STANDARD SUMMARY PROJECT FICHE

1. Basic Information

1.1. Project Number: SI0204.04
1.2. Twinning Number: SI02/IB/JH/03/TL
1.2. Title: Alternative Consumer Dispute Resolution
1.3. Sector: Consumers and Health Protection
1.4. Location: Slovenia

2. Objectives

2.1. Overall Objective(s):

The overall objective of the project is to improve access to justice for individual consumers in Slovenia. Access to swift and efficient Alternative Dispute Resolution (ADR) systems/schemes (consumer complaints boards for out-of-court settlement of consumer disputes) for consumers will greatly enhance effective enforcement of consumer rights. Effective enforcement of consumer rights and their implementation are essential not only for the development of a well functioning market economy, but also for the development of a stable democratic society.

Another wider objective is to ensure consumer protection in cross-border shopping and thus to strengthen consumer confidence in the Internal Market. Namely, the ADR model, which will be developed under the present project, should be flexible enough to assume the role of a National European Consumer Centre ("clearing house") for cross-border disputes. Such "clearing houses" are increasingly being established in the EU Member States. This is especially important due to the rapid development of e-commerce, which will certainly increase cross-border transactions.

2.2. Project purpose:

The purpose of the project is to meet the requirements of the EU legal framework related to out-of-court consumer dispute resolution. The relevant EU law is listed under Item 1 - Background of the project.

Furthermore, the project aims specifically to develop a model of the ADR system for the Slovenian consumers and to outline a detailed plan of activities (steps) necessary to facilitate the operation of the ADR system, which will be complemented by another Standard Twinning project in 2003, pending the successful outcome of the project, which is the subject of the present proposal.

2.3. Accession Partnership (AP) and NPAA priority:

According to the NPAA (Free movement of capital), the Office of RS for Consumer Protection (further abbreviated OCP) committed itself to ensure consumer protection in the area of cross-border transfers and to develop to this end out-of-court consumer dispute resolution system for financial services (implementation of the Directive, 97/5/EC, Art. 10 on Cross-Border Transfers).
In reference to the judiciary, the NPA states that despite the downward trend registered in relation to the pending court cases, the rate of reduction is estimated to be too low. As a special measure introduced within the court backlog, elimination programme is also a pilot project relating to the civil procedure regarding the associated alternative methods for the settlement of disputes through mediation, which was launched with a view to facilitating out-of-court/court settlements. The project started on 1 January 2001 at the Ljubljana District Court. Broader application of the approach used in this project will depend on the results obtained.

In view to enhance settlement of relevant court matters, several measures have been envisaged, amongst which is the statutory regulation of the out-of-court settlement of disputes in 2001. This will be regulated with special provisions of the amended Civil Procedure Act which is yet to be adopted by the end of this year.

The need for continuation of improving the functioning of the judiciary, especially by reducing the backlog of pending cases, is also emphasised in the last revision of the AP (2001).

3. Description

3.1. Background and justification:

The project is based on the belief that rights are only effective if the means to enforce them exist. The overall experience in consumer disputes is that court procedures are frequently too expensive and time consuming for the consumer. Therefore, consumers should not have to resort to traditional litigation in this kind of situation. Most consumer disputes involve small purchases of less than 2000 EURO, yet they occur in large numbers. Moreover the costs and delays in court procedures often discourage consumers to take their cases before the court, therefore many consumer cases are never properly followed up. If access to justice is to be improved for the Slovenian consumers, they need access to simple, swift, effective and inexpensive dispute resolution channels.

The EU legal framework consists of:
1) Commission Recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes of 30 March 1998 (N0. 98/257/EC)
3) Commission's Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes (N0. 2001/310/EC)
4) Communication from the Commission of 4 April 2001 on widening consumer access to Alternative Dispute Resolution (52001DC0161)

Currently no ADR system is available to consumers in Slovenia.

3.2. Linked activities:

- Twinning Project "Organisation and functioning of justice administration and training of judges" (SL 99/IB/JH-03), which is currently in progress at the Ministry of Justice and will be ended by the end of February 2002.
3.3. Results:

- Creation of a Model of ADR system for consumers
- Detailed plan of activities/steps necessary to put the ADR system in place

3.4. Activities:

- Comparative analysis of the existing ADR schemes in the Member States, both public (funded only from public funds) and mixed models (funded from public and private funds),
- Related texts and documentation will be gathered, interpretation and translation will be done when necessary.
- Regulatory framework for consumer ADR system in Slovenia will be addressed and appropriate legal basis will be defined,
- Location, structure, principles and financing of the ADR system as key questions, will be addressed and resolved.
- Powers, types of disputes to be dealt with by the ADR system, procedural rules, nature of decision and its enforcement will be decided
- 2 study-tours of representatives of national stakeholders involved in the project will be organised to an adequate ADR body in the selected Member State.
- 6 missions for on the spot training of the OCP staff and other members of the Working Group by two short-term experts (ST experts) from the selected Member State will take place in Slovenia. ST experts will be located at the OCP.
- OCP will organise workshops, round tables and public discussions in Slovenia on the subject of ADR for consumers.
- A plan of detailed activities, necessary for implementation of the ADR model, will be laid down.
- Timetable of commitments (a set of activities) for fully operational ADR system will be defined by national stakeholders involved in the project, by the time of completion of the project.

3.5 Lessons learned

Not applicable.

4. Institutional Framework

The Ministry of the Economy (MoE) has the overall responsibility for the internal market and will manage the overall co-ordination of the project.

According to the NPAA, Slovenia committed itself to meet all the requirements from the area of consumer protection, which also includes setting up out-of-court consumer dispute resolution systems within the existing institutional structures.
Office of RS for Consumer Protection (OCP) was founded in 1996 and was originally located under the Ministry of Economic Relations and Development (now MoE). Currently it has 6 members of staff.

OCP is the sole body within the Government responsible for consumer protection and for the implementation of the consumer policy. The OCP is also in charge of consumer protection legislation, as well as co-ordination of consumer policy within other state ministries. The OCP is also responsible for promoting and supporting the non-government consumer movement. Currently the OCP is understaffed to perform the required tasks. The last revision of the NPAA of 2001 foresees an increase of staff by 5 more officials by the end of 2002.

By the start of the project, the OCP is committed to establish a Working Group consisting of 4 representatives of the OCP, 2 representatives from other government sectors (Ministry of Justice and the Human Rights Ombudsman Office), and at least one representative from providers of goods and services (Chamber of Commerce). The Working Group will represent the Slovenian staff to be trained by the ST experts from the selected Member State.

5. Detailed Budget

<table>
<thead>
<tr>
<th>Phare Support</th>
<th>MEUR</th>
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<tbody>
<tr>
<td>Investment Support</td>
<td>Institutional Building</td>
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<tr>
<td>Alternative Consumer dispute resolution</td>
<td>0.15 (75%)</td>
</tr>
<tr>
<td>Total</td>
<td>0.15</td>
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</table>

The national component (i.e. the financial contribution of the OCP) will include financing costs of working place, study tours (per diem for OCP staff) and travel costs for on the spot training to be carried out abroad in the selected Member State, local transfers, cost of organisation of workshops and seminars in Slovenia, and other assistance needed by experts.

6. Implementation Arrangements

6.1. Implementing Agency:

CFCU, Ministry of Finance
Beethovenova 11
1502 Ljubljana, Slovenia

Responsible person:
Mr. Peter Škofic, PAO
Tel: +386 1 478 6203
Fax: +386 1 478 6204  
e-mail: peter.skofic@mf-rs.si

6.2 Implementing Authority

Ministry of the Economy  
Kotnikova 5  
1000 Ljubljana, Slovenia

Responsible person:  
Dr. Boštjan Antoncic, State Secretary  
Tel: +386 1 478 3564  
Fax: +386 1 478 3622  
e-mail: bostjan.antoncic@gov.si

Contact person:  
Mrs. Tanja Kurnik, State Undersecretary  
Tel: +386 1 478 3524  
Fax: +386 1 478 3588  
e-mail: tanja.kurnik@gov.si

6.3 Contracting Authority

Office of the RS for Consumer Protection  
Kotnikova 28  
1000 Ljubljana, Slovenia

Responsible person:  
Mrs. Vera Kozmik Vodušek  
Tel: +386 1 478 3614  
Fax: +386 1 478 3440  
e-mail: vera.kozmik@gov.si

Contact person:  
Mrs. Barbara Miklavcic  
Tel: +386 1 478 3731  
Fax: +386 1 478 3440  
e-mail: bmiklavcic@gov.si

Contact person:  
Mrs. Marija Batista  
Tel: +386 1 478 3769  
Fax: +386 1 478 3440  
e-mail: marija.batista@gov.si

6.4 Final Beneficiary
6.5 Non-standard aspects

PRAG will be strictly applied and followed, no other non-standard aspect is foreseen. Provisions as regards Twinning Light will be strictly followed.

6.6 Contracts

The project is designed to be implemented as a twinning light package, consisting of short-term experts and specialist training. Net implementation duration will be 6 months, in the value of 0.15 MEUR.

7. Implementation Schedule

7.1 Start of tendering / call for proposals: May 2002

7.2 Start of project activities: September 2002

7.3 Project Completion: March 2003

8 Equal Opportunities:

Members of either sex will be equally represented in the project. Records of staff participating in training and other project activities will be reflected in the statement.

9 Environment:

Not relevant

10 Rates of return:
11 Investment criteria:
   Not relevant
12. Conditionality and sequencing

a) OCP has currently a total of 6 members of staff. The NPAA foresees an increase of further 5 more staff by the end of 2002. This project has been based on the assumption of the increased staff levels. Under the current situation, reflecting constraints on staff increase imposed on the OCP by the MoE, which reduced the likelihood to achieve the planned numbers by the end of 2002 (11 staff), some difficulties in implementing the project can be encountered by the OCP, but these can be overcome, provided the government officials from other government institutions and ministries are willing to co-operate.

b) Putting in place the model of the ADR system (the model which will be designed under the present project) which is expected and planned by the OCP as of the next stage i.e. a second project following the present project (which is assumed to take place under another Twinning Standard Programme), will require organisational and structural changes from the OCP as the current status does not provide the OCP with the necessary institutional competence if the ADR Body is to be located within the OCP. Therefore the OCP will submit to the competent authorities an initiative for a change of the location and a change of the institutional structure/status of the OCP.

The problem of the OCP status, will, however, not be an obstacle for the OCP to implement the present project.

c) This project is dependent on the co-operation from representatives of providers of goods and services (chamber of commerce, trade association) and government officials from other government sectors and institutions and will be carried out providing this assistance is available.

d) Adoption of the amendments of the Civil Procedural Law
Annexes to project Fiche

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule for full duration of programme (including disbursement period) (compulsory)
4. ToR
### LOGFRAME PLANNING MATRIX FOR

**Project: Alternative Consumer Dispute Resolution**

<table>
<thead>
<tr>
<th><strong>Overall Objective</strong></th>
<th><strong>Objectively Verifiable Indicators</strong></th>
<th><strong>Sources of Verification</strong></th>
</tr>
</thead>
</table>
| • Improve access to justice for individual consumers in Slovenia  
• Ensure consumer protection in cross-border shopping and thus strengthen consumer confidence in the Internal Market. | • Increased number of consumer complaints expected to be received by the end of the first year after the ADR body is set up (2003) by 4%  
• 40% of complaints received expected to be settled by Consumer Complaints Board  
• Reduced backlog of court cases by 600 cases annually after the ADR Body is set up (2003)  
• Number of court cases filed annually (currently 500,000) reduced by 1% after the ADR Body is set up (2003) | • Statistics of the ADR Body to be put in place once the model is created  
• OCP final report  
• OCP statistics on consumer complaints  
• Regular Court Statistics |

<table>
<thead>
<tr>
<th><strong>Project purpose</strong></th>
<th><strong>Objectively Verifiable Indicators</strong></th>
<th><strong>Sources of Verification</strong></th>
<th><strong>Assumptions</strong></th>
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**Programme name and number**
SI0204.04

**Contracting period expires:**
30 June 2004

**Disbursement period expires:**
30 June 2005

**Total Budget:** 0.20MEUR

**Phare contribution:** 0.15MEUR

**Date of drafting:**
October 2001
• Meet the requirements of Commission Recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes of 30 March 1998 (N0. 98/257/EC);
• Meet preconditions necessary to implement the ADR model in line with the EU Recommendations in 6 months after start of the project

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create ADR model for consumers</td>
<td>All parties involved, government and business representatives appreciate the benefits of the ADR system for themselves in 6 months after the start of the project</td>
<td>OCP reports</td>
<td>All sides involved, government, business and consumer representatives co-operate in the Working Group set up by the OCP</td>
</tr>
<tr>
<td>Detailed plan of activities necessary to implement the ADR model for consumers</td>
<td>Institutional status and the role of the OCP in relation to ADR system to be clarified in 6 months after start of the project</td>
<td>ST expert reports</td>
<td>Government and business representatives are willing and committed to implement the model once it has been created and to undertake their shared responsibilities in making the ADR system operational</td>
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<tr>
<td>Human resources - Slovenian staff to acquire knowledge and skills through the ADR for consumers</td>
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<td>Monitoring by the Delegation of the ECD</td>
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<tr>
<td>OCP capacity to proceed to the next stage, i.e. making the ADR model fully operational</td>
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<td>ADR model as a result of the project has an open and flexible structure which allows upgrading into a national &quot;Clearing House&quot;</td>
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Activities | Means | Assumptions |
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<tr>
<td>• Produce comprehensive comparative analysis of the existing ADR systems for consumer disputes in the EU</td>
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<td>• Define legal framework for the ADR system for consumers in Slovenia</td>
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<td>• On the spot training related to the ADR settlement for the Slovenian staff by ST European experts</td>
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<td>• 2 study tours of Slovenian experts to an ADR Body for consumers in the selected Member State, with a view to becoming acquainted with its structure and its operation</td>
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| • 150.000 EURO approved in the framework of Phare Twinning light Programme |
| • Financial resources secured by the OCP to cover costs of project activities not eligible to be financed in the framework of the EU budget |
| • 6 missions of 2 ST experts from the selected Member State |
| • 2 study-tours of Slovenian experts to the ADR Body in the selected Member Country |
| • On the spot training of Slovenian Government officials and other experts in Slovenia by ST experts from the selected Member State |

| • Amendments of Civil Procedural Law adopted by end of 2001 |
| • Effective co-operation of all national stakeholders who are to be involved in settlement of consumer disputes (government, business and consumer representatives) |

| • Organise workshops, round tables, public discussions in Slovenia to reach consensus on the location, structure, principles, procedural rules etc., by all national stakeholders involved |
| • Lay out a detailed plan of activities/steps necessary to make the ADR model fully operational |

| • Preconditions |
• OCP provides the necessary staff and financial resources to finance activities which are not eligible for funding under the Phare Twinning Programme.
• Clear commitment of the government and business representatives to undertake their shared responsibilities in developing the ADR model and putting it in place
• Working Group is set up by the OCP consisting of the government officials - OCP and officials from other government sectors as well as other stakeholders involved in the market
### Annex 2 Implementation time chart

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</table>
Annex 3: Contracting Schedule (sheet 1)

NB See also sheet 2 for disbursement schedule

Name of programme: Alternative Consumer Dispute Resolution
Project fiche no.: SI0204.04

CUMULATIVE CONTRACTING SCHEDULE
(EUR million)

<table>
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NB: 1. All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of FM
Annex 3: Disbursement Schedule (sheet 2)

Name of programme: Alternative Consumer Dispute Resolution
Project fiche no.: SI0204.04

CUMULATIVE DISBURSEMENT SCHEDULE
(EUR million)

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NB all disbursements must be completed within 36 months of signature of the FM
Annex 3: Contracting and Disbursement Schedule (sheet 3)

Name of programme: Alternative Consumer Dispute Resolution  
Project fiche no.: SI0204.04

CUMULATIVE CONTRACTING and DISBURSEMENT SCHEDULE  
(EUR million)

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NB: 1. All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of FM  
2. all disbursements must be completed within 36 months of signature of the FM
ANNEX 4

TERMS OF REFERENCE
TWINNING LIGHT
Twinning Number: SI02/IB/JH/03/TL
Alternative Consumer Dispute Resolution

1. BACKGROUND

Currently no out-of-court system/ADR system is available to consumers in Slovenia. Legal basis for the ADR system for consumers will be provided by special provision of the amended Civil Procedure Act. Its adoption is expected by the end of this year.

The project is based on the belief that rights are only effective if the means to enforce them exist, and that access to swift and efficient alternative/out-of-court dispute resolution systems/alternative consumer dispute resolution systems, (ADR systems), will greatly contribute to the effective enforcement of consumer rights, essential for the development of a well functioning market economy and a stable, democratic society.

The overall experience in consumer disputes is that court procedures are frequently too expensive and time consuming for the consumer.

Most consumer disputes involve small purchases of less than 2000 EURO, yet they occur in large numbers. Consumers should not have to resort to traditional litigation in this kind of situation, as it is an expensive and time consuming process. Moreover, the costs and delays in court procedures often discourage consumers to take their cases to court; therefore many consumer cases are never properly followed up. If access to justice is to be improved for Slovenian consumers, they need access to simple, swift, effective and inexpensive dispute resolution channels.

The EU legal framework is:
5) Commission Recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes of 30 March 1998 (N0. 98/257/EC)
7) Commission's Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes (N0. 2001/310/EC)
8) Communication from the Commission of 4 April 2001 on widening consumer access to Alternative Dispute Resolution (52001DC0161)

2. DESCRIPTION OF THE ASSIGNMENT

- Beneficiary(ies)
The national component (i.e. the financial contribution of the OCP) will include financing costs of the working place, study tours (per diem for OCP staff), travel costs for on the spot training in the selected Member State, local transfers, cost of organisation of workshops and seminars in Slovenia, and other assistance needed by ST experts from the selected Member State.

Final Beneficiary
Office of the RS for Consumer Protection
Kotnikova 28
1000 Ljubljana, Slovenia

Responsible person:  
Ms Barbara Miklavcic  
Tel: +386 1 478 3731  
Fax: +386 1 478 3440  
e-mail: bmiklavcic@gov.si

Contact person:  
Ms. Marija Batista  
Tel: +386 1 478 3769  
Fax: +386 1 478 3440  
e-mail: marija.batista@gov.si

➢ Global and specific objectives

The overall objective of the project is to improve access to justice for individual consumers in Slovenia. Access to swift and efficient Alternative Dispute Resolution (ADR) systems (consumer complaints boards for out-of-court settlement of consumer disputes) will greatly enhance effective enforcement of consumer rights.

Another wider objective is to ensure consumer protection in cross-border shopping and thus to strengthen consumer confidence in the Internal Market. Namely, the ADR model, which will be developed under the present project, should be flexible enough to assume the role of a National European Consumer Centre ("clearing house") for cross-border disputes; such "clearing houses" are being increasingly established in the EU Member States. This is especially important due to the rapid development of e-commerce which is expected to increase cross-border transactions.

A more specific objective of the project is to meet the requirements of the EU legal framework related to out-of-court consumer dispute resolution. The relevant EU law is listed under Item 1 - Background of the project.

The project aims specifically at developing a model of the ADR system for Slovenian consumers and laying out a detailed plan of activities (steps) necessary to facilitate the ADR system operation, which will be complemented by another Standard Twinning project in 2003, pending successful outcome of the project, which is subject of the present proposal.

_requested services_
ST expert should bear in mind that
- there is weak tradition in out-of-court dispute resolution in Slovenia
- that currently no ADR system is available to consumers
- that the aim of the project should be to develop a model, flexible enough to assume the additional role of a national "clearing house" for cross-border disputes.

Following services are requested from ST experts from selected Member State:

- Comprehensive comparative analysis of the existing ADR models (public, private and mixed) for consumers in the EU Member States with emphasis on the Danish, Swedish and Dutch model. Decisions for individual solutions introduced in national systems should be highlighted so as to provide an idea whether they could be applicable in Slovenia.

- Regulation of consumer ADR systems at the EU level

- Assistance in developing the ADR model in Slovenia which will include proposed solutions, practical and technical detail on:
  - conditions for the establishment of an ADR Body for settlement of consumer disputes
  - competence/general jurisdiction of the ADR Body
  - structure/composition of the ADR Body and procedural rule to be followed for the appointment of Members of the ADR Body
  - procedural rules in detail (production of forms/questionnaires, defence of the provider of goods or services, investigation by expert, verbal hearing, legal assistance, contribution/deposit of the consumer)
  - Decision of the ADR body (nature of the decision- binding/non-binding, how it is reached, wording/formulation)
  - Costs of the procedure
    - ADR Body Financial structure of the costs (how costs are shared)
    - consumer contributions
    - participation of the business community
    - government subsidies

- Close assistance in writing the reports of the Beneficiary

- ST experts are expected to attend all meetings, with the Working Group established by OCP prior start-up of the project (organised by the OCP), and to co-operate on all workshops, round tables, and public discussions, organised in Slovenia by the OCP

- ST experts are expected to organise study tours of Slovenian staff in the selected Member State

> Expected results
3. EXPERTS PROFILE

- **Education, experience, references and category of each expert**

  Two high profile ST experts are required. Both to be lawyers with good knowledge as to how consumer disputes are being processed, preferably some years (e.g. 3 years) experience of being involved in the consumer settlement procedure. Knowledge and experience is necessary in operating the consumer dispute resolution scheme, or being involved e.g. as a judge in a dispute. Experience in developing an alternative consumer dispute resolution system from the scratch is also necessary. Background in the field of consumer protection is of course a precondition. Some past experience in working with candidate countries is an advantage. As ADR systems for consumers widely vary in the EU, they should have the necessary experience in either of different models: public, private and mixed (private-public). One of them could preferably have some knowledge and experience in financial services, as financial services is the priority sector where Slovenia is committed to introduce the ADR system available to consumers.

- **Working languages**

  English

4. LOCATION AND DURATION

- **Starting date**
  30 September 2002

- **Finishing date of the assignment**
  31 March 2003

- **Schedule and number of days for the assignment per expert (specify if a briefing and a debriefing are foreseen and where they will take place) :**
  The number of days for the assignment is the number of days spent on the place of assignment, including weekends and public holidays, + the days needed for briefing, debriefing, report.

  42 MD per each expert, including weekends, public holidays, briefing, debriefing and reporting.

- **Location of assignment**

  At the offices of the Final Beneficiary:

1 Cannot be before the date of signature of the letter of contract.
5. REPORTING

Content, language, format, number of reports, date of submission

Two reports in English in the required format: start-up report and final report. Start-up report will be delivered two months after the signature of the contract and final report to be delivered at the end of the project. Both reports, endorsed and countersigned by the Beneficiary, will be delivered as required, by the MS Project Leader to the EC Delegation to the attention of Ms. Bettina Kotzinger, Head of Phare/Ispa Section, Trg Republike 3, 1000 Ljubljana, Slovenia, Tel. 386 1 425 1303, Fax 386 1 425 2085.