Article 105: Alternative dispute resolution

Council first-reading position 8543/1/26 REV 1, 4 November 2026. Verified 19 November 2026. Final wording and numbering may change.

Application
The Council position provides for general application 21 months after eventual entry into force under Article 124. Final Official Journal text and calendar dates remain to be checked.

Provision
Article 105(1)-(7)

Requirement
Member States establish adequate, independent, impartial, transparent and effective ADR procedures for disputes concerning Title II and III rights and obligations. Consumer ADR participation is mandatory for providers unless the Member State demonstrates equally effective alternative mechanisms to the Commission. ADR bodies cooperate on cross-border disputes; authorities notify qualifying bodies and the Commission publishes and updates a list.

Responsible
Member States establish and designate the framework. Providers participate as required. Designated authorities supervise and notify ADR bodies; the Commission maintains the public list.

Timing
No uniform numerical case-resolution deadline is set in Article 105. Apply the relevant ADR procedure and applicable Union and national law.

Conditions and exceptions
The consumer participation exception requires the specified Member State demonstration. ADR does not prejudice the user’s right to bring court proceedings under national law.

PSD2 comparison
PSD2 Article 102. The Council correlation is an article-level starting point, not equivalence of every duty.

Source: Council of the European Union, 8543/1/26 REV 1. Updated article card.

What it means for the fraud function

- Maintain current country-specific ADR routing and participation procedures.

- Prepare complete evidence packages and authorised contacts for cross-border disputes.

- Verify the competent notified ADR entity and applicable procedural rules for the customer’s case.

Common misreadings

- Providers cannot individually opt out of consumer ADR merely by preferring their own complaint process.

- ADR is distinct from a supervisory complaint and does not remove access to courts.

Episodes: Coverage follows the curriculum. Links on the updated HTML card.