Innovative Promotion of Online Dispute Resolution Actively Serving and Guaranteeing the Construction of the Digital Silk Road (Translation)

Jin Yinqiang, Justice, President of Fujian High People's Court of the People's Republic of China

Honorable Chief Justices, Presidents of Supreme Courts,
Justices and Judges,
Distinguished Guests, Ladies and Gentlemen, Dear Friends:

Good afternoon!

Today the world has entered a digital era. The booming digital economy has facilitated the rapid growth of e-commerce trade along the Silk Road, contributing to the extension and consolidation of the Belt and Road, however at the same time raising new and higher requirements for the improvement and development of online dispute resolution among countries. Chinese courts have firmly implemented Xi Jinping's thought on the rule of law and President Xi Jinping's important thought on building China into a leading country in cyberspace, and China courts have kept pace with the times, actively and innovatively promoted online dispute resolution, endeavoring to provide judicial services for the construction of the Digital Silk Road.

I. Innovative Practices of Chinese Courts in Promoting Online Dispute Resolution

Chinese courts have taken the initiative to respond to the demands of modern times, vigorously promoting online dispute resolution and innovation in litigation models and mechanisms. Based on the "online trial of online proceedings" practice, which was first explored by the Internet Courts in Hangzhou, Beijing and Guangzhou, the Chinese Judiciary has gradually promoted the online proceedings mode in courts across the country. The entire case procedure from case filing to case acceptance, case hearing, service of documents and enforcement of judgment can be conducted online.

First, China refined the system of rules regarding online dispute resolution. The Supreme People's Court has formulated the Online Litigation Rules of the People's Courts, Online Mediation Rules of the People's Courts, and Online Operation Rules of the People's Courts, with each of the three focusing on different fields, complementing and organically connecting with each other, forming a "trinity" system of rules on online dispute resolution, so that all kinds of online judicial activities have rules to follow. These also promoted online dispute resolution with Chinese characteristics to take a leap from practical exploration to institutional construction.

Second, China improved the online dispute resolution platform system. With the help of

digital technology, we have built a smart platform covering the four levels of courts, with internally and externally connected online services, mediation, lawyer services, cross-border online filing, document service, asset preservation, and appraisal commissioning. We have created an online dispute resolution platform system that integrates litigation, arbitration and mediation, ensuring that the resolution process is good and fast, minimizing parties' litigation-related burden and speeding up the realization of justice.

Third, China optimized the online dispute resolution mechanisms. The Supreme People's Court has, in collaboration with 13 organizations, including the All-China Federation of Returned Overseas Chinese, the All-China Federation of Industry and Commerce, China Association of Small and Medium Enterprises, set up a "head office-to-head office" online litigation & mediation docking mechanism. And local district courts have accelerated the implementation of the "point-to-point" online litigation & mediation docking mechanism accordingly. China , vigorously promotes electronic service, intelligent judicial appraisal and intelligent judgment enforcement, etc., so as to provide parties with a more balanced, fair, inclusive and convenient judicial service.

II. The Local Pattern of Fujian Courts Promoting Online Dispute Resolution

Fujian is the very key place where Xi Jinping's thought on the rule of law was pondered and practiced; "Digital Fujian" is the inspiration and starting point of the practice for the construction of "Digital China". As the core area of the 21st Century Maritime Silk Road, Fujian has traded about 4.4 trillion yuan with countries along the Belt and Road over the past decade. In particular, trading volume between Fujian and BRI partner countries amounted to 735.1 billion yuan in 2022, up by 142% year on year. Fujian courts have utilized its significant and unique geographical advantages, made good use of development achievements of the "Digital Fujian Judiciary", continued to enhance onhine dispute resolution capabilities to assist in the construction of the Digital Silk Road. In the past three years, Fujian courts have concluded some 3,400 foreign-related civil and commercial cases and offered judicial assistance for some 2,500 foreign-related civil and commercial cases

First, Fujian courts highlighted the scientific layout, and deepened the "one network for all business" mode. In recent years, Fujian has set up the Xiamen and Quanzhou International Commercial Court, Xiamen Foreign-related Maritime Court and Fujian High People's Court Maritime Silk Road Central Legal District circuit bench; free trade tribunals or specialized collegiate bench were established in three free trade zones, realizing full coverage of the "one-stop" online international commercial dispute resolution in the district courts of the majority of the cities and municipalities.

Second, Fujian court system focused on the unifying rules applied and deepened the "one standard for all" criteria. Focusing on the unity of substantive and procedural justice, we have strictly followed the Supreme People's Court's judicial interpretations related to face recognition, online consumption and online intellectual property infringement, etc. Fujian High People's Court formulated a number of measures and norms, including a case-handling guide for the hearing of Silk

Road e-commerce and other foreign-related cases, a policy of case-handling time limit management, and also a guide for the ascertainment of foreign applicable laws, among other guides. In addition, we further improved the quality and effectiveness of online resolution of disputes and other cases related to digital economy

Third, Fujian court system pursued the efficiency of resolving disputes and deepened the "one-stop quick settlement" mode. We performed the role of the active judiciary. A docking mechanism with 28 different departments or industries in this province was established, optimizing and upgrading the "1+7+N" mode (which means 1 court + 7 administrative departments + multiple non-governmental mediation organizations) maritime "Fengqiao Experience" based working mechanism, to help the parties to the case resolve their disputes in a multi-channel, high-efficiency and low-cost manner. The Quanzhou Court pioneered the cross-district case filing litigation service, which was promoted and introduced to all courts nationwide. Such innovative practice was awarded the first "People's Court Reform and Innovation Award". In addition to the above, it is also Fujian court system, for the first time in the country, developed the "One Eight Five" model of judicial intensive documents service mechanism (one center, eight delivering methods, five types of full coverage), realizing the instant and efficient legal document service.

III. The Outlook for Online Dispute Resolution under the Principle of Extensive Consultation, Joint Contribution and Shared Benefits

Faced with the development of new technologies such as the Internet, big data, artificial intelligence, etc., we should follow the trend of the times, promote the construction of digitalized justice, as well as the high-level development of the new digital economy, such as the Silk Road e-commerce, so as to make greater judicial contributions to common progress and prosperity of all countries along the Belt and Road.

First, further strengthen the integration of civilization to "add wisdom" to online dispute resolution. Adhering to the attitude of "to open up, not to close off", , we will strengthen judicial cooperation in the field of online dispute resolution. We will work together to build a peaceful, secure, open, cooperative and orderly online dispute resolution platform frame, so as to promote economic and trade exchanges and civilizational interactions through digital judicial services.

Second, further strengthen the integration of technology, and "energize" online dispute resolution. We should adhere to the systems thinking, coordinate development and security, and comprehensively deepen digital judicial innovation. We should also enhance the application of technology in judicial system and improve the mechanism of information access inclusiveness, so that all types of parties to a case can enjoy inclusive, equal and non-discriminatory digital judicial services.

Third, further strengthen application integration, bringing online dispute resolution to "the next level". Adhering to the principle of extensive consultation, joint contribution and shared benefits, we will build consensus, step up communication and promote the idea communications,

platforms integration, rules' inter-connection and the information flow for online dispute resolution, so as to promote the common and balanced development of online resolution in the countries of the Belt and Road Initiative, and thus continuously meet the all-around world people's diversified and digitized needs of the rule of law, and bringing more benefits to all mankind.

Thank you!

Digital Economy, E-commerce along the Silk Road, and Online Dispute Resolution

Tesfaye Niway Engidashet, Vice President of First Instance Court of the Federal Democratic Republic of Ethiopia

Honorable Zhang Jun, President of Supreme People's Court of the People's Republic of China,
Chief Justices/Presidents of Partner Jurisdictions,
Distinguished guests,
Ladies and Gentlemen,

Good afternoon everyone. It is a great honor to be here in China for the **Maritime Silk Road International Forum on Judicial Cooperation** 2023 convened by the Supreme People's Court of the People's Republic of China. The Ethiopia's Federal Supreme Court and the Ethiopian Judiciary thanks the its counterpart for the invitation and look forward to work with you and other BRI partner Judiciary Organs on common issues.

I am delighted to make a speech on the title of **Digital Economy along the Silk Road and Preparedness of the Judiciary.** The subject that I tried to address on my speech has an immense importance for the business, individuals and society as a whole. I try to cover areas of digital economy, the need and the benefits and perils of this economy-if not managed well- and the readiness of the judiciary to cope with and adopt with the digital world.

Belt and Road Initiative is a grand project developed by China but owned by the world has achieved a lot within the last 10 years. Over 3,000 BRI cooperation projects have been launched in the past decade, involving close to 1 trillion U.S. dollars of investment. Many of these projects, such as railways, bridges, and pipelines, have helped build an infrastructure network that connects sub regions in Asia as well as the continents of Asia, Europe, and Africa.

Before going to the details of digital economy I want to pinpoints some caveats of BRI which are linked with the digital economy. For this allow me to quote white paper[1] issued by the Chinese government which states that "BRI is **a path to innovation**. Innovation serves as a critical driving force for progress. The BRI is dedicated to innovation-led development, harnessing the opportunities presented by digital, internet-based and smart development. It explores new business forms, technologies and models, seeking out fresh sources of growth and innovative development pathways to propel transformative advancements for all involved. Participants collaborate to connect digital infrastructure, build the Digital Silk Road, strengthen innovative cooperation in cutting-edge fields, and promote the deep integration of science, technology, industry and finance. These efforts aim to

1. The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future The State Council Information Office of the People's Republic of China October 2023

optimize the environment for innovation, gather innovative resources, foster a regional ecosystem of collaborative innovation, and bridge the digital divide, injecting strong momentum into common development."

Ladies and Gentlemen

From the aforementioned white paper the ideas to be gleaned is that digital and digitalization are here to stay with us, so that it is incumbent upon us to harness the benefits accrue from this new trends. And to do that collaboration of the partner jurisdiction to build the digital Silk Road (DSR) is the only way forward.

Digital Silk Road is a significant part of BRI it is focuses on building telecommunications networks, enhancing the capabilities in artificial intelligence, cloud computing, e-commerce and mobile payment systems, surveillance technology, smart cities, and other high-tech areas.One of the elements of digital Silk Road is building vibrant digital economy. Yesterday we have visited Intermediary court in Quanzhou and the Museum. It is commendable that the judiciary should use modern technology to make their service more efficient and people centered. Especially the visit in the museum shows the vitality of Guangzhou city, the intersection of land and sea, the diversity and harmony of different cultures, religions and so on. Simply it is stunning.

The digital economy in nutshell represents the ideas that individuals, businesses, devices, data and operations through are connected through digital technology to create economic values.It includes an online connections and transactions that take place across multiple sectors and technologies, such as the internet, mobile technology, big data and information and communications technology.

The digital economy basically is different from a traditional economy due to it is mainly based on the digital technology and achieved through online transactions. It is based on Digital innovations such as the internet of things (IoT), artificial intelligence (AI), Nano Technology, Big Data, virtual reality, block chain and autonomous vehicles all play a part in creating a digital economy. The digital economy is here to stay. Digitalization of trade has seen global ecommerce revenue reach US$3,784 trillion in 2022. As the global economy rapidly digitalizes, an estimated 70% of new value created over the coming decade will be based on digitally-enabled platform business models.

Digital economy has been evolved by using various tools and systems which includes digital trade and e commerce, social media, increased remote work adoption (e.g. zoom, Microsoft teams, slack etc.), Omni Channel approach to sales, AI and Automation (virtual assistants, Chabot,), digital payments and Crypto currencies (PayPal, Venom, mobile wallets), Digital entertainments (Netflix, spotify and YouTube etc.), telemedicine (used mainly at time of Covid), Sharing Economy (Uber, Airbnb…). The format of business models are even has got its peculiar character and changes how the business is conducted. This phenomena has been depicted by TechCrunch, a digital economy new site as follows ***"Uber, the World's largest taxi company owns no vehicles, Facebook the world most popular media owner creates no content. Alibaba, the most valuable retailer, has***

no inventory. And Airbnb, the world largest accommodation provider, owns no real estate… something interesting is happening"

Digital Economy has gigantic importance for the economy. It streamline processes, reduce costs, and create new revenue streams. It helps organizations and individuals to harness the technology to carry out their tasks better, faster and efficient. By doing so digital transformation will be realized. Digital economy has various advantages for the economy. It boosts productivity, extended the reach, ensure to access to the data, greater convenience for the market actors, improved customer experience. However there are also some concerns in digital economy which includes privacy and security concerns, waves of disruption, job displacement, monopolization, creation of digital divide, environmental consequence (e.g. in data centers). By 2028, just 9% of all payments will be made in physical currency – but we may miss it.

Digital economy works essentially well on the created digital assets. Digitalization has not only transferred economic activity online, it has also de-materialized everyday physical objects. Movies, recorded music, books, games and art can now be digitized and sold or traded online as digital assets. This opens the possibility to new opportunities for the creative industries.

New legal questions naturally arise due to this trend. For example, are digital assets property and if so of what variety of property are they? In some jurisdiction digital assets has been considered as intangible property. In other jurisdictions the name of the crypto currency looks like an alien concept to conjure up.

Data sovereignty and localization are becoming a very ambiguous words and at time an areas of debates and discussion. Data sovereignty, like digital assets, has its own dedicated and distinctive features related with the value it creates. While goods and services have traditionally been transported physically using various modes of transport, data is naturally different. Data is delivered in data packets through fiber-optic cables and satellites. Data flows now underpin and facilitate the movement of physical objects and the delivery of services. It is apparent that data is the raw material from which new services, business models and value are created. Issues like enforcement of data Sovereignty and data localization has its own difficulties.

The enforcement of data sovereignty regulations faces several difficulties. Which includes:

a. in 2022, the volume of data created, captured, copied, and consumed worldwide was expected to hit 97 zettabytes, doubling to 197 zettabytes in 2025. The rate of acceleration is stunning and this unfolds a magnificent hurdle for the execution and identification of the applicable laws.

b. Cloud computing services are at their most efficient when data is free to flow between national borders. However, as the infrastructure of cloud computing infrastructure has been constructed in a dispersed manner, the issue of data sovereignty has grappled with problem.

Another thorny issues along data sovereignty is data localization. Data localization is used by corporations and governments to make sure that the date possesses its own sovereignty. This raises difficult questions on where data is to be stored and the conditions that apply to its transfer between

jurisdictions.

Ladies and Gentlemen

My Country Ethiopia is located in Eastern Africa, is the second populous country in Africa having more than120 million People. Ethiopia has a long diplomatic relation with China dates back to 2000 years. As a never colonized country Ethipia's modern diplomatic relationship has been started with the formation of Modern China by Mao Zedong. The Ethiopian Emperor Hailselasi has come to China in 1971 to strengthen the diplomatic relationship between two countries. This time the relationship between Ethiopia and China has got a status is STRATEGIC level. The Ethiopian government to build and nurture digital economy has prepared a policy document called **Digital Ethiopia 2025: A Digital Strategy for Ethiopia Inclusive Prosperity.** On this strategy one of the objective is that "to propose an inclusive digital economy that will catalyze the realization of Ethiopia's broader development Vision and to mobilized critical stakeholders to address the imperatives that will enable an inclusive digital economy". The strategy has outlined and elaborated four the digital enabled pathways for inclusive national prosperity. The pathways are unleashing value from agriculture, the next version of global value chain is manufacturing, build the IT enabled services, Digital and the driver of tourism competitiveness. For these pathways to bear a fruit the enablers are digital ID, Digital payments and cyber security. For the realization of the vision and objectives of the strategy the government has established Institutions like Ministry of Innovation and Technology, Information Network Security Administration, and Artificial Intelligence Institute. Recently laws related with building digital economy like Digital Id Law, E-Transaction Proclamation Electronic Signature Law has also promulgated. Based on this backdrop Ethiopia's judiciary can and should learn from other countries to play its fair share in having vibrant and inclusive digital economy.

Digital economy is an issue of today and future, it's important to harness the digitalization for the prosperity of the society. To do this, I think continuous engagement and collaboration between BRI Judicial partners is very crucial one. Mainly the Collaboration should rest on how to utilize the benefits of digital world in collaboration without compromising the sovereignty of each countries and by giving due consideration of the specific and particular status of each countries. In addition the collaboration between different jurisdictions should be based on the Silk Road spirit. The Silk Road Sprit is essentially based on the upholding solidarity and mutual trust, equality and mutual benefit, inclusiveness and mutual learning, and win-win cooperation, countries of different ethnic groups, beliefs and cultural backgrounds could share peace and achieve development together.

Based on the Silk Road Sprit Countries can learn from each other through exchanges, capacity building, knowledge transfer etc. For example I think we can learn from China the work of Internet courts. Internets courts are found Hangzhou (2017), Beijing (2018), Guangzhou (2018), which entertains cases related with E-Commerce, Infringements of digital rights and so on. In addition we can learn from each other how to adjudicate case of cybercrimes, digital security and so on.

I hope that the points that I tried to raise are grist for the mill for the forum. In parlance Belt and Road Initiative Partners particularity the judicial community must confront the legal challenges and find suitable solutions. It is a brave new world that demands brave new solutions.

Finally I want to thank, AGAIN, the Chinese Supreme Peoples' Court, for the nice hospitality and reception I got in Guanzhou, Xiamen and here in Quanzhou. Really it is coming to second Home-CHINA. My very best wishes for a fruitful discussion this afternoon.

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E-Commerce in Greece and Europe and Resolving Disputes That Arise

Theodora Markopoulou, Rapporteur Judge at the Council of State of the Hellenic Republic

1. Introduction. E-commerce is not the future but the present. Profits from online sales from 2019 onwards are valued at trillions of dollars worldwide (growth rate + 13.6%), while especially for Greece 2020 is the year that overturned all forecasts for growth in e-commerce, despite our slow speeds as a country in digital transformation. Especially, in small businesses there have been changes & growth rates in the e-commerce market that in other circumstances may have taken us 5-10 years to happen and this is mainly justified due to the reversal that the Covid-19 pandemic brought to our consumer habits, online shopping became a means of survival and often mental uplift. Consumers depend on their purchases on the Internet to such an extent that at some point even giant online stores (see Amazon) have struggled to manage their order volume.

1.1. Definition of electronic commerce and its establishment as a new legal field. The important contribution of the internet. E-commerce refers to the electronic conduct of transactions, the provision of products and services for remuneration through the use of electronic processing equipment for distance communication and data transfer. It reflects the modern needs for speed, while the evolution of classical-timeless commerce into electronic commerce is due to the rapid use of the internet, since the basis of commerce as a legal concept does not change. Some of the global sites that helped inspire online stores are amazon.com, e-bay.com, Facebook, Yahoo!. com, through which anyone can buy products, services and intangibles (music software programs). In a few years, businesses and citizens are expected to conduct most of their transactions electronically, providing electronic identities and electronic wallets.

1.2. Statistics: Online shopping in Greece increased by 10 percentage points in just one year: from 58% in 2021, the percentage of Greeks who have made at least one purchase in the last three months reached 68% in 2022. Online shopping continues to grow across the European Union, with 75% of people aged 16 to 74 in the EU buying goods or services for private use online in 2022. The share of online shopping increased from 55% in 2012 to 75% in 2022, an increase of 20 percentage points. According to Eurostat data, published in 2023, the most fanatical e-shoppers in Europe are the Dutch, where in 2022 92% of internet users made online purchases. It is followed by Denmark with 90% and Ireland with 89%. On the other hand, markets such as Bulgaria are still far from e-shopping, where less than 50% of Internet users shop online (49%). Between 2012 and 2022, according to the same data, the countries that saw online shopping skyrocket were Estonia (+47 percentage points), Hungary (+43 percentage points), the Czech Republic and Romania (+41

percentage points).

1.3. Advantages and disadvantagesof e-commerce for consumersand businesses as parties.

1.3.1. Advantages for businesses:

·Customer growth

·Business operation 24 hours/day for 365 days/year

·Saving advertising costs, rent, decoration costs, reducing production and distribution costs

·Lower operating and market entry costs

·Reduction of number of employees due to automation of many functions, minimization of operating costs

·Expansion of activities outside their national market, their growth, ensuring a global presence of each company.

·Minimizing supply chain disruptions, reducing delays in the delivery of goods.

1.3.2. Advantages for consumers:

·Save time avoiding distances to the physical store, access to foreign markets, immediate and fast transaction and fast delivery even if the product is on the other side of the world.

·Find discounts and bargains, lower product costs

·Can read opinions from other buyers to avoid unsuccessful purchase

1.3.3. Disadvantages:

·Security issues, personal data breaches of client users

· Social engineering: deception of users in order to obtain information, passwords (interception), so every business must follow rules of European and national consumer protection law, company law, competition law, intellectual property, e commerce law to safely carry out transactions and inform users about the use of their data collected by the website.

·Social segregation, alienation, lack of seller-buyer contact, age and educational racism for those who cannot follow the technology trend.

II. Legislative framework for electronic commerce in the European legal order, establishment of Directive 2000/31/EC "on certain legal aspects of electronic commerce. Trade in the internal market", as well as in the Greek legal order with the transposition of the Directive by the Greek legislator through Presidential Decree 131/2003.

2.1.1. In the European legal order: This created a need to establish a single legislative framework applicable to on-line electronic transactions (e.g.purchase of software, e-books, electronic newspapers, cinematographic works, banking, legal, medical services, webanking) and attempted to harmonise Member States' laws in order to create an electronic commerce area without national frontiers with legal certainty in cross-border transactions. The legal gap that existed was filled in principle by the enactment of Directive 2000/31/EC regulating legal issues in the internal market by electronic means (e.g. freedom of establishment and provision of services

within the European Union, law of concluded contracts, liability of service providers, out-of-court dispute settlement procedure). This Directive is called the 'E-Commerce Directive' and aims to ensure the freedom to provide services between Member States in conditions of legal certainty for consumers and businesses. The Directive introduces the principle that providers of these services are subject only to the rules of the Member State of their registered office and not of the country of the server and their e-mail address. Articles 4-5 regulate the issue of freedom of establishment, art. 6-8 commercial communication, art. 12-15 the liability of intermediary service providers and art. 9-11 Directive establishes the possibility of concluding contracts by electronic means, while demonstrating the importance of unsolicited commercial e-mail, which is linked to the protection of personal data. The greatest contribution of this Directive is in the field of electronic contracts, where all the technical steps that the consumer should follow to draw up the contract should be defined, whether it will be accessible, the possibility of correcting errors, the languages in which the contract is concluded. Article 17 introduces the institution of out-of-court settlement of disputes arising from the provision of services, in order to resolve issues arising from different national laws in cross-border transactions. Deviations from the application of these rules are found in cases related to public policy(protection of minors, violations of human dignity, combating incitement to hatred based on race, sex, nationality), public health, public security.

2.2.2. In the Greek legal order: Directive 2000/31/EC was transposed into the Greek legal order by Presidential Decree 131/2003, with the identical object of regulation electronic commerce. Its provisions are supplemented by the provisions of the Civil Code and the Code of Civil Procedure. Article 16 thereof provides for the out-of-court conciliation procedure for the settlement of disputes. In order for this p.d. to be applied, the service provider must be establishedin Greece. Also, among the main pieces of national legislation applicable to electronic commerce are: Law2251/1994 on consumer protection, as recently amended by Law3587/2007 introducing European regulations on unfair commercial practices, Presidential Decree 150/2001 on electronic signatures, Law3431/2006 on electronic communications, Law 2472/1997 on the protection of individuals with regard to the processing of personal data, as amended by Law3471/2006 on data protection in electronic communications, Law2121/1993 on the protection of intellectual property, as amended by Law3057/2002 on caching etc.

2.2.3. Principles underlying the Directive:

-Country of origin principle. The State where the service provider is established is responsible for its legality and its activities are governed by the law of that State.

-Beginning of unnecessary prior authorization: No approval from any authority is required for the exercise of the activity.

-Obligation of information and transparency.

III. Online transaction dispute resolution procedure. Analysis of Directive 2000/31/EC and Regulation 524/2023 on alternative methods provided by the Online Dispute Resolution

(ODR) platform for the out-of-court resolution of disputes between traders and consumers (See webgate.ec.europa.eu/odr/)

3.1. Article 20 of the Directive provides that Member States must ensure that such disputes are resolved expeditiously in order to put an end to any infringement and damage to consumers' interests. And respectively, Article17 of the Greek Presidential Decree provides for the possibility of taking interim protection measures before the Single-Member Court of First Instance of Athens, if there is a likelihood of infringement of rights.

The Directive itself also encourages the promotion of out-of-court dispute settlement procedures, so the Greek legislator in Article 16 of the Presidential Decree provided for the institution of amicable settlement committees between suppliers and consumers belonging to the Municipalities of the country. In addition, the usual out-of-court resolution mechanisms such as arbitration, mediation and conciliation are applied, where there is a lack of physical presence of the parties involved and the use of technical means such as emails.

https://europa.eu/youreurope/business/dealing-with-customers/solving?disputes/online-dispute-resolution/index_el.htm

Institution of mediation. In particular, in the process of on-line mediation,which is widespread throughout the world, the mediator and the opposing parties communicate exclusively using electronic means (emails) or communicate through online conferences (zoom platform). Thus, the agreement of the parties to submit to mediation and any final settlement of the parties is achieved through the use of the internet, without the need for the parties to move, resulting in the whole process becoming more economical compared to going to court, but mediation skills and sufficient knowledge of technology are required.

At cross-border level, 2 out-of-court resolution networks have already been set up since 2000: **a) EEJ-Net** (European extra-judicial network) for free out?of-court settlement of consumer disputes across borders and **b) FIN-NET**(Financial Network) in the financial sector for disputes from financial institutions or insurance undertakings.

3.2. Also, EU Regulation 524/2023 "on online dispute resolution", based on Directive 2009/22/EU on alternative dispute resolution, promotes the operation of a pan-European Online Dispute Resolution Platform, https://ec.europa.eu/consumers/odr/main/index.cfm?event=main.home2.sh-ow&lng=EL an interactive website with free online access in all the official languages of the institutions of the European Union. This platform was launched on 15.2.2016 by the European Commission and made available to the public. Both consumers and traders can forward their complaint by filling in a complaint form and once it has been forwarded to the complainant-trader, the parties should agree to transmit the complaint to the competent alternative resolution body from those listed and certified under the conditions of the Directive and registered in the Special Register of Operators. If the parties do not agree within 30 days or if the entity refuses to deal with the dispute, then the complaint is not submitted for further processing and the complainant receives

information from an advisor of the online platform on other means of protection.

In Greece the certified bodies are: a) The independent authority "the Consumer Ombudsman", **b)** The Ombudsman of Banking-Investment Services, c) The European Institute for Conflict Resolution, d) and ADR-POINT IKE.

3.3. If mediation fails, the individual consumer or consumer associations have no choice but to go to court against suppliers of defective goods or services. Law 2251/1994 on consumer protection enables the Greek consumer to turn against a foreign supplier in the competent Greek courts and claim compensation.

3.4. Carousel fraud-tax evasion. For your information, in Greece, a ring of 14 companies (carousel) was detected in order to make sales through online stores, the taxes due were offset and in fact not reimbursed, with the trick of receiving fictitious invoices of expenses of non-existent suppliers. Through their action, the controlled companies distorted and created unfair competition conditions against other legitimate enterprises in the sector of trade and distribution of mobile phones and other electronic devices, as it was observed that the controlled companies were able to sell the goods at an extremely low price (below cost). The action of the above companies resulted in a loss for the Greek State, amounting to more than €14,000,000 only from non-payment of VAT for the years 2019 and 2020, while it is estimated that the total loss for the Greek State amounts to more than €30,000,000. This case is pending before the Administrative Courts.

3.5. Some examples of out-of-court settlement of e-commerce disputes from Greece: a) A consumer from Luxembourg complained about a car rented online by a trader in Greece. The complaint was sent to the competent body and the matter was settled within 60 days, the trader reimbursed the entire amount to the consumer. b) A Belgian consumer submitted a report to the platform because she booked air tickets through a Greek travel agency, but due to a technical error in the electronic system, her credit card was charged double the amount. The dispute was also successfully resolved.

3.6. Overview of the relevant case-law of the Court of Justice of the European Union on electronic commerce (ECJ)

https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-06/fiche_thematique_-commerce_electronique_et_obligations_contractuelles_-_en.pdf

3.6.1. Conclusion of the contract

Judgment of 5 July 2012, Content Services (C-49/11). The company Content Services operated a subsidiary in Mannheim (Germany) and offered various services online on its website, configured in German and also accessible in Austria. On that site, it was possible inter alia to download free software or trial versions of software which incur a charge. Before placing an order, internet users had to fill in a registration form and tick a specific box on the form declaring that they accepted the general terms and conditions of sale and waived their right of withdrawal. That information was not shown directly to internet users, but they could nonetheless view it by clicking

on a link on the contract sign-up page. The conclusion of a contract was impossible if the box had not been ticked. Next, the internet user concerned would receive an email from Content Services which did not contain any information on the right of withdrawal but, as before, contained a linkin order to view the information. The Oberlandesgericht Wien (Higher Regional Court, Vienna, Austria) referred a question to the Court of Justice for a preliminary ruling on the interpretation of Article 5(1) of Directive 97/7/EC. 2 It asked whether a business practice consisting of making the information referred to in that provision accessible to the consumer only via a hyperlink on a website of the undertaking concerned meets the requirements of that provision.The Oberlandesgericht Wien (Higher Regional Court, Vienna, Austria) referred a question to the Court of Justice for a preliminary ruling. It asked whether a business practice consisting of making the information referred to in that provision accessible to the consumer only via a hyperlink on a website of the undertaking concerned meets the requirements of that provision. According to the Court that business practice does not meet the requirements of that provision, since the information is neither 'given' by that undertaking nor 'received' by the consumer and a website cannot be regarded as a 'durable medium'.

3.6.2. Consumer protection

-Judgment of 16 October 2008, Bundesverband der Verbraucherzentralen (C-298/07). DIV, an automobile insurance company, offered its services exclusively on the internet. On its web pages, it mentioned its postal and email addresses but not its telephone number. Its telephone number was communicated only after the conclusion of an insurance contract. However, persons interested in DIV's services were able to ask questions via an online enquiry template, the answers to which were sent by email. The Bundesverband der Verbraucherzentralen (the German Federation of Consumers' Associations) took the view that DIV had an obligation to mention its telephone number on its website. That would be the only means of guaranteeing direct communication. The Bundesgerichtshof (Federal Court of Justice, Germany) decided to ask the Court of Justice whether Article 5(1)(c) of Directive 2000/31/EC 16 requires a telephone number to be given. The Court held that Article 5(1)(c) of Directive 2000/31/EC must be interpreted as meaning that a service provider is required to supply to recipients of the service, before the conclusion of a contract with them, in addition to its email address, other information which allows the service provider to be contacted rapidly and communicated with in a direct and effective manner. That information does not necessarily have to be a telephone number. It may be in the form of an electronic enquiry template through which the recipients of the service can contact the service provider via the internet, to whom the service provider replies by email except in situations where a recipient of the service, who, after contacting the service provider electronically, finds himself without access to the electronic network, requests the latter to provide access to another, non-electronic means of communication.

-Judgment of 3 September 2009, Messner (C-489/07). Ms Messner, a German consumer, withdrew from the purchase of a laptop computer over the internet. The seller of the computer

had refused to repair free of charge a defect that had appeared eight months after the purchase. Ms Messner subsequently stated that she was revoking the contract of sale and offered to return the laptop computer to the seller in return for a refund of the purchase price. That revocation was carried out within the period provided for in the BGB (German Civil Code) in so far as Ms Messner had not received effective notice, provided for in the provisions of that Code, such as to commence the period for withdrawal. Ms Messner claimed reimbursement of EUR 278 before the Amtsgericht Lahr (Local Court, Lahr, Germany). In opposition to that claim, the seller submitted that Ms Messner was, in any event, obliged to pay himcompensation for value inasmuch as she had been using the laptop computer for approximately eight months. In its judgment, the Court found that the provisions must be interpreted as precluding a provision of national law which provides in general that, in the case of withdrawal by a consumer within the withdrawal period, a seller may claim compensation for the value of the use of the consumer goods acquired under a distance contract.

3.6.3. Protection of personal data

-Judgment of 6 October 2015 (Grand Chamber), Schrems (C-362/14).

Mr Maximillian Schrems, an Austrian citizen, had used Facebook since 2008. Some or all of the data provided by Mr Schrems to Facebook were transferred from Facebook's Irish subsidiary to servers located in the United States, where they were processed. Mr Schrems lodged a complaint with the Irish supervisory authority arguing that in view of the revelations made in 2013 by Mr Edward Snowden concerning the activities of the United States intelligence services (in particular the National Security Agency or 'NSA'), the law and practices of the United States did not provide adequate protection against the surveillance by public authorities of data transferred to that country. The Irish authority rejected the complaint on the ground, inter alia, that in Decision 2000/520/EC, the Commission had found that under the 'safe harbour' scheme, the United States ensuredan adequate level of protection for transferred personal data. Proceedings having been brought before it, the High Court (Ireland) sought to ascertain whether that decision of the Commission has the effect of preventing a national supervisory authority from investigating a complaint claiming that a third country does not ensure an adequate level of protection and, where appropriate, from suspending the disputed transfer of data. The Court replied that the operation consisting in having personal data transferred from a Member State to a third country constitutes, in itself, processing of personal data within the meaning of Article 2(b) of Directive 95/46/EC, 27 carried out in a Member State. The national authorities are therefore vested with the power to check whether a transfer of personal data from their own Member State to a third country complies with the requirements laid down by Directive 95/46/EC (paragraphs 43 to 45 and 47). Thus, until such time as the Commissiondecision is declared invalid by the Court — which alone has jurisdiction to declare that an EU actis invalid —the Member States and their organs cannot adopt measures contrary to that decision, such as acts intended to determine with binding effect that the third country covered by it does not ensure an adequate level of protection. In a situation where a supervisory authority comes to

the conclusion that the arguments put forward in support of a claim concerning the protection of rights and freedoms in regard to the processing of those personal data are unfounded and therefore rejects it, the person who lodged the claim must have access to judicial remedies enabling himto challenge such a decision adversely affecting him before the national courts. In the converse situation, where the national supervisory authority considers that the objections advanced by the person who has lodged with it such a claim are well founded, that authority must be able to engage in legal proceedings. Article 25(6) of Directive 95/46/EC, read in the light of Articles 7, 8 and 47 of the Charter, must be interpreted as meaning that a decision adopted pursuant to that provision, by which the Commission finds that a third country ensures an adequate level of protection, does not prevent a supervisory authority of a Member State from examining the claim of a person concerning the protection of his rights and freedoms in regard to the processing of personal data relating to him which have been transferred from a Member State to that third country when that person contends that the law and practices in force in the third country do not ensure an adequate level of protection (paragraphs 58, 59, 63 and 66 and point 1 of the operative part). The term 'adequate level of protection' in Article 25(6) of Directive 95/46/EC must be understood as requiring the third country in fact to ensure, by reason of its domestic law or its international commitments, a level of protection of fundamental rights and freedoms that is essentially equivalent to that guaranteed within the European Union by virtue of that directive, read in the light of the Charter (paragraphs 73, 75, 76 and 78). The safe harbour principles are applicable solely to self-certified United States organizations receiving personal data from the European Union, and United States public authorities are not required to comply with them. In addition, Decision 2000/520/EC enables interference, founded on national security and public interest requirements or on domestic legislation of the United States, with the fundamental rights of the persons whose personal datais or could be transferred from the European Union to the United States, without containing any finding regarding the existence, in the United States, of rules adopted by the State intended to limit any interference with those rights and without referring to the existence of effective legal protection against interference of that kind. Furthermore, the Commission exceeded the power conferred upon it in Article 25(6) of Directive95/46/EC, read in the light of the Charter, by adopting Article 3 of Decision 2000/520/EC, which is therefore invalid (paragraphs 82, 87 to 89, 96 to 98 and 102 to 105 and point 2 of the operative part).

3.6.4. Advertising

-Judgment of 4 May 2017, Luc Vanderborght (C-339/15) Mr Luc Vanderborght, a dentist established in Belgium, advertised the provision of dental care services. He installed a sign stating his name, his designation as a dentist, the address of his website and the telephone number of his practice. In addition, he created a website informing patients of the various types of treatment offered at his practice. Finally, he placed some advertisements in local newspapers. As a result ofa complaint made by the Verbond der Vlaamse tandartsen, a professional association of dentists,

criminal proceedings were brought against Mr Vanderborght. Belgian law prohibited all advertising for the provision of oral and dental care services and imposed requirements of discretion. Proceedings having been brought before it, the Nederlandstalige rechtbank van eerste aanleg te Brussel (Brussels Court of First Instance (Dutch-speaking), Belgium) decided to submit a question to the Court of Justice on the matter. The EU legislature has not excluded regulated professions from the principle of the permissibility of online commercial communications laid down in Article 8(1)of that directive. Although that provision makes it possible to take into account the particularities of health professions when the relevant professional rules are drawn up, by supervising the formand manner of the online commercial communications with a view, in particular, to ensuring that the confidence which patients have in those professions is not undermined, the fact remains that those professional rules cannot impose a general and absolute prohibition of any form of online advertising designed to promote the activity of a person practicing such a profession.

Digital Economy, E-commerce along the Silk Road, and Online Dispute Resolution

Essa Ahmad Ali Al-Nassr, First Vice President of the Court of Appeal of the State of Qatar

المجلس الأعلى للقضاء
Supreme Judiciary Council
State of Qatar • دولة قطر

In the name of the God, the Most Gracious, the Most Merciful.

Respected Session Chair,

Honorable Participating Justices and Judges,

Ladies and Gentlemen,

Peace be upon you and the mercy of the God and His blessings...

I am very pleased to have the opportunity to address you this afternoon, and I will try to be brief to allow other colleagues to make the most of the session's time.

To address the idea proficiently, we cannot isolate contemporary reality from its historical roots. The Silk Road was a bridge and a foundation between the early Chinese ancestors and my Arab ancestors, among other nations. It served as a vital basis for the theory of reciprocal interests in overseas international relations, primarily through its main element (trade).

Without exaggeration, commercial interests play a fundamental role in establishing human dialogue, respecting cultures, religions, and coexistence. This has made the history of Sino-Arab relations illustrious and placed mutual respect and cultural dialogue at its core.

In this vibrant context, our world today is propelled by the high-paced momentum of digital innovation, completely transforming our lives and posing challenges while solving problems for us. Among its aspects is the relevance to judges, where the key lies in adapting to the changing dynamics of life and the digitization of all aspects of applied services, including judiciary.

Ladies and gentlemen,

In the State of Qatar, we have realized the importance of digitization in our social and

professional lives. The resistance to traditional judicial procedures did not persist in the face of these life changes. Hence, Qatar's interest in enhancing digitization has emerged to be the foundation of the knowledge economy embraced by Qatar Vision 2030 as its primary driver.

Our colleagues in the Qatar courts have swiftly embraced smart technological means and tools to be the constant driving force for the speedy resolution of disputes in the courts, shortening the time frame without compromising the quality standards of litigation outcomes.

Recognizing Qatar's belief and the judicial authority in prioritizing commerce as the main driver of the overall economy, we sought to rely on remote visual trials, hearing testimonies, and managing lawsuits among other supportive means.

We are supported by the fact that Qatar has ranked first globally in the Digital Accessibility Rights Evaluation Index for 2020 (DARE INDEX) issued by the Global Initiative for Inclusive Information and Communication Technologies (G3ict). This index measures the progress of a country in providing information and communication technology for everyone. Additionally, Qatar ranked second globally in mobile internet speed according to the Ookla Speedtest Global Index. Thus, the digital infrastructure in Qatar is a valuable asset for us to advance electronic litigation projects and other supporting services that enable us to achieve the values and objectives of complete justice, especially in terms of regional and global trade and foreign direct investment.

In conclusion...

The national achievement in the technological field, including that of our friendly People's Republic of China, being one of the most important innovators with its courts among the leaders in the digital litigation trend is rather remarkable. However, the existence of gaps and variations in state decisions along trade routes, including the Silk Road, poses a challenge to the integration of our efforts. Therefore, we see no alternative to the primary judicial and technical cooperation, contributing to the transfer of experiences, filling gaps, and helping us achieve coherence in the procedures that will lead our national economies in the cycle of legitimate international interests.

Thank you and peace be upon you.