying and assessing potential solutions, and writing agreements. (Kohler and Schultz, 2004 p.14). On this wise, parties will use e-mail, video conferences, or any other computer systems that are programmed to allow the interaction between traders and consumers in the pursuit of redressing their issues

Another online negotiation modality called *automated negotiation* has also gained space over the years. Cybersettle is the first online provider created in an automated negotiation base. This modality operates in a blind-bidding mechanism that allows the process of negotiation to take place throughout computer systems.

The parties successively submit to a computer a monetary figure as a settlement proposal. The computer then compares the offer and the demand and reaches a settlement for their arithmetic mean. (Wang, 2009 p.32)

In this case, both parties propose, confidentially, what they consider fair. The information is not disclosed unless the parties propose something like each other, resulting in an outcome and conflict resolution.

1.3.3 Online Mediation

Mediation is a conflict resolution process, in which a mutually acceptable third party, who has no authority to make binding decisions for disputants, intervenes in a conflict or dispute to assist the parties to improve their relationships, enhance communications and use effective problem solving and negotiation procedures to reach a voluntary and mutually acceptable understanding or agreements on contested issues. The procedure is an extension of negotiation. Mediation is commonly initiated when disputing parties on their own are not able to start productive talks or if they have started talks, they have reached an impasse. (Moore, 1986 p.31)

The Irish Mediation Act 2017 defines Mediation as “A confidential, facilitative and voluntary process in which the parties to a dispute, with the assistance of a Mediator, attempt to reach a mutually acceptable agreement to resolve a dispute.

Online mediation is a process similar to the offline and traditional one, where a third neutral

party facilitate the communication between the disputing parties and assist them to reach an agreement, however, instead of face-to-face meetings, the parties will avail of a range of technological means that can be synchronous or asynchronous.

According to Lodder and Zeleznikow, (2009, p.73) synchronous communication is direct communication, with a minimal time interval between the moment one party makes a comment in a discussion, and the other party receives this message. The other party can, in turn, almost immediately react. This is the case in face-to-face communication, and in an online environment where chat, audio-conferencing, or videoconferencing is used. In asynchronous communication, parties do not take part in the discussion at the same time. They do not immediately receive the communication of the other party, and do not need to react instantly. discussion forums, e-mail, and text-messages (or SMS) are the main examples of asynchronous communication.

1.3.4 Online Arbitration

Arbitration is a private, confidential, final, and binding form of dispute resolution that takes place outside the courts. It is flexible in terms of procedures, duration, adjudicator, and costs. It is often applied to commercial disputes, in an international or non-international scene. It is conducted by the arbitrator or a body of arbitrators, who are usually professionals with a considerable level of expertise and technical background regarding the dispute resolution subject concerned, even though there is no requirement in law obliging them to have any qualification.

According to Hussey & Dunnes (2014, p.15) “Arbitration is, perhaps, best defined as an extra-judicial legal mechanism for resolving disputes by referring them to a neutral party for a binding decision, or award. The remark of the arbitration process is that it is a procedure to determine the legal rights and obligations of the parties judicially, with binding effect, which is enforceable in law, thus reflecting in private proceedings the role of a civil court of law”.

On this wise, Online Arbitration is similar to the traditional one, however, the process is conducted making use of the internet and technological means. The process and adjudicator are defined online as also, the award rendered.

1.4 The legal framework ADR directive and ODR regulation

In the last few years, two pieces of legislation were put in place in the EU to enhance consumers protection and provide access to dispute resolution schemes to its citizens. On this wise, in July 2015 the consumer ADR directive (2013/11/EU) was brought into effect in the EU, and in the next following year, the ODR regulation was implemented, creating the European Platform, which aim is to provide an accessible tool to resolve disputes that originated from commercial transactions in the cyberspace

ADR, the acronymous to Alternative Dispute Resolution is an out-of-court mechanism for disputes settlements, which facilitates access to justice, and it is usually cheaper and faster than litigation. The ADR Directive (2013/11/EU) aims to ensure a high level of consumer's protection, creating mechanisms to improve consumers trust and confidence in the market through the great quality of goods and services, competitive prices, high standers, and easy access to simple, effective, fast, and low-cost schemes of resolving domestic and cross border disputes. However, the document recognizes that despite the efforts to establish ADR since 1998, it has not been working effectively yet, due to the lack of citizen's awareness in regard of it, as also the variable quality level of ADR's sessions. Furthermore, poorly handling of cross-border disputes is also a factor. All these inconveniences present as a barrier that prevents the growth of the market. The Directive though, described and implemented a set of measures aiming to improve the Single market, setting twelve levers to increase its growth. Moreover, within the twelve levers, the document drew attention to the importance of e-commerce and the need to successfully implement schemes that make it possible the online resolution of e-disputes, stating that this possibility is an act that elevates the consumer's trust and confidence and consequently, impacts on the growth of the sector.

Following the implementation of the ADR Directive, in July 2016, having regard to the digital market and to the fact that many domestic and cross-border online commercial transactions were being left unresolved, the ODR Regulation (EU) n° 54/2013 of the European Parliament and of the Council was brought into effect, envisaging the implementation of a simple, efficient, fast, and low-cost out of court mechanism to resolve e- disputes.

The ODR Regulation builds on the infrastructure of quality-certified ADR entities established under the ADR Directive and applies to consumer disputes over purchases of products or services made online. It aims to enhance specifically the digital dimension of the Single Market. (Report from the commission to the European parliament, the council, and the

European economic and social committee, 2019).

The document put efforts in launching an *ODR Platform* at the Union level that according to the mentioned regulation should take the form of a user-friendly and interactive website, making it possible that all disputes arising from online sales could be submitted and resolved through the intervention of an ADR entity. The Platform should embrace all the European languages, providing easy access to information about out-of-court online dispute resolution, allowing users to fill in a digital complaint that could be addressed to an ADR entity. Moreover, the Platform should be free of charge, however, the ADR entity could charge for its services.

To ensure broad consumer awareness of the existence of the ODR platform, traders established within the Union who were engaging in online sales or service contracts should provide, on their websites, an electronic link to the ODR platform. Traders should also provide their email address so that consumers have the first point of contact. A significant proportion of online sales and service contracts are concluded using online marketplaces, which bring together or facilitate online transactions between consumers and traders (European Parliament and of the Council on Online Dispute Resolution for Consumer Disputes, 2013)

Additionally, the Platform should ensure the privacy of its users, be very accessible even to the vulnerable ones, and provide a feedback system to enable the users to give suggestions about the Platform's functionalities.

The Platform was developed by the European Commission in 2016. The ECC Ireland (European Consumer Centre) is the entity responsible for being the point of contact to the ODR platform queries and it should provide two advisors to assist users when they are having difficulties operating the platform or when they need help to submit a complaint, to understand general information about their consumer's rights or to put them in touch with the traders or bodies managing their disputes, etc.

1.5 How the ODR Platform works

The ODR platform, in the English version, is available at the following link [Online Dispute Resolution | European Commission \(europa.eu\)](https://ec.europa.eu/consumers/odr/) . It is worth highlighting that the Platform offers the full range of European languages, excluding Irish. Thus, EU consumers can be directed to a page where they can select the language they prefer.

On the first page, before directing the users to the complaint form, the platform will identify what kind of help the user is looking for through the FIND A SOLUTION bottom, then the user will be directed to a self-test called TELL US ABOUT YOUR CONSUMER PROBLEM bottom. This functionality will filter the following pieces of information.

- 1- Where the user lives
- 2- Where the trader is based
- 3- What kind of purchase the user made: online or offline
- 4- What kind of option have they already tried, such as contacting the trader, using a dispute resolution body, court procedure, and others.
- 5- What kind of problems the user is facing.

Those filters allow the users to find the most appropriate solution to their case, which can be:

- 1) Contacting the trader;
- 2) Using the ODR Platform,
- 3) Contacting the European Consumer Centre,
- 4) Finding a Dispute resolution body,
- 5) Contacting the European Small Claims Procedure
- 6) Going to Court
- 7) Contacting the Police/ National consumer organizations/ ODR contact point or lawyer in case the user had chosen the internet fraud/phishing/scam option while selecting the kind of problem they are having.

When the customer better solution is to contact the trader, both can negotiate directly. In this case, the parties will have 90 days to reach an agreement. Another possibility is that the trader may propose a list of dispute resolution bodies instead of negotiating a solution directly with the consumer. In this case, the trader and consumer will have 30 days to agree on a dispute resolution body. When no outcome or contact is possible, there is also the option of finding a new tool to resolve the dispute

To qualify to use the Platform services, the users must comply with 3 requirements

- To live in an EU country or in Norway, Iceland, or Liechtenstein
- The trader must be based in an EU country or in Norway, Iceland, or Liechtenstein
- The user complaint must be about a good or service they bought online

If the consumer qualifies to use the Platform, the next step is to fill in the complaint form. While filling in the complaint the consumer will be asked to answer about: firstly, the trader

details, secondly, the description of the complaint, and last about personal information. On this wise, the trader will be contacted about the complaint, and both parties will either resolve it directly or reach an agreement about a third party who will guide them through an appropriate dispute resolution mechanism.

1.6 Commission Reports

Article 21 of the ODR Regulation laid down that a yearly report shall be done, assessing the functioning of the ODR Platform.

The ODR platform was implemented in 2016 and the first report was released in 2017, stating its achievements and suggesting improvements. According to the report, the Platform was successful and was rated useful for 71% of the users. An average of over 160.000 unique users visited the page per month and over 2000 complaints were submitted per month on average. Around 44% of the complaints were solved between the trader and consumer. Only 2% of complaints were sent to an ODR entity.

The report points out that there is evidence that after the implementation of the Platform the trust in cross-border online commerce increased, directly impacting the growth of the Single Market through the simple mechanism of easy, fast, and inexpensive way of resolving disputes between consumers and traders, avoiding litigation, and maintaining a good customer relation.

The report suggested the obligation of traders to link ODR on their website and highlighted the need to find mechanisms to improve traders' engagement with the platform as also tools to promote the ODR among consumers and traders.

In 2018, the second report, pointed out an increase of visits to the website, amounting to 5 million visits by 12 months. 36.000 complaints were submitted during the year and 81% of complaints were automatically closed after the 30-day legal deadline. The second report confirmed that even when the disputes were not sorted directly on the page, in 37% of the complaints the trader contacted the consumer outside the platform, which confirms the success of the platform as an incentive to resolve disputes amicably. The overall situation is good, and the suggestions implemented in 2017 showed up as effective in increasing the popularity of the tool as also the engagement of traders.

In 2019, 2.8 million people visited the platform, and two significant changes were implemented, the self-test filter that direct the consumer to the most suitable dispute resolution alternative and the direct talks, that facilitated the interaction between consumers and traders before the official complaint's submission. That resulted in a significant decrease of complaints in the Platform but indicates that the platform users were directed to an appropriate dispute solving option.

It is notorious that in the last decades, EU policymakers have invested in implementing measures to strengthen consumer law, commercial transactions, and consequently the Single Market. The ADR Directive and ODR Regulation alongside a set of improvements on the consumer's rights have been resulting in a significant change, specifically, in digital marketing, because the out of court procedures impact directly on the decrease of the public's engagement in the traditional litigation mechanisms to resolve e-commerce disputes. (Report from the commission to the European parliament, the council, and the European economic and social committee, 2019).

Chapter 2: Research Methodology and Methods

Introduction

To achieve a successful, accurate, objective, valid and reliable research, the research methodology must be carefully analysed and followed. The application of the correct procedures is crucial to determine the effectiveness of any study and to allow other researchers to come along and replicate the research if needed. According to Sutrisna (2009), research methodology is the terminology used to describe the procedures and strategies used in a scientific investigation to address the research's goal.

Saunders, et al (2009 p.138) research onion figure represents the layers that should be taken into consideration while researching, to achieve consistent and effective results. That includes Philosophies, Approaches, Strategies, Choices, Time horizon, Population, Techniques, and procedures that should be applied. The Data Collection and Analysis is the centre of the onion. The observance of the structure below would facilitate the achievement of a successful research.

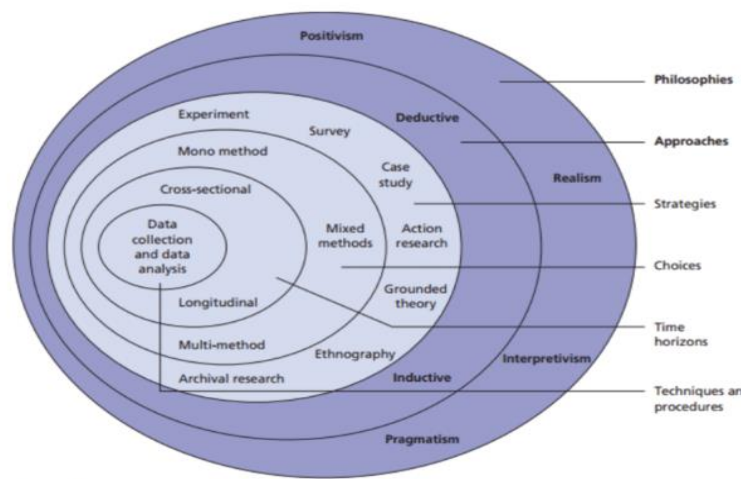


Figure 3. Research Onion. Research Methods for Business Students. Sanders et al., 2009

When considering initiating research one of the first steps is the selection of a relevant topic. Without being clear about what you are going to research it is difficult to plan how you are going to research it. Saunders, et al (2009 p.20).

Denzin and Lincoln (2015) also highlight the importance of the research topic in determining which research technique will be applied.

This study will explore the impact of technology on conflict management, specifically in what concerns the interplay between Online Dispute Resolution and Electronic Commerce. The main question to be addressed is: What are the biggest challenges arising from the connection between Online Dispute Resolution and Electronic Commerce

Recently, ODR systems and methods are being vastly applied to Negotiate, Mediate and Arbitrate disputes of all sorts. It has been used even when it comes to offline disputes as a complement in litigation. In comparison with traditional dispute resolution methods, ODR is relatively new. Consequently, since 1992, the possibility of electronic commercial transactions has created the need for tools to resolve online disputes and enlarged its significance and popularity. Based on the growth of electronic commerce and the establishment of ODR, this study will analyse the relationship between the two of them focusing on the impact of ODR on e-commerce, embracing the challenges faced by consumers, traders and the EU Commission, Furthermore, this research will embrace the critical evaluation of the penetration of ODR as a dispute resolution service, while appraising the influences affecting the growth of ODR.

2.1 Philosophies and Approaches

Saunders, et al (2009 p.128) states that “The term research philosophy relates to the development of knowledge and the nature of that knowledge. They argue that the chosen philosophy influences our understanding of what we do and what we are investigating. They also categorized the two major research philosophies: *Ontology and Epistemology*.

A. Crowther (2020) remarks that Ontology refers to the researcher’s perception of reality. The two main philosophies of this school of thought are realism and relativism. While realism is structured in the existence of only one reality, relativism, conversely, believes that there are many perspectives to what is called truth.

Epistemology describes how you can examine reality. The two dominants school of thoughts of this philosophy are: realist, which believes that the research should operate objectively, and interpretivist which is developed in a subjective way. (A. Crowther, 2020)

In this study we will work with epistemological assumptions, analysing how ODR influences electronic commerce. This research will be based on Interpretivism as a philosophy, complying

with subjectivity and focusing on details of a situation, opposing to the realist philosophy that focus solely on objective measurements.

The next step after defining which philosophy is the most suitable to the type of research desired is to select the methodology/approach to be used. When it comes to methodology, we can find two different approaches: deductive and inductive. We will carry on this study selecting an Inductive Approach, which relies on observation rather than on formulated hypothesis as it would be in a Deductive Approach. The inductive approach enables the achievement of a deeper understanding opening the path to a considerable diversity of outcomes.

2.2 Strategies

According to Crowther (2020), experiment, action research, case study, survey, ethnography, and grounded theory are the classic examples of research strategies. For this research, a representative selection from a population is needed, consequently survey is the most suitable strategy to be applied. Recorded telephone interviews will be conducted to collect the necessary pieces of information to address the aims of this study.

Other strategies were discarded for the following reasons:

- Experiment: is grounded in attempts to test a hypothesis.
- Action research: is generally focused on problem-solving.
- Case study: is suitable to study restrict subjects of restricted groups.
- Ethnography: generally, study people or culture relying on anthropological grounds.
- Grounded theory: objectives are set as data is gathered.

2.3 Choices and time horizon

In a research, data can be collected according to three different data techniques: mono-methods, mixed methods, and multiple methods. As observed by Saunders, et al (2009), mono-methods uses only one data collection technique, either quantitative or qualitative. Quantitative generates numerical data while qualitative produces non-numerical data. Mix-methods uses both qualitative and quantitative and multi-methods use both techniques, however separately. This study will make use of **mix-method**, among the two others possible. Qualitative interviews will critically evaluate the challenges faced by online consumers and the EU Commission, while secondary quantitative and qualitative data will be analysed to measure the

influences affecting the growth of ODR as a dispute resolution service.

When it comes to time, this work will carry out a cross-sectional time horizon as a longitudinal study can take several years and would be inappropriate for the time frame we need to follow.

2.4 Data Collection and Analysis

The last layer of Saunders research onion is data collection and analysis. In this research's stage data is gathered and submitted to analysis.

As remarked by Saunders, et al (2009, p. 256) "the possibility of reanalysing data that have already been collected for some other purpose is known as secondary data, while collecting new pieces of information for the research purpose is called primary data."

In this study, primary and secondary data will be collected. Primary data is highly important to confer credibility to the study, while secondary data can play an important role to reinforce the results obtained through the primary technique.

This research population is basically any citizen that resides in Europe who are 18 years old and that already have purchased online. However as this is a large and diverse group, we can never identify every element in the population, consequently, we cannot use probability sampling. Therefore, we will use non-probability sampling and select a convenient number of 23 citizens to participate to a recorded telephone interview. A member of the European Commission will also be interviewed to bring the commission perspective to this study. Secondary data available on the EU Commission website and literature review will also play a role in this study.

Chapter 3: Data Presentation

3.1 Primary data

The primary data collection was divided into 2 sections:

3.1.2 Section one

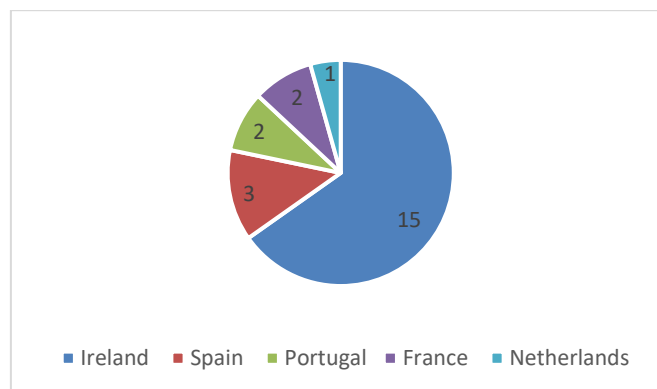
A total of 23 people who are 18 years or over, living within Europe, and that shop online at least once a year were interviewed via WhatsApp call. The answers provided were recorded and committed to writing without revealing the interviewee's identity. The ethical statement was sent beforehand on WhatsApp message and the participants were aware that their audio was being recorded and that the interview was voluntary. Before the beginning of the interview, confirmation regarding the research's aim, the audio recording procedure, and the age of the participants was briefly read, just to confirm, ensure and record the awareness of the interviewees.

The questions posed aimed to collect primary data regarding the biggest challenges that emerge from electronic commerce - from the consumer's perspective. Additionally, we assessed the awareness and opinion of the interviewees about the European Platform as an online dispute resolution service. The data analysis's main goal is to find the biggest challenges faced by consumers as also the main influences affecting the growth of ODR and electronic commerce.

There are 14 possibilities of questions, however, some of them will depend on a previous answer given by the participant. The interviewees will be differed by numbers, starting from participant number 1, and finishing by participant number 23. The full extent of the interviews can be found in the appendix of this paper.

Transcripts

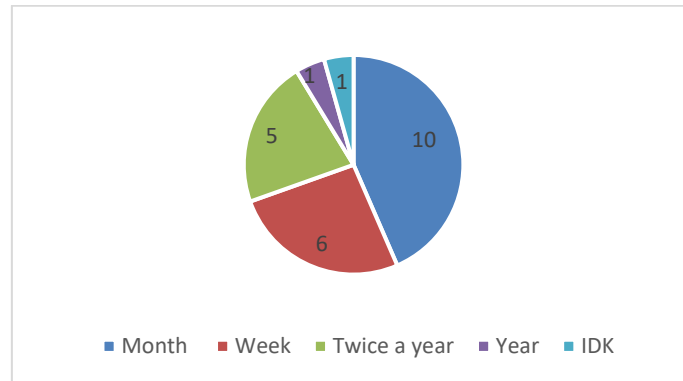
Which country do you live?



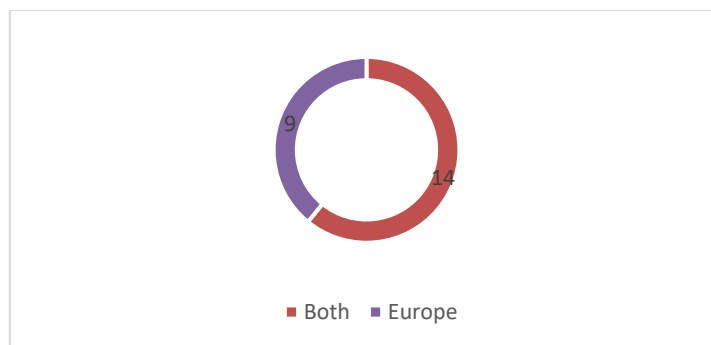
Do you purchase online?

All the participants purchase online

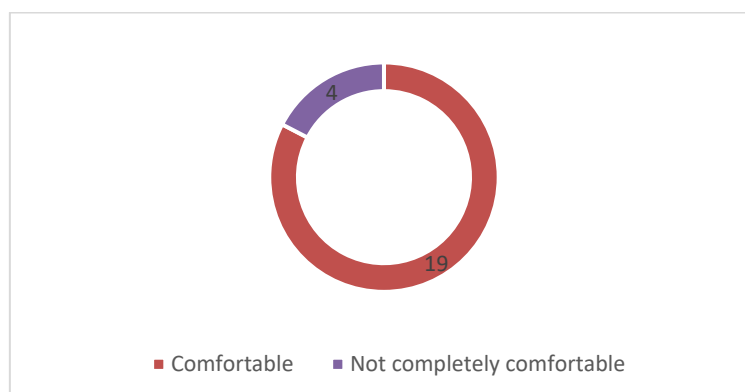
How often?



Do you buy goods and services within Europe, outside Europe, or both?



When shopping online do you feel comfortable with it?



What concerns you the most while shopping online?

Participant number 05: *That it (product) won't arrive, or even like if some problem with the product*

Participant number 15: *Is the fact that I could not get the parcel, that I ordered, If I don't get my parcel, it means I lose my money.*

Participant number 17: *Because I am afraid of buying one product and receiving one with low quality*

Participant number 19: *For example, privacy, what my information is being used for and for me sizes for clothes and shoes.*

Participant number 22: *... I prefer do not to buy clothes or food because if I don't see it personally I feel concerned.*

Participant number 23: *Fraud, having my data stolen.*

Have you ever encountered any challenges buying online?

Participant number 01: *Let me remember, maybe once.*

Participant number 02: *Not really*

Participant number 03: *Yes, sometimes the product takes longer than what was advertised, and the websites take too much process, you have to put your e-mail, phone number and everything about you just to buy something. I don't think this is nice.*

Participant number 04: *Yes, sometimes the product that you receive it is different from what was shown online.*

Participant number 05: *Basically, I bought something that arrived damaged. I haven't resolved the problem. I forgot about it.*

Participant number 06: *No.*

Participant number 07: *Yes, I have a couple of times.*

Participant number 08: *Not really. Not that I can remember*

Participant number 09: *No.*

Participant number 10: *Yeah, sometimes when I need something specific that is not very easy to find in Ireland so I have to research in another country, and maybe takes longer than usual and this can be a challenge. But in general, is being very good*

Participant number 11: *Not that I can recall, to be honest. Recently I did not have any problem*

Participant number 12: *I guess for clothes mostly to get the right sizes or measures, but apart from that, I think it is ok.*

Participant number 13: *Sometimes it can be a little bit frustrating when you have to wait for a text message or a confirmation number or your bank wants you to confirm something before they confirm the payment and depending on where you are, if you have bad reception or if you recently changed your telephone number, it can be frustrating those moments, because you are waiting for a code. But 95% of the time I feel very comfortable.*

Participant number 14: *I think the most annoying thing is the part of the delivery. Sometimes is so stressful to get your order. It depends of the company who does the service. They don't call you, so if you are not at home, you just lose your order, I gave you on one thing that I bought this year, because the delivery was terrible.*

Participant number 15: *I would say I once had the experience when my parcel didn't get to me, and I lost my money.*

Participant number 16: *Currently, I think because of the customs fees people are getting in Europe because if you order a bigger good it might get stuck in customs and might get sent back to the original country. So, I ordered a board game, and I just received a message saying it was already in Ireland and then never reached my home and then they suddenly send it back to Japan. So, I don't know what happened there, but was due to customs, they couldn't sort out the customs, so it was just got sent back.*

Participant number 17: *Yes, I had. I bought a wedding dress. I saw a beautiful picture on the website, but a completely awful dress arrived in my house. I said, ok, I need to buy another one because it would be impossible to wear this dress. The picture was one but the quality of the dress on my hand was a disaster.*

Participant number 18: *Yes, I actually have one now at the moment*

Participant number 19: *Yes*

Participant number 20: *Yes, sometimes when you buy clothes they send you another.*

Participant number 21: *Yes, just when something did not arrive*

Participant number 22: *I had a problem once buying from a person online.*

Participant number 23: *Yes*

If you had any problem, how would you try to resolve it?

Participant number 01: *Through the chat, do you know, the customer service.*

Participant number 02: *Usually, I can send it back and the site covers the shipping and I get another product, or if I just cancel, they return the money/*

Participant number 03: *Sometimes, if I am finding the website too difficult to handle, I look for the product on another website. If it's taking too long, then I would message the seller.*

Participant number 04: *Usually I prefer to buy from bigger companies, that offer costumer service. So, if I have any problem, I would use costumer service.*

Participant number 05: *.... I think the best option is chat or e-mail.*

Participant number 06: *I need to contact with the owner of the website, line support of the website.*

Participant number 07: *I just had to call and let them know they were not doing their job right or ask for updates on my order.*

Participant number 08: *It depends on what kind of problem, but I would try to contact the shop. If there is no solution, I would try to contact the authorities.*

Participant number 09: *I suppose I have to contact my bank, it is the initial point of contact, and hopefully, they would be able to advise me on the next course of action*

Participant number 10: *I would contact the seller to try to find a solution*

Participant number 11: *I would try to contact the shop that I bought from initially, and then if that doesn't resolve the problem, I would try to contact the bank in order to get a refund on my card.*

Participant number 12: *I would try to contact the seller or the platform where the sale was made.*

Participant number 13: *The first thing I would do it is probably call a friend who can advise me or look for a solution online. Look for advise*

Participant number 14: *I would look at the website to find the way to contact they. I would prefer a live chat.*

Participant number 15: *What I usually do, is when my parcel doesn't get to me within the scheduled delivery date, I go to the e-mail or to the platform where I could communicate with the company and send a message to them.*

Participant number 17: *I lost my money (give up on the product)*

Participant number 18... *I won't be dealing with them anymore....*

Participant number 19: *I told them I wouldn't do business with them anymore; I was quite clear about that. I was very disappointed.*

Participant number 21: *Many times, the websites have a platform to resolve it, but sometimes I contact the seller directly*

Participant number 22: *That's a kind of a hard question. I always buy through official platforms. So before buying, I look for reviews, but if I have any problem I would try to the website or the trader*

Participant number 23: I gave up the product. It was too much trouble.

How would you be the most convenient way to resolve a problem with an online purchase?

Participant number 01: *By chat*

Participant number 02: *Directly with the store, the online store.*

Participant number 03: *I believe email is the easier I find.*

Participant number 04: *Usually I mix between e-mail and phone. So sometimes I will first begin sending an e-mail and if I don't hear back in 3 to 4 days, I would choose another method.*

Participant number 05: *I think the best option is chat or e-mail.*

Participant number 06: *Sending an e-mail, explaining the problem.*

Participant number 07: *I prefer by chat, because it is usually quick. Emails take longer. Calls usually you have to call between 9 to 6, and you have to be on cue first before reaching out to them. So, chat is the most preferred one.*

Participant number 08: *Customer service, e-mail.*

Participant number 09: *I suppose e-mail you never know if someone will be prompt in responding. You probably get a greater degree of control when you are actually able to talk to someone in person, but I suppose I would be comfortable enough on WhatsApp, electronically, it is probably the fastest way to get a response.*

Participant number 10: *By e-mail, sometimes is difficult to contact them by phone call, so I would just send them a message.*

Participant number 11: *Customer service. online chat*

Participant number 12: *Online chat*

Participant number 13: *It depends on the company. If it is an Irish company, I always try to ring them. I always want to talk to somebody. Outside of Ireland or even Spain, because I am Irish and live in Spain, I use a lot of Irish websites, if it is another country, I use the chat. I always use the chat to talk to customer service agent*

Participant number 14: *I would prefer a live chat, because I feel safer, and I have the feeling that my problem will be solved quick.*

Participant number 15: *Online. Sometimes e-mail delays and sometimes you don't get quick responses*

Participant number 16: *Usually the websites have an option to contact the seller directly, so I do that. Depends on the issue, if it's the case of the parcel already been in the country you can*

get in touch with the post directly, but if it's getting send back to the seller, I would just contact the seller to ask what can be done to resolve the issue.

Participant number 17: *Could be probably on a chat, like if you find on the website, to talk to staff. Sometimes by phone for me is not so good, because you can pay the call. If I use the internet is easier to solve but using the chat, they can give you the answer in real time and you have the problem solved and message is saved in the system. E-mail can be complicated because maybe they can spend time to give you the answer and the chat in in real time*

Participant number 18: *... I would prefer to deal with it straight away either on a phone call or a text message*

Participant number 19: *I would like by phone or WhatsApp, with a customer service agent. And I would like to be heard at the moment. Not in two weeks' time or four weeks' time.*

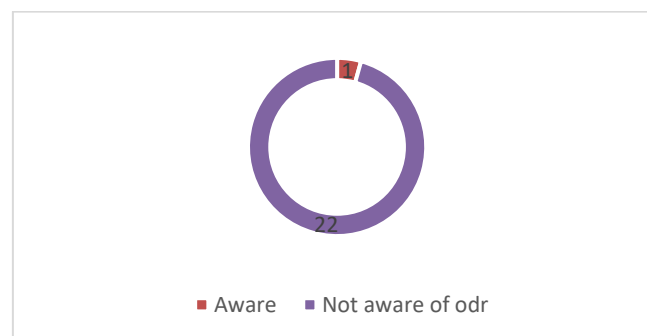
Participant number 20: *I'd rather call the company.*

Participant number 21: *Usually the platforms have a place where you can exchange messages when you buy something. Sometimes when you have more trouble via e-mail*

Participant number 22: *I would contact them via e-mail, this way is going to record and if I have any problem, I can show it.*

Participant number 23: *Online chat*

Do you know that there is a European platform that you can access and get support for free while purchasing online within Europe?



What is your opinion on such a Platform to assist consumers to redress the problems from online commercial transactions?

Participant number 01: *I don't think is necessary.*

Participant number 02: *I think is good, because there are a lot of fake websites online and you don't know sometimes you buy something and never arrives or something like that. Scams and all.*

Participant number 03: *Well, that's tough. Well, I think it is a good idea, if it works well it is really helpful and can provide customers with more confidence, sometimes people just let go of some problems instead of dealing with them and really finding a solution because it is taking too long. If something else is helping it is good.*

Participant number 04: *I think is really good, I haven't really tried, and haven't heard of it before this call, but it yes, it sounds very good a platform to help online costumers. I think it is a good idea.*

Participant number 05: *It would encourage people to buy more and feel safe, especially now that people buy more and more. It is safer anyway.*

Participant number 06: *I never had a problem with online commercial transactions, so I cannot say from personal experience.*

Participant number 07: *Yeah, of course it would be a great help. An entity there that can help you in disputes. But how hard it is to reach them, is a question again, because not everybody knows. And I heard it for the first time. So, they might be a lot of people like me as well. So, it depends.*

Participant number 08: *It would be great, a proper platform to resolve problems with many shops. It would be good. Even though it never had a problem.*

Participant number 09: *I think that if they are really serious about being involved on it, I think they would have to have software inbuilt in all online in Europe and if you have a problem, you are able to solve it straight away*

Participant number 10: *I think it sounds great, sometimes you can't reach certain traders, so you need help from somebody else. I think it is a great platform.*

Participant number 11: *If comes to help the customers it is amazing.*

Participant number 12: *I think it would be very useful, because its good if you have one place where you can go when you have a problem with a platform or an online seller. I think for certain complaints is nice with you centralise a place to try to resolve the problem.*

Participant number 13: *I think is necessary I think we definitely need some kind of regulation in the European Union, especially for the last year and a half. I have heard and I know a lot of people who suffered scams online, who lost money online, never received orders, or made an order with the company that didn't really exist. I think they need to have more regulation. It is a really good idea.*

Participant number 14: *Like it is amazing it is like heaven if you have a place to go when you have a problem to buy online. Because you know you always feel a little bit unsure about the things when you buy things online. Internet is a jungle we don't know we can't see things. I feel very safe when I know this kind of platform.*

Participant number 15: *I think it would be very good, especially when it has to do with purchases from the wrong companies, let's say your details are hacked, or bank details are hacked, so in some cases, you wouldn't know who to blame. Whether you blame yourself or the*

company. So, if such an organisation or body looks into such disputes to try and get it resolved I think it is a really good thing.

Participant number 16: I think they are great if they are functional and if they are responsive enough because usually when costumers are buying something online and something goes wrong, I would be expecting personally that help straight away, so maybe somebody to be able to answer me promptly and if that is working for me that would easy up my buying experience.

Participant number 17: It would be great of course, because you can explain your problems, you can start, like many costumers maybe complain about the same problems, the company would be obligated to solve this, find solutions and respect more the clients.

Participant number 18: You just told me. I did not even know the one existed. That is necessary, because obviously if you buy something in a shop here and you have a problem there is an organisation here which is a national organisation that you can go to but because everything is changing to online you definitely need it. That is good to know

Participant number 19: I think is a great idea, I think there should be, I think is a great idea, for me it has been very helpful, but I think a lot of people do not know that this platform exists.

Participant number 20: I think it is useful

Participant number 21: I think if it is something small enough, cheap items, small items, it would be too much trouble to go to another platform, but if it is something big and valuable it is worth it.

Participant number 22: That's I hard question. I don't know.

Participant number 23: I think is necessary to have a place to go when you need information and help.

3.1.3 Section two

In the second section of interviews M.T from the European Commission of Justice and Consumers, on the unit of Consumers Enforcement and Redress answered what was the biggest **challenges to the market penetration of ODR as a dispute resolution service**. Specifically in terms of the EU ODR Platform, which is the appropriate public Online Dispute Resolution tool to address e-commerce conflicts. The answers provided were recorded and committed to writing. The full extent of the interview can be found in the appendix of this paper.

Transcripts

What are the biggest challenges to the market penetration of ODR as a dispute resolution service?

... “80 to 85 percent of complaints they do not get followed up on the ODR platform, and the reason why they do not get followed up on the ODR Platform is that we are a voluntary tool, and the trader doesn't want to use the platform”

...“If the trader doesn't want to use the ODR platform nobody can force them”...

So, I could say that the trader’s participation in the Platform could be seen as a challenge for the Commission?

“Engagement, the trader’s engagement is a challenge, not participation as a challenge but engagement is a challenge” ...

Do you see the awareness of general population as well as a challenge or ways to promote the Platform or do you consider that is already successful?

... “Campaigns, you have to repeat and repeat them again... The question is: that you have to, if you want to invite people to use your product than you also think about what your product is going to do” ...

... “Right now, the question is, that we invite people to use our tool and if we have such low engagement rates. What would be our priority to invite people to use the tool or to work to improve the engagement rates” ...

3.2- Secondary data

The Amsterdam University of Applied Sciences and The Centre for Market Insights carried out the 2021 European E-commerce Report to assess digital marketing in EU. The full report can be found at: [2021-European-E-commerce-Report-LIGHT-VERSION.pdf \(ecommerce-europe.eu\)](https://ecommerce-europe.eu/2021-European-E-commerce-Report-LIGHT-VERSION.pdf)

The impact of the pandemic couldn't have been left behind. Several elements regarding electronic commerce were critically analysed, However, as one of the main goals of this research is to evaluate the challenges of E-commerce and ODR we will mainly focus on the in-depth interviews conducted with national association experts in several countries within EU to **critically evaluate the influences affecting the growth of electronic commerce**. Only a small excerpt of the interviews will be transcript, highlighting the biggest **challenges encountered in the EU e-commerce** from the perspective of the experts from 17 countries in EU.

The original question posed was:

What have some of the specific challenges/opportunities been in your country market for SMEs going online? or What specifically do SMEs need to go online and be successful?

Belgium/Greet Dekocker: “For many, **logistics has been a challenge**. Creating a digital webshop is one thing, but logistics is an entirely different beast. Suddenly your stock is interrupted via the webshop and it’s not organized properly with the shop inventory system. For SMEs handling returns, these new business activities are difficult to synchronize. **The biggest challenge remains marketing** for SMEs – they’re not used to social media, marketing, analytics, or adwords. Social media is one of the big things retailers in Belgium need to think about, **digital marketing** in general needs more focus. Omnichannel challenges are also present for Belgian retailers – managing a shop on a marketplace, managing a classic webshop, and managing a physical shop”. (p.25)

Ireland/ David Campell: **Limited skills** and resources are the biggest challenges. Educating them with the correct partners is where we try to help, but they need to do their background research, get case studies, and talk to customers of partners and their experiences. There’s a wealth of opportunities in Ireland, tech multinationals, service providers, government support, associations and initiatives, training courses and resources. The most important thing is for retailers to do some consumer research, monitor shopping habits and behaviours, and sector by-sector analyses. (p.35)

Denmark/Henrik Theil: **Lack of expertise and understanding of e-commerce**. Both public authorities as well as organizations and private companies have offered a great number of webinars on digitation and counselling. Many SMVs are also looking for new employees with the needed skills to drive e-commerce projects to a successful completion. (P.46)

Estonia/Tõnu Vaat: The biggest point is **just investment in advertising**. Estonians are very open-minded, but you have to have a well-designed e-shop and in e-channels where you can be found. Maybe it sounds simple, but these are the main issues we see. Estonia is small, so I think the biggest point is investment. You need to be found in the channels and to market, which can be hard to do for smaller sites. Big international players have it easy, but smaller players will need to be mindful of their marketing and investments. (P.48)

Finland/ Ilari Kallio: One clear challenge is related to **logistics and deliveries**. Distances are long and if you’re a small operator, you can’t use all the logistics service suppliers. If you rely only on one or two, it can take longer to get your goods from Helsinki to other parts of Finland

than to Berlin. Long distances also make shipping more expensive. Competing against international online retailers is difficult, which is why we suggest online marketplaces to retailers as an alternative to web shops, telling them they are a possibility for SMEs if they don't want to run their own website and if they want to go cross-border. Another topic we have highlighted regarding online sales is **digital skills**. Many retailers lack personnel with skills to run online operations, like setting up a website. So, we need more investment into digital skills across the population. (p.51)

Norway/Gerhard Anthun: Many newcomers struggle with **little knowledge about e-commerce** and everything it entails. Some of the agencies working with companies are deficient, while others are unique. However, there are more opportunities than there are challenges. (p.56)

Sweden/ Per Ljungber: To **gain knowledge and build a strong brand**. The e-commerce market in Sweden is mature with many talented large e-commerce companies. Hard to compete and reach out. (p.59)

Austria/Rainer Will: We had subsidies for SMEs, which started around six months ago. SMEs can apply and if you're venture is sustainable then you can get an even higher amount of funding. **The greatest challenge for online retailers is visibility**. It's extremely difficult if you have a small web shop or you've just started, but that is where retailers can rely on domestic marketplaces. Interestingly, we had some digital farmers markets and they worked really well – local farmers could connect with a start-up and sell over marketplaces, including non-traditionally online professionals like butchers. **We have a bit of a problem with fraud in e-commerce**. This is actually a major challenge for new start-ups and web shops because most do not have it in mind when they create a web shop. We have seen a huge increase in fraud because criminals have now moved to the online sector since Covid. We conducted a study last year and almost 50% of all retailers have now been victims of fraud. Since then, we've started working together with the police and have a new working group in Handelsverband dedicated to security in online retail. (p.62)

Hungary/Norbert Madar: First of all, they need to learn about digital solutions, online marketing possibilities. Also, it would be important to understand who their customers are and

why they chose the retailer, and how to reach more – data-driven operation is a huge challenge for retailers who have no staff, resources, or experience. (p.66)

Poland/Patrycja Sass-Staniszevska: Challenges: Price sensitivity of Polish consumers (promo hunters, even more in crisis times), specific payment requirements (BLIK) and delivery requirements (paczkomaty). (p.70)

Bulgary/Janet Naidenova “The two main challenges for SMEs are: Increasing the efficiency of ‘Omni channel’ marketing investments and optimizing the ‘conversion rate’ across multiple channels, while providing personal experience and experience in the shopping process and Supply chains need to adapt to customer expectations” (p.80)

Croatia/Marcel Majsan: ...the biggest challenge for SMEs going online is regulation. We have some older e-commerce laws, and it can be hard to follow the regulation without a lawyer. Just last week the CEO of a marketplace complained that they have issues with consumers returning goods that are damaged; by EU law, online retailers cannot charge the buyer for returns within 14 days, and our inspectors typically rule in favor of buyers rather than retailers, even if the goods are damaged. Therefore, one of the main challenges for SMEs selling online is more laws protecting purchasers rather than sellers. (p.82)

Romania/Florinel Chis: For SMEs there are a number of challenges, including lack of business knowledge and struggling to have a valid business case or model to implement. (p.88)

Russia/Nadezhda Vinogradova: **This biggest challenge is the lack of digital skills.** There are barriers for foreign sellers in Russia, namely due to the language and alphabet. There are also difficulties with logistics and customs, as the logistics in Russia work similarly to Europe. There are several different companies with different areas of work and different abilities to work with different types of products. If you’re selling refrigerators or a cell phone, there will be different delivery companies and that is difficult to know. There are significant issues with customs for sales between Russia and the EU. The biggest foreign seller in Russia only has one person in the Russian office, and players like Asos have no office in Russia, working specifically from England. Our biggest import/export trading countries are (export) the United States, England, Germany, France and Austria, while China, the United States, and neighboring nations are the most popular import countries. (p.90)

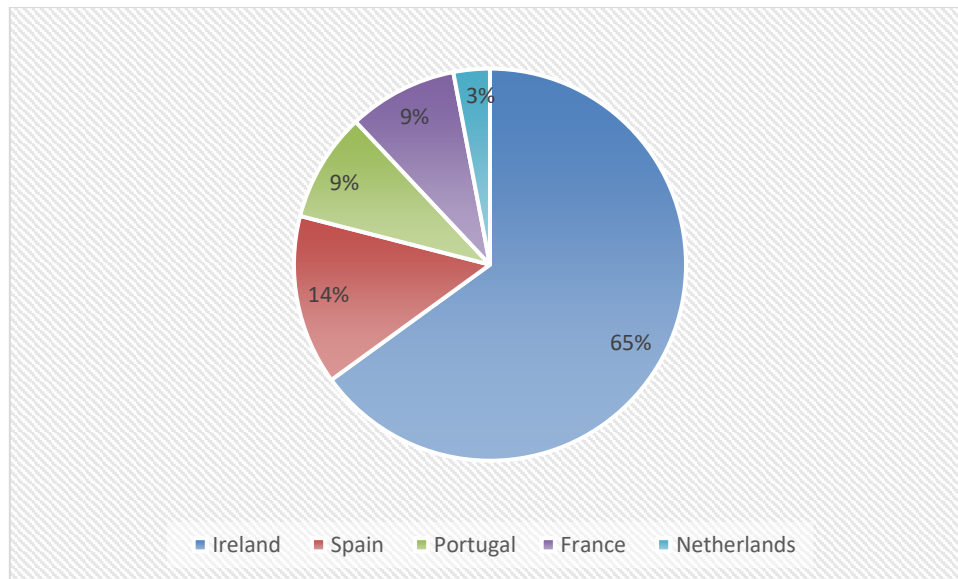
Greece/Katerina Fraidaki The first challenge is education, especially for SMEs we need to educate for them to understand **what is digital, what “online” means**, and how you can transfer your job from an offline to online environment. The second challenge is convincing them that there is a market out there, that there are people who want to buy online. Regarding opportunities, we have a lot of sectors that are not yet online, so there is a lot of opportunity there. If we can combine the startup ecosystem with the e-commerce ecosystem, we will have new ideas that we don’t currently see in the market. (p.98-99)

Spain/Cesar Tello: The pandemic has only accelerated digital transformation, especially amongst SMEs: they had no option but to move online. We are not naive about how difficult this can be, though. First of all, we need to do a lot of work to help them understand what **digitalizing their business means** and how to do it. There are lots of organizations that still think digitalization is about having a website or a social media profile, but they also need resources. Spanish SMEs account for 99% of the total companies and 78% of total employment in the country, but the vast majority of them lack the economic and human capital to take the next step. Without innovation, they cannot scale and reinvest in growing their business, selling abroad or implementing circular and responsible design, which are key to ensure competitiveness and productivity. We believe setting up national and regional programs to support SMEs and guide them through this new digital world is crucial for the economy and society as a whole. SMEs need training in digital skills, capital, and an appropriate regulatory framework to thrive. (p. 107)

Chapter 4: Data Analysis / Findings

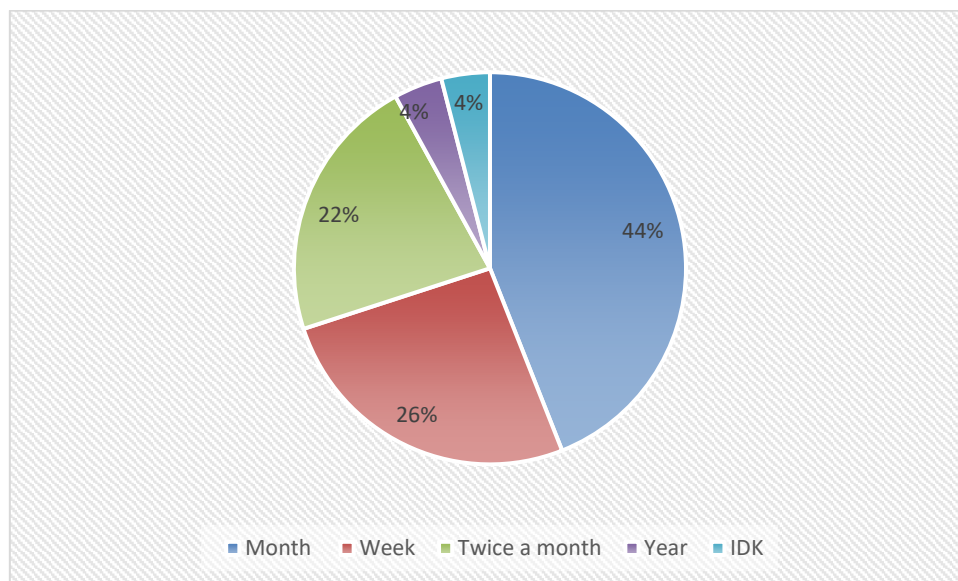
4.1 Challenges faced by consumers.

In this research, Section one, a total of 23 participants were interviewed. All are 18 years or over, have already shopped online, and are living within Europe.

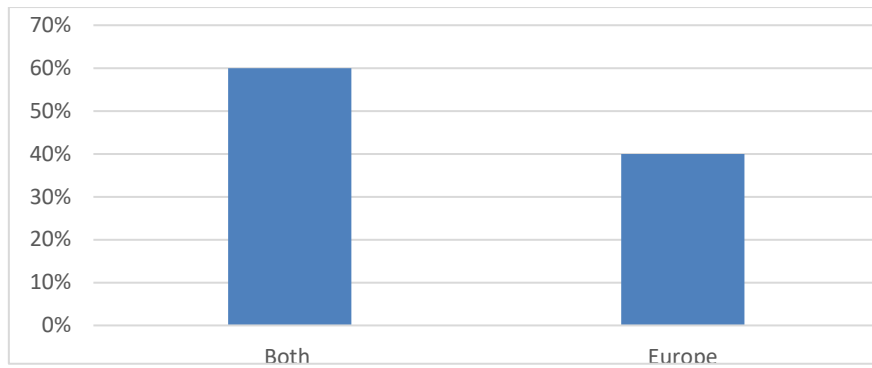


The frequency which the interviewees shop was measured as:

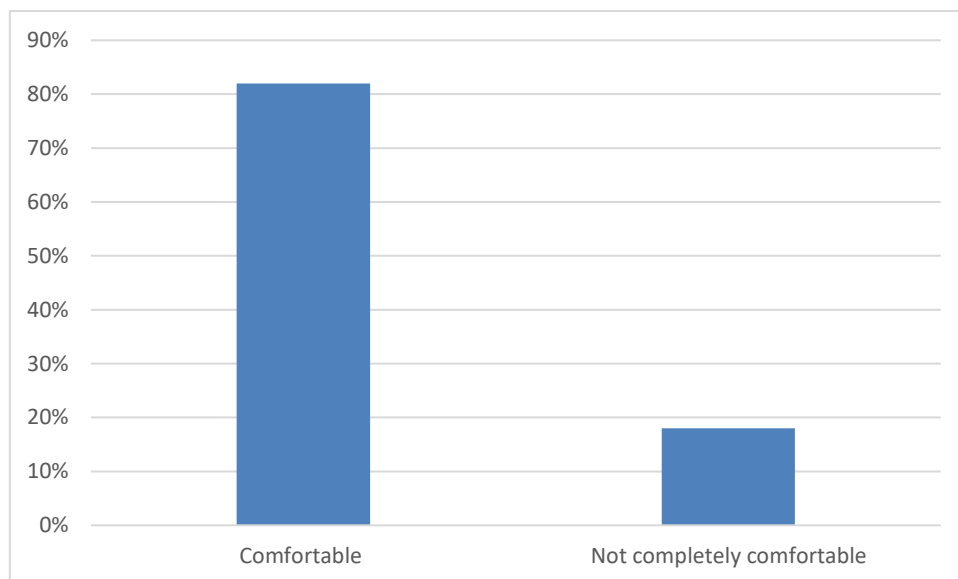
At least once a week, at least once a month, at least twice a year, at least once a year, I don't know.



60% of the interviewees stated that they shop outside and within Europe, while 40% answered that they shop only within Europe



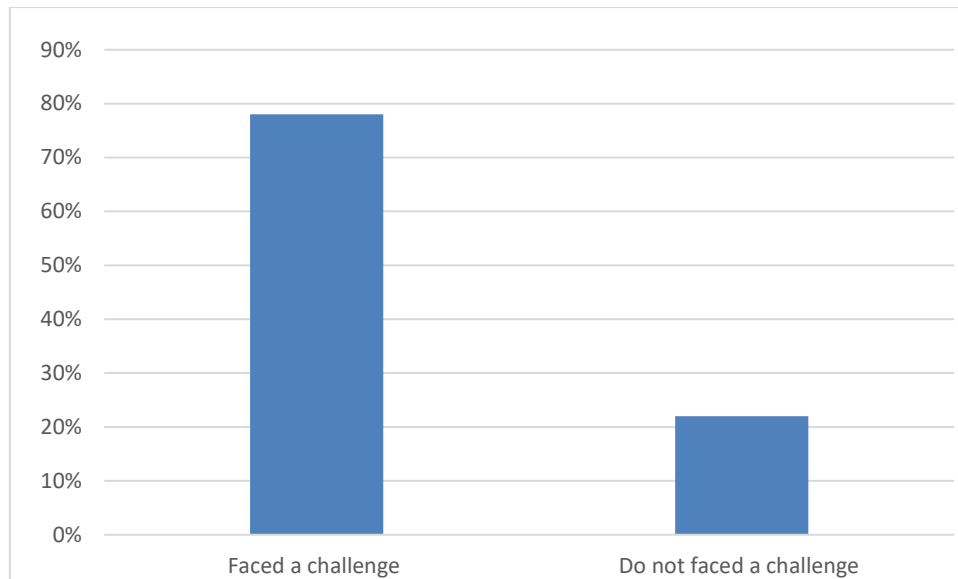
82% of the participants replied they feel comfortable purchasing online, while 18% said they don't feel completely comfortable. Within the participants that stated they feel comfortable, some mentioned that they would only shop from official or recommended websites or from big companies.



The biggest concerns of the 18% of the participants that do not feel completely confident are:

1. Fraud.
2. Delivered issues.
3. Products not matching expectation/ low quality
4. Seizes for clothes and shoes

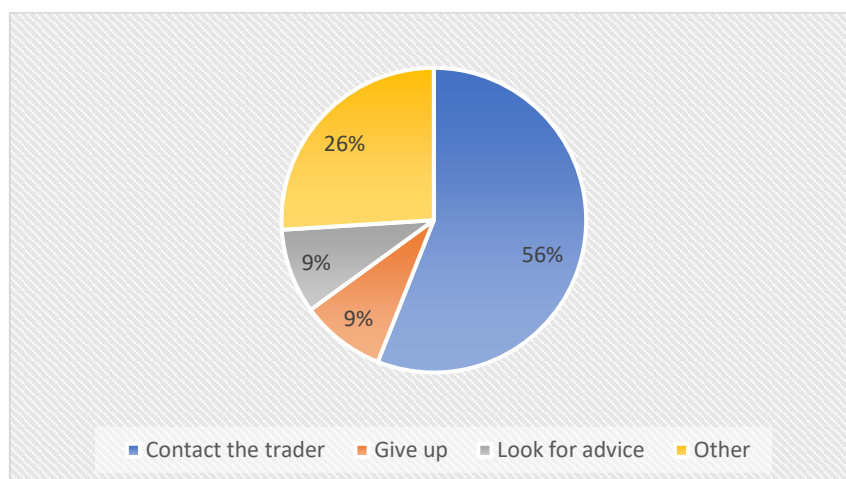
A total of 78% of the participants told they already faced a challenge while shopping online. 66% of those who never experienced challenges whilst purchasing goods or services online, stated they concern about fraud, faulty goods, or products not matching descriptions.



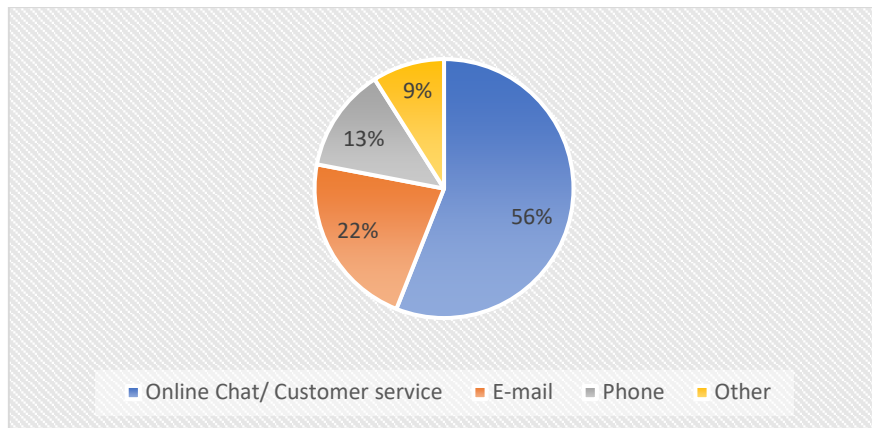
Within the most frequent difficulties from commercial electronic transactions are:

1. -Delivery issues: either taking longer than expected or parcel not being delivered at all.
2. -Difficulty with websites interface or shopping procedures.
3. -Products not matching description/ low quality/different size or colour.
4. -Faulty goods.
5. -Customs fees.

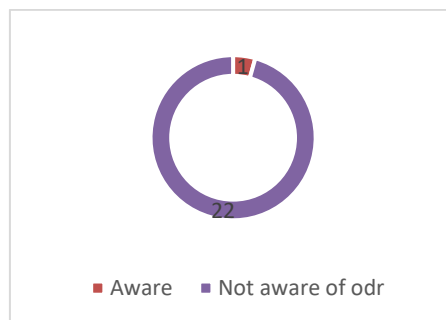
When the participants were asked about how they resolved or would resolve a problem they faced or could possibly face they answered according to below:



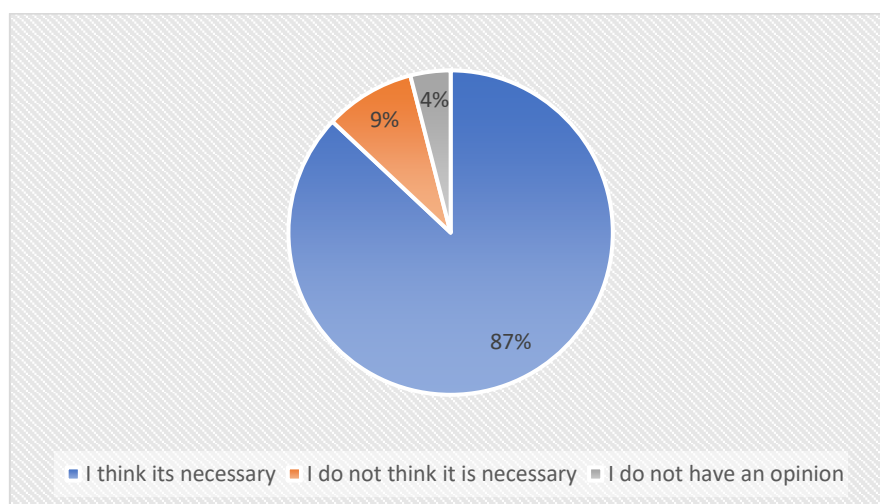
What is the most convenient way to resolve a problem emerging from online electronic commerce, according to the interviewees?



Between the 23 interviewees only 1 was aware of the EU ODR Platform as an online dispute resolution tool to assist consumers while purchasing online.



When asked about their opinion regarding the platform they replied:



The primary data collected in section one enables the **critical review of the challenges faced**

by online consumers and highlights two important themes to be evaluated.

1-The awareness of consumers living in Europe regarding the EU ODR Platform as a tool to re-dress e-disputes.

2- The fact that consumers seem to rely excessively on the trader's availability and responsibility to engage on resolving conflicts when they occur.

4.1.2- The awareness of consumers living in Europe regarding the EU ODR Platform as a tool to re-dress e-disputes.

According to the New Consumer's agenda (2020 p.1) "European consumers rightly expect to benefit fully from the single market and to be empowered to make informed choices and play an active role in the green and digital transition whenever and wherever they are in the EU. They expect to have free access to goods and services across the EU and reassurance that their rights as consumers are protected, notwithstanding traditional and emerging challenges".

However, among the 23 participants living in 5 different countries in Europe, only 1 was aware of the existence of the EU ODR Platform as an online tool that allows consumers to make a complaint against traders.

Participant number 11: *"Never heard about that. It is completely new for me"*

In the first report on the functioning of the EU ODR Platform, among the actions required to improve the platform's performance, it was the trader's obligation to link the ODR Platform on their website. According to the 2Nd report on the functioning of the EU ODR Platform, the Commission carried out activities to promote the Platform among consumers and traders. Despite the continuous efforts of the Commission, this study points out that lack of awareness regarding the Platform is still an issue that requires attention and further measures.

Cortes and Lodder remarks that ODR mechanisms are not widely known as it should be, and the European Platform is also included on this description.

When the interviewees were asked: "Do you know that there is a European platform that you can access and get support for free while purchasing online within Europe?" it was clear their lack of information about the subject.

Participant number 03: *No, actually I want to write it down.*

Participant number 05: *No. Never heard of it. It is actually good to know.*

Participant number 18: *No, I didn't know that I might be getting in touch with them over this.*

The interviewees quotes represent their lack of awareness, however, suggest a positive reaction, indicating that a tool to re-dress e-disputes is more than welcome. This paper indicates that 87% of the participants said the Platform idea seems useful.

Participant number 07: *Yeah, of course, it would be a great help. An entity there that can help you in disputes. But how hard it is to reach them, is a question again, because not everybody knows. And I heard it for the first time. So, there might be a lot of people like me as well. So, it depends.*

The Summary of the results of the Public Consultation on the future of electronic commerce in the Internal Market and the implementation of the Directive on electronic commerce (2000/31/EC) (2010), also points out to the consensus about the awareness of ODR being poor and of insufficient information and publicity.

4.1.3- The fact that consumers seem to rely excessively on the trader's availability and responsibility to engage on resolving conflicts when they occur.

One of the main objectives of the EU legislative framework for consumer ADR and ODR is to facilitate access to satisfactory dispute resolution alternatives to enhance consumers' trust in the online market. On this wise, not only does the consumer's trust should be boosted as also the trader's responsibility.

In this study a total of 78% of the participants replied that they already faced a challenge while shopping online. When asked about how they would try to resolve a conflict in case of an unfortunate purchase, 56% of the interviewees stated that they would try to contact the trader. Special Eurobarometer n°342/ Consumer Empowerment indicated that 77% of the consumers that experience purchase's inconveniences take act, however only 16% complain to the public authorities. 44% of the consumers cited that they resolved their problem directly with the trader.

As remarked by the mentioned Consumer's empowerment survey 24% of the consumers answered that they do not take their complaint to public authorities because the sums involved were too small while 13% mentioned it would take too much effort. The numbers displayed by the survey suggest that online consumers are seeking for fast and easy solutions to their e-disputes.

Unfortunately, in case the trader refuses to cooperate with the consumer's complaint little can be done by the customers, once majority of the online purchases are small value items and complaining to the authorities, especially to the courts would require a disproportional effort.

Among the interviewees in this research, some mentioned that in order to try to resolve their unfortunate purchase they told the trader they wouldn't do business with them anymore.

Participant number 18: *I won't be dealing with them anymore....*

Participant number 19: *I told them I wouldn't do business with them anymore; I was quite clear about that. I was very disappointed.*

Having said it, it is possible to derive from the interviewees' quotes that they don't see other options to resolve their disputes other than relying on the trader's availability to act.

4.2 Challenges of ODR penetration as a dispute resolution service from the Commission Perspective.

The primary data collected in section two aimed to critically appraise the market penetration of ODR as a dispute resolution service. The European Commission launched the EU ODR Platform in 2016 to work as the main tool of dispute resolution to electronic commerce conflicts, consequently the EU ODR Platform will be the main ODR focus on this study. Since of its creation, the Platform has been evaluated through four Commission reports, three exclusively focused on the functioning of ODR and one evaluating both ADR and ODR.

Recently, the Online ADR Assembly 2021 that happened between 28-29 of September brought into discussion several aspects of ADR and ODR, remarking 9 recommendations; "Encouraging participation through consumer nudging and better incentives for traders (or making it mandatory)" it was among the challenges assessed by the assembly. This

recommendation complies with one of the challenges faced by consumers that was pointed out earlier on in this research.

For the purposes of this study the Commission's information system officer – M.T- was interviewed and mentioned that now, 5 years after the Platform started to operate, the Commission is on full reflection mode, in order to take conclusions about the biggest challenges to be overcome, regarding to ODR, ADR and the Platform itself. The quotes collected through the video-conferencing meeting suggest that from the perspective of the Commission, the biggest challenge now is placed **on the trader's engagement on the Platform**, which is voluntary. Traders have the freedom to choose whether to engage or not whenever a complaint is submitted in the ODR tool.

M.T *"If the trader doesn't want to use the ODR platform nobody can force them" ...*

M.T *"As a result 80 to 85% of the complaints submitted to the platform are not being followed up" ...*

The mentioned interview reinforces that the trader's engagement in ODR mechanisms is being treated as an important challenge that is currently being largely discussed by public authorities. Furthermore, is not exclusively a barrier to e-commerce from the perspective of consumers, but also a barrier from the perspective to the Commission.

4.3 Influences affecting the growth of Electronic Commerce to Small and Medium Entrepreneurs from the national association experts' perspective

The secondary data collected enables the **critical review of influences affecting the growth of the digital marketing** and highlights 6 important aspects to be considerate. The 2021 European E-commerce Report remarked the biggest challenges to the SMEs through the in-depth interview of 17 national association experts from 17 different countries. Through the analyses and interpretation of the in-depth interview data we can suggest that the biggest challenges pointed out were:

➤ Lack of digital skills- 44%

Belgium/Greet Dekocker: ...**The biggest challenge remains marketing** for SMEs they're not used to social media, marketing, analytics, or adwords. Social media is one

of the big things retailers in Belgium need to think about, **digital marketing** in general needs more focus...

➤ **Lack of expertise and understanding of e-commerce- 32%**

Norway/Gerhard Anthun: “Many newcomers struggle with **little knowledge about e-commerce** and everything it entails” ...

➤ **Logistics and delivers- 6%**

Finland/ Ilari Kallio: “One clear challenge is related to **logistics and deliveries**. Distances are long and if you’re a small operator, you can’t use all the logistics service suppliers. If you rely only on one or two, it can take longer to get your goods from Helsinki to other parts of Finland than to Berlin”.

➤ **Price sensitivity- 6%**

Poland/Patrycja Sass-Staniszevska: “Price sensitivity of Polish consumers (promo hunters, even more in crisis times)”...

➤ **Omni-channel investment- 6%**

Bulgary/JanetNaidenova “Increasing the efficiency of ‘Omni channel’ marketing investments”...

➤ **Regulation- 6%**

Croatia/Marcel Majsan:“The biggest challenge for SMEs going online is regulation. We have some older e-commerce laws, and it can be hard to follow the regulation without a lawyer”. “Therefore, one of the main challenges for SMEs selling online is more laws protecting purchasers rather than sellers”

5- Discussion

The primary data revealed three themes to be assessed on this study while the secondary data revealed six aspects that can be potentially evaluated. In total, the study raised nine aspects that can be seen as the biggest challenges arising from electronic commerce, however this study will contemplate the first 5 challenges mentioned below. The first three are directly linked to ODR and E-commerce.

- 1-The awareness of consumers living in Europe regarding the EU ODR Platform as a tool to re-dress e-disputes.
- 2- The fact that consumers seem to rely heavily on the trader's availability and responsibility to engage on resolving conflicts when they occur.
- 3- Trader's low engagement rates on the EU ODR Platform
- 4- Lack of digital skills from traders.
- 5- Lack of expertise and understanding of e-commerce from traders.
- 6- Logistics and delivery issues.
- 7-Price sensitivity.
- 8-Omni-channel investment.
- 9-Regulation flaws.

The aspects raised address the question posed initially on this research: What are the biggest challenges arising from the connection between Online Dispute Resolution and Electronic commerce.

To successfully assess the influence of ODR on e-commerce, it was essential to divide the study in 3 different, however connected objectives.

- 1- Critically review the challenges faced by the online consumers.
- 2- Critically appraise the market penetration of ODR as a dispute resolution service from the Commission perspective.
- 3- Critically evaluate the influences affecting the growth of a digital market.

In this chapter we will discuss the three objectives of this research at the light of the Review of the Literature in Chapter1 and the primary and secondary data collected.

5.1 A Critical review of the challenges faced by the online consumers.

According to the New Consumer's agenda (2020 p.1) European consumers expect to have free access to goods and services across EU and reassurance that their rights as consumers are protected, notwithstanding traditional and emerging challenges". The main challenges faced by online consumers observed by this study are mainly linked with mechanisms to resolve disputes arising from electronic commercial transactions: The awareness of consumers living in Europe regarding the EU ODR Platform as a tool to re-dress e-dispute and the fact that consumers seem to rely excessively on the trader's availability and responsibility to engage on resolving conflicts when they occur. The level of awareness regarding the appropriate public European tool to resolve disputes linked to online shopping (EU ODR Platform) was surprisingly low and their level of dependency on the trader's responsibility was surprisingly high.

Created 5 years ago the EU ODR Platform has been an effective public tool to redress e-disputes, however the general consumers' lack of awareness of it still hinders its full success. Even though the interviewees of this study seemed to be quite opened about the idea of the Platform they were not well informed about what it has to offer.

A considerable number of participants interviewed for this study (78%) stated that they encountered challenges while purchasing online. Even though their level of trust in e-commerce seems to be in good terms, with 82% of the participants stating they feel comfortable shopping online, when it comes to resolving conflicts emerging from Electronic Commerce just a few mentioned that they would know what to do other than contact the trader and between the 23 participants only 1 knew about ODR systems.

According to Cortes and Lodder (2014, p.18) "Amongst all the factors that are holding back the development of ODR, perhaps the first and most important one is the lack of awareness, which is indeed mentioned often as a reason for the lack of ODR use and has in the past also been mentioned in the context of the lack of use of ADR. Consumers with unmet legal needs do not know where to go after an online transaction has gone sour. Businesses know that it is very unlikely that a consumer will commence court proceedings, and they are not aware of what ODR systems may offer them in terms of enhancing consumer redress."

The unlikelihood of consumers searching for traditional courts procedures is linked with the fact that most e-disputes are usually related to low-value purchases. Zheng (2020). In this sense, ODR mechanisms and the awareness of the public about them is essential, however is still a challenge.

It is important to highlight that the consequences of lack of awareness can be a quite decisive aspect to the success or failure of any ODR Platform. To improve European consumer's access to justice, the first model of ODR project to resolve e-disputes was created. ECODIR was funded by the European Commission, however it came to an end mainly for withdraw of public funding caused by lack of awareness from business and customers. Cortes (2011).

As a result, the lack of awareness of ODR mechanisms leaves the consumers depending on the traders' responsibility and availability to resolve disputes when they occur, once accessing external help from traditional dispute resolution methods such as litigation would require a disproportional effort from most e-consumers who tend to purchase small value items only.

The perceived level of consumer's dependency on trader's availability and responsibility to engage on resolving conflicts when they occur is an important finding. When asked about how they would try to resolve a conflict in case of an unfortunate purchase, 56% of the interviewees stated that they would try to contact the trader. Special Eurobarometer n°342/ Consumer Empowerment indicated that 77% of the consumers that experience purchase's inconveniences take act, however only 16% complain to the public authorities. 44% of the consumers cited that they resolved their problem directly with the trader.

Even though the survey suggests that contacting the trader seems to offer good results, measures to reinforce the trader's responsibility seems to be still in current demand. In EU 37% of traders do not comply with consumer's right already in force, and most of the time the best option to the consumers is to rely on the trader's availability and responsibility to resolve e-dispute. According to the New Consumers Agenda (2020 p.14) between 2007 and 2019, an average 60% of websites checked were found not to be complying with basic consumer rules and thus requiring corrections.

Having said it, the two more important findings about challenges faced by consumers while purchasing online are linked with the operation of an effective dispute resolution system, not

regarding its functionalities, which seems to be already satisfactory, but in what concerns encouraging consumers awareness and traders' responsibility.

5.2 Critical appraisal of the market penetration of ODR as a dispute resolution service from the Commission perspective.

The primary data collected on the challenges faced by consumers purchasing online pointed to lack of awareness of consumers about ODR systems and dependency of consumers on the trader's availability in resolving the conflicts that can happen in the online shopping sector.

As observed by the Commission officer interviewed for this researcher's purpose, ways to make traders responsible and engaged in e-disputes is an important challenge, and currently one of the biggest to be addressed. If the trader does not want to engage in the EU dispute resolution tool, little can be done, either by the consumer as also by the Commission once the seller participation is legally voluntary. Even though the Platform itself is successfully operating and counts with several innovative mechanisms, the human participation on it has being a challenge.

According to the Commission officer the big question now is: "What should be the Commission priority, to invite people to use the tool or to work to improve the engagement rates?"

The Commission representative stated that currently they are in full reflection mode to come up with innovative solutions to redress the barriers hindering the complete success of the Online Dispute Resolution mechanism to e-commerce.

The 2021 ADR assembly has largely discussed the possibility of bringing out mechanisms to turn the trader's participation mandatory, however there is not a consensus about the theme yet. Furthermore, this is an example of aspects related to ODR services that need to be enhanced by law, once the nature of participation of traders in ODR schemes are legally established.

In order to consolidate satisfactory and effective ODR services and at the same time enable ODR market expansion a set of measures should be implemented.

According to Cortes (2011 p. 206) The European legislature should take steps towards encouraging parties to use ODR on a widespread basis; however, in order to ensure fair and efficient ODR it will first be necessary to create public legal standards.

Having said that, mechanisms to increase access to justice are essential and can be achieved through legal changes, enforceable mechanisms, and appropriate technology. Additionally, it is important to invest in the balance between legal certainty and flexibility, leaving space to

market self-regulation, once the electronical sector tend to develop and progress faster than regulation can follow.

As M.T remarked: “websites we have a lot of references to websites in our legislation and a now a lot of traders is actually happening in the mobile apps that tool is quite different”

However, despite the flexibility required for the development of ODR services, regulatory mechanisms are essential to protect consumer’s rights from being affected by market demands. Regulation and government intervention is fundamental to reassure the quality and credibility of ODR services while flexibility to allow innovations in the sector is needed.

The trader’s engagement in ODR services is part of the challenges that prevent the full development of ODR mechanisms, and consequently part of the aspects that need to be evaluated and amended by legislative measures, which must be carefully analysed so that there is no imbalance in relation to its flexibility and oversight regarding the impact that may occur in the market and, at the same time, on the rights of traders and consumers.

There are a set of digital mechanisms to empower consumers and to facilitate trader’s engagement and, on this wise, exposition to the business failure in attending to the consumers demand could be a potential easy dispute resolution alternative due to its quite accessible feature for consumers and impact on the behaviour of trader’s that would possibly feel compelled to take action in order to keep their reputation, otherwise they could take the risk of losing potential clients who would be able to see they are not interested in resolving disputes when they happen.

Consumer Dispute Boards in countries such as Estonia and Denmark use the blacklist: a name and shaming mechanism for those traders who fails to comply with determinations rendered by ADR procedures. According to Vilalta A.E.(2019) Blacklist is an enforcement mechanism by means of which a non-compliant trader becomes part of the listing, and statistics for, traders who are risky to users.

In Denmark, they keep updated a blacklist of defaulters considerate untrustworthy on the consumer agency website and from this initiative they can redress 30% of the conflicts that were not previously resolved voluntarily by the trader. In Austria a list with information of fraudulent website, scam and non-compliant traders is kept by the Internet Ombudsman.

Reclame aqui a brazilian platform, uses customer’s complaints to build the business’ reputation. Clients register on the website, using their personal details to reassure consumer’s

authenticity and avoid frivolous claims. After registering on the website, they are enabled to complain about their unfortunate purchase, tagging the company publicly. This action is likely to make the company to feel compelled to answer and try to resolve the issue to keep their reputation unaffected. The complaints can be seen on the website and serve as a tool to encourage the trader to resolve inconveniences that already happened, as a service to consumers share their negative experiences and research about the reliability of the company they intend to purchase some good or service, and to the seller as an opportunity to update their products and services.

Vilalta A.E.(2019) also remarks that apart from ADR and ODR several others tools can be implemented in order to enhance trader's participation in e-disputes including, trust and online reputation, trust marks, rating systems, blacklists, account suspension or blocking, feedback, chargebacks and escrow accounts.

Through the critical analyses of the aspects related to the market penetration or, in other words, consolidation of ODR as a dispute resolution service, it is possible to derive that legal standard are essential, especially in what concerns traders' engagement in e-disputes, however it is fundamental that the regulations observe the flexibility needed to open the path to constant innovation.

5.3 Critical evaluation of the influences affecting the growth of a digital market.

As remarked by Eurostat-Digital economy and society statistics "The proportion of individuals aged 16 to 74 in the EU-27 who ordered or bought goods or services over the internet for private use stood at 60% in 2019, 14 percentage points higher than in 2014 (46%)".

The Retailers' attitudes towards cross-border trade and consumer protection 2018 Report, observed several aspects related to trader's behaviours regarding online shopping:

- In 2019, 58.5 % of the retailers did not sell online yet.
- 91.8% of the companies that already sell online plan to continue doing so and are in general medium or large companies.
- 18.4% of retailers that do not sell online would be interested in selling online in a close future, while 79.7 are not interested at all
- 55.5% of the retailers said they are confident to sell online.

According to the Europe E-commerce Report 2021, a 12% growth in the online marketing is expected until the end of 2021.

The numbers indicates that e-commerce has been growing in the last decade and is already a well-established marketing practice, however, the remaining challenges still hinder the growth of e-commerce.

After the analysis of the in depth-interviews collected as secondary data on this study, it was possible to interpret that **lack of digital skills, expertise and understanding of e-commerce** from traders were the most recurrent challenges preventing the advancement of e-commerce from the national expert's point of view regarding SMEs in Europe.

According to the experts, SMEs are not used to social media, analytics, they also lack abilities to create and maintain digital tools and need to do their background research to learn about digital solutions.

“Greece/Katerina Fraidaki:The first challenge is education, especially for SMEs we need to educate for them to understand **what is digital, what “online” means**, and how you can transfer your job from an offline to online environment.”

“Spain/Cesar Tello: Without innovation, they cannot scale and reinvest in growing their business, selling abroad or implementing circular and responsible design, which are key to ensure competitiveness and productivity. We believe setting up national and regional programs to support SMEs and guide them through this new digital world is crucial for the economy and society as a whole. SMEs need training in digital skills, capital and an appropriate regulatory framework to thrive”

Through the critical analyses of all the challenges arising from the interplay of ODR and E-commerce is possible to infer that there are several barriers affecting the growth of the digital market. All the challenges previously mentioned in this study would fall into this category, including the lack of awareness of traders and consumers as well as the engagement rates of traders in ODR mechanisms and finally the lack of digital skills and e-commerce expertise from SMEs.

Conclusion

This research aimed to identify and understand the impact of technology on conflict management. The research focused on the barriers related to the relationship between ODR and E-commerce, embracing the challenges faced by online consumers, traders and the EU Commission as also evaluating the penetration of ODR into the electronic market as a dispute resolution service and finally the influences affecting the growth of ODR and E-commerce. Both sectors are in current advancement and the growth of one impact on the growth of the other. All the same, the barriers of one influence on the success of the other.

This study has found that lack of information and awareness about ODR mechanisms among Europeans, not only consumers but also traders, is a big challenge to be overcome. The fact that trader's participation on ODR systems is voluntary appears as a great barrier to determine the success of such tools, once according to the EU Commission officer the rate of trader's engagement on the EU ODR Platform are currently low. Additionally, there is evidence that legislative measures should be implemented taking into consideration the balance between legal standards and innovation. Finally, lack of digital skills, expertise and understanding of e-commerce was found to have a significant effect in the growth of the digital marketing.

This research is based on the inductive approach, using qualitative and quantitative mix-methods. Primary data was collected through conversational interviews and secondary data was gathered through the EU Commission online sources as also reliable literature and reports. Epistemology with focus on interpretivism was adopted as this study philosophy. The research methodology adopted enabled a detailed view on the existing challenges, to EU consumers, EU traders and EU Commission.

The two highly relevant findings about challenges faced by consumers while purchasing online are linked with the operation of an effective dispute resolution system, especially in what concerns traders and consumers awareness and engagement on ODR systems.

According to Cortes and Lodder (2014) awareness is a determinant fact to the success of any ODR scheme. As Cortes (2011) remarked, ECODIR a platform created in 2001 to resolve e-disputes came to an end and one of the reasons was public lack of awareness.

Through the critical analyses of the aspects related to the market penetration or, in other words, consolidation of ODR as a dispute resolution service, it is possible to derive that legal standard is essential, especially in what concerns traders' engagement in e-disputes. As the EU Commission officer remarked, 80 to 85 percent of the complaints in the EU ODR Platform are not being followed up. The trader's engagement is legally voluntary and if they do not want to

engage on e-disputes little can be done by the Commission. That points to the need of updating legislative measures on ODR and E-commerce. However, it is fundamental that the regulations observe the flexibility needed to open the path to constant innovation.

Through the critical analyses of the challenges affecting the growth of the digital market it is possible to conclude that apart from the previous challenges related to awareness of consumers and traders' responsibility to act and availability to engagement on e-disputes, lack of digital skills and insufficient expertise regarding e-commerce from traders also play an important role in impacting the sector. Even though the last two are not directly linked with dispute resolution services, they are important findings in the big picture of the growth of the Single Market.

Similarities among different sources of the primary data collected was found, specifically regarding traders' engagement and availability to act. The findings related to traders' availability to act founded through the consumers interviews complements the traders' low rates of engagement fact cited by the EU Commission officer. Furthermore, the observations raised through the data collected in this research complies with the review of literature, specifically in what concerns the need of updating legal standards as remarked by Cortes (2011).

Reflection

The experience of pursuing a master's degree in Dispute Resolution and conducting a research in Online Dispute Resolution schemes was really enriching once through studies I could enhance my knowledge about the online sector, which is a growing field and essential to open new horizons.

I've always been familiar with the dispute resolution field due to my professional experience working with Human Resources. Now, specially after the pandemic, the world seems to be walking towards an online revolution and consequently knowledge on the area will probably help me to achieve higher levels in my career. Furthermore, it is a personal achievement beyond all.

The biggest challenges I faced during this research were posed by the current world situation, once it added a layer of small obstacles on the way, such as difficulties to interview participants, going to physical library and accessing the College installations. However, at the same time, after the initial shock, I could see that we can adapt and, ironically or not, the online word seemed to be the key that helped me to overcome challenges. Hopefully, after all, the ODR sector will benefit from the online experience most of us were forced to deal with.

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Appendix

Section One: Consumer's interview

Which country do you live?

Participant number 01: *Spain*

Participant number 02: *Portugal*

Participant number 03: *Ireland*

Participant number 04: *Ireland*

Participant number 05: *Ireland*

Participant number 06: *Spain*

Participant number 07: *Ireland*

Participant number 08: *France*

Participant number 09: *Ireland*

Participant number 10: *Ireland*

Participant number 11: *Ireland*

Participant number 12: *Netherlands*

Participant number 13: *Spain*

Participant number 14: *Ireland*

Participant number 15: *Ireland*

Participant number 16: *Ireland*

Participant number 17: *Ireland*

Participant number 18: *Ireland*

Participant number 19: *Ireland*

Participant number 20: *France*

Participant number 21: *Ireland*

Participant number 22: *Ireland*

Participant number 23: **Portugal**

Do you purchase online?

All the participants purchase online

How often?

Participant number 01: *I don't know, every 6 months*

Participant number 02: *Now about once a month*

Participant number 03: *It depends on the product, quite often, especially food*

Participant number 04: *Maybe a couple of times a month*

Participant number 05: *I would say once a month or once every two months*

Participant number 06: *Once per year maybe, maximum two.*

Participant number 07: *It depends, but I prefer go online during June or during Christmas. Maybe once in 3 months.*

Participant number 08: *Twice a month a think*

Participant number 09: *Once a week*

Participant number 10: *Maybe every week or two weeks*

Participant number 11: *I would say, I don't have a pattern, but in the last 3 months I ordered over 15 times already*

Participant number 12: *Every two weeks or every month*

Participant number 13: *Sometimes once a month/ once a week*

Participant number 14: *Every month, I guess. nearly every week*

Participant number 15: *Let's say maybe once in a month*

Participant number 16: *For now, it has resided a bit but previously during Covid, it was very very frequent, I don't know, depends on what you would get, sometimes 3 to 4 times a week.*

Participant number 17: *Once in two months*

Participant number 18: *Possibly once a week*

Participant number 19: *At least once a week*

Participant number 20: *Around once each two months*

Participant number 21: *I would say once a month at least*

Participant number 22: *I might say 3 times a year*

Participant number 23: *At least once a month*

Do you buy goods and services within Europe, outside Europe, or both?

Participant number 01: *Both*

Participant number 02: *Only in Europe*

Participant number 03: *Both*

Participant number 04: *Usually within Europe*

Participant number 05: *Europe, All in Europe.*

Participant number 06: *I think all the purchase was made within Europe*

Participant number 07: *Just within Europe. I don't buy outside of Europe because of charges they apply.*

Participant number 08: *Usually Europe*

Participant number 09: *Both. I suppose it depends on what kind of product I am looking for.*

Participant number 10: *Both*

Participant number 11: *Mostly Europe, from Amazon UK, but I also buy from China*

Participant number 12: *Both*

Participant number 13: *Inside Europe. I suppose I buy technology from Asia or USA (both)*

Participant number 14: *Both*

Participant number 15: *I would say within Europe*

Participant number 16: *Primarily in Europe because you don't get custom's fees, If I am getting something outside primarily Asia or Japan.*

Participant number 17: *Both*

Participant number 18: *Both*

Participant number 19: Both

Participant number 20: I guess in Europe

Participant number 21: Both, mainly Europe but both, from China or Asia

Participant number 22: Always in Europe

Participant number 23: Both

When shopping online do you feel comfortable with it?

Participant number 01: *Yes*

Participant number 02: *Yes*

Participant number 03: *Yes*

Participant number 04: *Yes*

Participant number 05: *Yes, it depends actually. I don't know. It depends a lot. I need a really good recommendation about a website otherwise I wouldn't buy it.*

Participant number 06: *Yes, I feel comfortable, yes, when the website is official, there is no problem.*

Participant number 07: *Yes, I feel very comfortable*

Participant number 08: *I do*

Participant number 09: *Yes*

Participant number 10: *Yep yep, very comfortable*

Participant number 11: *100% I have no problems online shopping, especially in big shops*

Participant number 12: *Yes*

Participant number 13: *Once I see the padlock symbol in the top left corner I feel comfortable buying things, but I generally only use recognised websites.*

Participant number 14: *Yeah, I feel comfortable. Sometimes when I buy specific things like shoes, I prefer to buy face to face, personally. I like to try, but I feel very comfortable shopping online.*

Participant number 15: *I don't always feel comfortable, it depends on if the company seems reliable. From my past experience, it could be a bit uncomfortable*

Participant number 16: *Yes, sometimes I don't like the interface of the shop, but other than that I feel OK. Like of course I need to ensure that the website is safe to buy from.*

Participant number 17: *Yes, I feel comfortable. Most of the time I Buy yes.*

Participant number 18: *Yes, no problem*

Participant number 19: *Quite comfortable, completely comfortable no, but yes, a bit comfortable*

Participant number 20: *Yeah, for sure*

Participant number 21: *Yes*

Participant number 22: *Buying online tickets for concerts and everything I feel comfortable because I usually buy from official platforms. But I had a problem once buying from a person online.*

Participant number 23: *Not always.*

What concerns you the most?

Participant number 05: *That it (product) won't arrive, or even like if some problem with the product*

Participant number 15: *Is the fact that I could not get the parcel, that I ordered, If I don't get my parcel, it means I lose my money.*

Participant number 17: *Because I am afraid of buying one product and receiving one with low quality*

Participant number 19: *For example, privacy, what my information is being used for and for me sizes for clothes and shoes.*

Participant number 22: *... I prefer do not to buy clothes or food because if I don't see it personally I feel concerned.*

Participant number 23: *Fraud, having my data stolen.*

Have you ever encountered any challenges buying online?

Participant number 01: *Let me remember, maybe once.*

Participant number 02: *Not really*

Participant number 03: *Yes, sometimes the product takes longer than what was advertised, and also the websites takes too much process, you have to put your e-mail, phone number and everything about you just to buy something. I don't think this is nice.*

Participant number 04: *Yes, sometimes the product that you receive it is different from what was shown online.*

Participant number 05: *Basically, I bought something that arrived damaged. I haven't resolved the problem. I forgot about it.*

Participant number 06: *No.*

Participant number 07: *Yes, I have a couple of times.*

Participant number 08: *Not really. Not that I can remember*

Participant number 09: *No.*

Participant number 10: *Yeah, sometimes when I need something specific that is not very easy to find in Ireland so I have to research in another country, and maybe takes longer than usual and this can be a challenge. But in general, is being very good*

Participant number 11: *Not that I can recall, to be honest. Recently I did not have any problem*

Participant number 12: *I guess for clothes mostly to get the right sizes or measures, but apart from that, I think it is ok.*

Participant number 13: *Sometimes it can be a little bit frustrating when you have to wait for a text message or a confirmation number or your bank wants you to confirm something before they confirm the payment and depending on where you are, if you have bad reception or if you recently changed your telephone number, it can be frustrating those moments, because you are waiting for a code. But 95% of the time I feel very comfortable.*

Participant number 14: *I think the most annoying think is the part of the delivery. Sometimes is so stressful to get your order. It depends of the company who does the service. They don't call you, so if you are not at home, you just lose your order, I gave you on one thing that I bought this year, because the delivery was terrible.*

Participant number 15: *I would say I once had the experience when my parcel didn't get to me, and I lost my money.*

Participant number 16: *Currently, I think because of the customs fees people are getting in Europe because if you order a bigger good it might get stuck in customs and might get sent back to the original country. So, I ordered a board game, and I just received a message saying it was already in Ireland and then never reached my home and then they suddenly send it back to Japan. So, I don't know what happened there, but was due to customs, they couldn't sort out the customs, so it was just got sent back.*

Participant number 17: *Yes, I had. I bought a wedding dress. I saw a beautiful picture on the website, but a completely awful dress arrived in my house. I said, ok, I need to buy another one because it would be impossible to wear this dress. The picture was one but the quality of the dress on my hand was a disaster.*

Participant number 18: *Yes, I actually have one now at the moment*

Participant number 19: *Yes*

Participant number 20: *Yes, sometimes when you buy clothes, they send you another.*

Participant number 21: *Yes, just when something did not arrive*

Participant number 22: *I had a problem once buying from a person online.*

Participant number 23: *Yes*

If you had any problem, how would you try to resolve it?

Participant number 01: *Through the chat, do you know, the customer service.*

Participant number 02: *Usually, I can send it back and the site covers the shipping and I get another product, or if I just cancel, they return the money/*

Participant number 03: *Sometimes, if I am finding the website too difficult to handle, I look for the product on another website. If it's taking too long, then I would message the seller.*

Participant number 04: *Usually I prefer to buy from bigger companies, that offer costumer service. So, if I have any problem, I would use costumer service.*

Participant number 05:

Participant number 06: *I need to contact with the owner of the website, line support of the website.*

Participant number 07: *I just had to call and let them know they were not doing their job right, or ask for updates on my order.*

Participant number 08: *It depends on what kind of problem, but I would try to contact the shop. If there is no solution, I would try to contact the authorities.*

Participant number 09: *I suppose I have to contact my bank, it is the initial point of contact, and hopefully, they would be able to advise me on the next course of action*

Participant number 10: *I would contact the seller to try to find a solution*

Participant number 11: *I would try to contact the shop that I bought from initially, and then if that doesn't resolve the problem, I would try to contact the bank in order to get a refund on my card.*

Participant number 12: *I would try to contact the seller or the platform where the sale was made.*

Participant number 13: *The first thing I would do it is probably call a friend who can advise me or look for a solution online. Look for advise*

Participant number 14: *I would look at the website to find the way to contact them. I would prefer a live chat.*

Participant number 15: *What I usually do, is when my parcel doesn't get to me within the scheduled delivery date, I go to the e-mail or to the platform where I could communicate with the company and send a message to them.*

Participant number 17: *I lost my money (give up on the product)*

Participant number 18... *I won't be dealing with them anymore....*

Participant number 19: *I told them I wouldn't do business with them anymore; I was quite clear about that. I was very disappointed.*

Participant number 21: *Many times, the websites have a platform to resolve it, but sometimes I contact the seller directly*

Participant number 22: *That's a kind of a hard question. I always buy through official platforms. So before buying, I look for reviews, but if I have any problem I would try to the website or the trader*

Participant number 23: *I gave up the product. It was too much trouble.*

How would you be the most convenient way to resolve a problem with an online purchase?

Participant number 01: *By chat*

Participant number 02: *Directly with the store, the online store.*

Participant number 03: *I believe email is the easier I find.*

Participant number 04: *Usually I mix between e-mail and phone. So sometimes I will first begin sending an e-mail and if I don't hear back in 3 to 4 days, I would choose another method.*

Participant number 05: *I think the best option is chat or e-mail.*

Participant number 06: *Sending an e-mail, explaining the problem.*

Participant number 07: *I prefer by chat, because it is usually quick. Emails take longer. Calls usually you have to call between 9 to 6, and you have to be on cue first before reaching out to them. So chat is the most preferred one.*

Participant number 08: *Customer service, e-mail.*

Participant number 09: *I suppose e-mail you never know if someone will be prompt in responding. You probably get a greater degree of control when you are actually able to talk to someone in person, but I suppose I would be comfortable enough on WhatsApp, electronically, it is probably the fastest way to get a response.*

Participant number 10: *By e-mail, sometimes is difficult to contact them by phone call, so I would just send them a message.*

Participant number 11: *Customer service. online chat*

Participant number 12: *Online chat*

Participant number 13: *It depends on the company. If it is an Irish company, I always try to ring them. I always want to talk to somebody. Outside of Ireland or even Spain, because I am Irish and live in Spain, I use a lot of Irish websites, if it is another country, I use the chat. I always use the chat to talk to customer service agent*

Participant number 14: *I would prefer a live chat, because I feel safer, and I have the feeling that my problem will be solved quick.*

Participant number 15: *Online. Sometimes e-mail delays and sometimes you don't get quick responses*

Participant number 16: *Usually the websites have an option to contact the seller directly, so I do that. Depends on the issue, if it's the case of the parcel already been in the country you can get in touch with the post directly, but if it's getting send back to the seller, I would just contact the seller to ask what can be done to resolve the issue.*

Participant number 17: *Could be probably on a chat, like if you find on the website, to talk to staff. Sometimes by phone for me is not so good, because you can pay the call. If I use the internet is easier to solve but using the chat, they can give you the answer in real time and you have the problem solved and message is saved in the system. E-mail can be complicated because maybe they can spend time to give you the answer and the chat in in real time*

Participant number 18: *... I would prefer to deal with it straight away either on a phone call or a text message*

Participant number 19: *I would like by phone or WhatsApp, with a customer service agent. And I would like to be heard at the moment. Not in two weeks' time or four weeks' time.*

Participant number 20: *I'd rather call the company.*

Participant number 21: *Usually the platforms have a place where you can exchange messages when you buy something. Sometimes when you have more trouble via e-mail*

Participant number 22: *I would contact them via e-mail, this way is going to record and if I have any problem, I can show it.*

Participant number 23: *Online chat*

Do you know that there is a European platform that you can access and get support for free while purchasing online within Europe?

Participant number 01: *No. I didn't know*

Participant number 02: *Never heard of it*

Participant number 03: *No, actually I want to write it down.*

Participant number 04: *No. I did not know that that exists.*

Participant number 05: *No. Never heard of it. It is actually good to know.*

Participant number 06: *Never heard of it*

Participant number 07: *No. Never heard of it*

Participant number 08: *No, I didn't know that.*

Participant number 09: *I was not aware of it.*

Participant number 10: *No, no I haven't.*

Participant number 11: *Never heard about that. It is completely new for me*

Participant number 12: *I didn't know.*

Participant number 13: *No I did not know that*

Participant number 14: *Really, No I did not know*

Participant number 15: *I didn't know about that*

Participant number 16: *Never heard of it*

Participant number 17: *No, I never heard about it.*

Participant number 18: *No, I didn't know that I might be getting in touch with them over this.*

Participant number 19: *Yes, I am well aware of that.*

Participant number 20: *No, I did not know about it*

Participant number 21: *No.*

Participant number 22: *No, I never heard about it*

Participant number 23: *No, never heard about it*

What is your opinion on such a Platform to assist consumers to redress the problems from online commercial transactions?

Participant number 01: *I don't think is necessary.*

Participant number 02: *I think is good, because there are a lot of fake websites online and you don't know sometimes you buy something and never arrives or something like that. Scams and all.*

Participant number 03: *Well, that's tough. Well, I think it is a good idea, if it works well it is really helpful and can provide customers with more confidence, sometimes people just let go of some problems instead of dealing with them and really finding a solution because it is taking too long. If something else is helping it is good.*

Participant number 04: *I think is really good, I haven't really tried, and haven't heard of it before this call, but it yes, it sounds very good a platform to help online costumers. I think it is a good idea.*

Participant number 05: *It would encourage people to buy more and feel safe, especially now that people buy more and more. It is safer anyway.*

Participant number 06: *I never had a problem with online commercial transactions, so I cannot say from personal experience.*

Participant number 07: *Yeah, of course it would be a great help. An entity there that can help you in disputes. But how hard it is to reach them, is a question again, because not everybody knows. And I heard it for the first time. So, there might be a lot of people like me as well. So, it depends.*

Participant number 08: *It would be great, a proper platform to resolve problems with many shops. It would be good. Even though it never had a problem.*

Participant number 09: *I think that if they are really serious about being involved on it, I think they would have to have software inbuilt in all online in Europe and if you have a problem, you are able to solve it straight away*

Participant number 10: *I think it sounds great, sometimes you can't reach certain traders, so you need help from somebody else. I think it is a great platform.*

Participant number 11: *If comes to help the customers it is amazing.*

Participant number 12: *I think it would be very useful, because its good if you have one place where you can go when you have a problem with a platform or an online seller. I think for certain complaints is nice with you centralise a place to try to resolve the problem.*

Participant number 13: *I think is necessary I think we definitely need some kind of regulation in the European Union, especially for the last year and a half. I have heard and I know a lot of people who suffered scams online, who lost money online, never received orders, or made an order with the company that didn't really exist. I think they need to have more regulation. It is a really good idea.*

Participant number 14: *Like it is amazing it is like heaven if you have a place to go when you have a problem to buy online. Because you know you always feel a little bit unsure about the things when you buy things online. Internet is a jungle we don't know we can't see things. I feel very safe when I know this kind of platform.*

Participant number 15: *I think it would be very good, especially when it has to do with purchases from the wrong companies, let's say your details are hacked, or bank details are hacked, so in some cases, you wouldn't know who to blame. Whether you blame yourself or the company. So, if such an organisation or body looks into such disputes to try and get it resolved I think it is a really good thing.*

Participant number 16: *I think they are great if they are functional and if they are responsive enough because usually when costumers are buying something online and something goes wrong, I would be expecting personally that help straight away, so maybe somebody to be able to answer me promptly and if that is working for me that would easy up my buying experience.*

Participant number 17: *It would be great of course, because you can explain your problems, you can start, like many costumers maybe complain about the same problems, the company would be obligated to solve this, find solutions and respect more the clients.*

Participant number 18: *You just told me. I did not even know the one existed. That is necessary, because obviously if you buy something in a shop here and you have a problem there is an organisation here which is a national organisation that you can go to but because everything is changing to online you definitely need it. That is good to know*

Participant number 19: *I think is a great idea, I think there should be, I think is a great idea, for me it has been very helpful, but I think a lot of people do not know that this platform exists.*

Participant number 20: *I think it is useful*

Participant number 21: *I think if it is something small enough, cheap items, small items, it would be too much trouble to go to another platform, but if it is something big and valuable it is worth it.*

Participant number 22: *That's I hard question. I don't know.*

Participant number 23: *I think is necessary to have a place to go when you need information and help.*

Section two: EU Commission Officer transcripts

What are the biggest challenges to the market penetration of ODR as a dispute resolution service?

... “80 to 85 percent of complaints they do not get followed up on the ODR platform, and the reason why they do not get followed up on the ODR Platform is that we are a voluntary tool, and the trader doesn't want to use the platform”

...“If the trader doesn't what to use the ODR platform nobody can force them”...

So, I could say that the trader’s participation in the Platform could be seen as a challenge for the Commission?

“Engagement, the trader’s engagement is a challenge, not participation as a challenge but engagement is a challenge” ...

Do you see the awareness of general population as well as a challenge or ways to promote the Platform or do you consider that is already successful?

... “Campaigns, you have to repeat and repeat them again... The question is: that you have to, if you want to invite people to use your product than you also think about what your product is going to do” ...

... “Right now, the question is, that we invite people to use our tool and if we have such low engagement rates. What would be our priority to invite people to use the tool or to work to improve the engagement rates” ...