



**CEER**

**Council of European  
Energy Regulators**

Fostering energy markets, empowering **consumers**.

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**Update of Guidelines of Good Practice  
for Trustworthy Information on Green  
Offers and Consumer Protection  
against Misleading Marketing  
("Greenwashing")**

**CEER Public Consultation**

**Customer Empowerment Work Stream  
of  
Customers and Retail Markets Working Group**

**Ref: C22-CEM-150-03  
7 November 2022**

## INFORMATION PAGE

### Abstract

On 7 November 2022, CEER launched a public consultation on updated guidelines of good practice for trustworthy information on green offers and consumer protection against misleading marketing. This public consultation aims to gather views from stakeholders on marketing practices relating to green offers, in both the pre-contractual and contractual phases; what role contracts might play in delivering the renewable penetration goal at least cost, what information is available to consumers, and consider the relationship between Guarantees of Origin (GOs) and support schemes.

Interested parties (energy suppliers, prosumers, electricity and natural gas customers, electricity and natural gas industry, customer representative groups, network operators other interested parties) are invited to participate in the consultation, which runs for eight weeks, from 7 November 2022 until 31 January 2023.

### Target audience

Energy suppliers, traders, gas/electricity customers, gas/electricity industry, consumer representative groups, network operators, Member States, academics and other interested parties.

### How to respond to this consultation

Deadline: **31 January 2023**

Interested parties (e.g. regulators or their associations, consumer bodies, companies) are invited to participate in the public consultation via a dedicated online questionnaire on the Council of European Energy Regulators (CEER) website [here](#). No login is required.

### Treatment of confidential responses

All responses except confidential material will be published on the website [www.ceer.eu](http://www.ceer.eu).

In the interest of transparency and in accordance with the General Data Protection Regulation (GDPR), CEER:

- i. will list the names of the organisations that have responded but anonymise the personal data of any individual (such as members of the public) that has contributed.
- ii. requests that any respondent who does not wish their contribution to be published, to indicate this preference when submitting their response via the online questionnaire. CEER will publish all responses that are not marked confidential on

the CEER website: [www.ceer.eu](http://www.ceer.eu)

This CEER public consultation is carried out in line with the Guidelines on [CEER’s Public Consultation Practices](#).

If you have any queries relating to this paper / or to the online consultation, please contact:

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## Related documents

CEER Documents

[CEER Advice on Customer Information on Sources of Electricity](#), 4 March 2015, Ref: C14-CEM-70-08

[CEER Guidelines of Good Practice on Future-Proof Comparison Tools in the Energy Sector](#), 4 August 2022, Ref: C22-CEM-147-03

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## 1 Introduction

In the context of the related provisions in the revised renewable energy directive 2018/2001/EU and the European Commission's forthcoming legislative initiative on "Empowering consumers for the green transition" led by DG JUST, CEER will update its advice on marketing practices relating to green contracts, how customers are informed about them (both at the pre-contractual and contractual phases), and which role these contracts might play in delivering the renewable penetration goal at least cost. It will also consider the relationship between Guarantees of Origin (GOs) and support schemes, and whether the current governance of GOs is fit to perform any new role that might be assigned to them in the future.

Customers must be empowered to make well-informed choices about their electricity supply, based on reliable and consistent information they can trust. A disclosure system enhances competition in the energy market by providing reliable information. Thus, electricity disclosure and its main instrument – Guarantees of Origin (GOs) – are essential for creating a voluntary, consumer-driven market for renewables.

In recent years customers have shown a growing interest in electricity generated from renewable energy sources (RES). In this context, the disclosure of information on electricity has become increasingly more important. By updating its guidelines of good practice, CEER aims to enable European consumers to play an impactful role in driving the decarbonisation agenda by becoming increasingly deliberate in their choices about their energy consumption, as well as which proportion of their needs is sourced from renewable generation.

On the other hand, regulators are also facing more criticism of market tariffs described as "greenwashed". In general, these tariffs refer to those which comprise electricity purchased via exchanges or external partners, with no proper electricity disclosure scheme in place, able to certify production from 100% renewable energy sources.

In March 2015, CEER published a set of 12 guidelines on customer information on sources of electricity<sup>1</sup>. Following on that work, new legislative developments, the emergence of innovative business models and new technologies, this consultation paper aims to present a preliminary review of **guidelines of good practice (GGP) for trustworthy information on green offers and consumer protection against misleading marketing ("greenwashing")**. These GGP included a set of 11 recommendations on how information available in the GO system could be conveyed in a clear and simple manner to consumers, and how to strengthen consumers' trust by improving the existing systems. These updated recommendations reinforce and enhance the previous CEER recommendations, aiming to align them with the requirements established in recent EU legislation as well as to enable their sound development in the future as a function of market innovation while ensuring consumers' best interests.

Thus, the present consultation paper invites stakeholders to submit their views and suggestions on the proposed revisions of the guidelines of good practice.

The target audiences for this consultation paper are energy suppliers, traders, prosumers, electricity and natural gas customers, electricity and natural gas industry, customer representative groups, network operators, Member States, academics and other interested parties.

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<sup>1</sup> CEER Advice on customer information on sources of electricity, Ref: C14-CEM-70-08, 4 March 2015, <https://www.ceer.eu/documents/104400/-/-/8207e038-1312-a790-c1c1-8b2fd7ac58c9>

The call for consultation responses closes on **31 January 2023**.

## 2 Questions to stakeholders

In this public consultation, CEER presents its 11 updated recommendations on green offers, giving stakeholders the opportunity to comment on the draft proposals. The updates consider the revised Renewable Directive 2018/2001<sup>2</sup> and the recast Electricity Directive 2019/1944<sup>3</sup>, which includes specific provisions regarding information to be provided by suppliers on energy bills, as well as the continuing technological and market evolution of the energy sector. Whilst the emergence of innovative business models and digital information tools can help empower consumers to engage with energy markets, it must be ensured that these new business models and technological developments provide an accurate, reliable and accessible service.

In line with its public consultation practices, the responses received will be discussed within CEER and if feasible taken into account to enhance the final guidelines of good practice paper.

Updates and new recommendations are marked in **bold**.

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[https://eurlex.europa.eu/legalcontent/EN/TXT/?uri=uriserv:OJ.L\\_.2018.328.01.0082.01.ENG&toc=OJ:L:2018:328:TOC](https://eurlex.europa.eu/legalcontent/EN/TXT/?uri=uriserv:OJ.L_.2018.328.01.0082.01.ENG&toc=OJ:L:2018:328:TOC)

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L0944>



Updated CEER Recommendations		Comments
<b>I</b>	<b>How to provide access to adequate and reliable information to consumers?</b>	<b>Is this recommendation sufficient? Please share your comments and suggestions.</b>
<b>1 UPDATED</b>	<p>All Comparison Tools<sup>4</sup> (CTs) – <b>in particular those operated or trust marked by a public authority or body</b> – should provide a <b>clear indication of the product mix<sup>5</sup> and supplier mix<sup>6</sup> for each product listed in the CT.</b></p> <p><b>If offers are claimed as “green” by CTs (and/or suppliers), the justification for doing so (as a source of information) must be transparent to the consumer (no matter whether they consume electricity and/or gas). If feasible, information should be provided to give an account of the share of energy that did not benefit from public support.</b></p>	
<b>2 UPDATED</b>	<p>The National Regulatory Authority (NRA) (or other competent body) should <b>cooperate at European level and</b> ensure that there is a harmonised format proposing a minimum standard for displaying information concerning the origin of <b>energy</b> supplied from renewable sources <b>(and if applicable also from non-renewable sources)</b> and should specify the level of detail required for this information <b>and how such information is communicated to consumers.</b></p>	

<sup>4</sup> As defined in Article 14 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity.

<sup>5</sup> As defined in Article 5 of Annex I of Directive (EU) 2019/944: product level disclosure

<sup>6</sup> As defined in Article 5 of Annex I of Directive (EU) 2019/944: overall energy mix of the supplier



<p><b>3 UPDATED</b></p>	<p>References in the <b>energy bill to where additional information on guarantees of origin is available, such as the type of renewable energy source, the geographic origin (country or, if applicable, region) or whether or not it has received support from a renewable investment or production support scheme</b>, should be drawn to customers’ attention (e.g., on the website of the supplier and/or of the competent body for disclosure).</p>	
<p><b>II</b></p>	<p><b>How to strengthen consumer trust by improving the existing disclosure systems?</b></p>	
<p><b>4 UPDATED</b></p>	<p><b>Member States should have a GO system in place for “(i) electricity; (ii) gas, including hydrogen; or (iii) heating or cooling”<sup>7</sup>. For this purpose, national GO system convergence should be encouraged so that GOs are easily tradable across Member States.</b> When and where available, GOs should be used as the only instrument for tracking <b>energy</b> sources in green offers within disclosure systems, including in the framework of a Power Purchase Agreement (PPA) or any contract with a renewable production plant (e.g., EU Solar Energy). In the absence of a proper GO the offer cannot be marketed as “green”.</p>	
<p><b>5 UPDATED</b></p>	<p>GOs should be used as a basis for further harmonisation of disclosure systems. <b>An assessment of the use of GOs in electricity should be done at national and European level to identify improvements which could be made to the existing GO system in electricity as well as best practices to convey to (i) gas, including hydrogen; or (ii) heating or cooling.</b></p>	

<sup>7</sup> As defined in Article 19 of Directive (EU) 2018/2001



	<p><b>Good practices identified in electricity disclosure system should be extended to other energy disclosure systems. The cooperation of competent authorities for disclosure should be enhanced irrespective of the form of energy disclosed. This should be facilitated with the use of a common platform.</b></p>	
<p><b>6 ORIGINAL</b></p>	<p>Further harmonisation of the existing disclosure systems on a European level should make the systems more reliable and efficient. The competent body for disclosure should ensure that the utmost is done to make customers aware of the information that is provided to them regarding the electricity with which they are supplied. To foster trust in the system, customers should easily be able to find clear information about the functioning of the disclosure system. The publication of an annual disclosure report by the relevant competent body is a good practice that can further increase transparency in terms of the origin of supplied electricity at national level.</p>	
<p><b>7 UPDATED</b></p>	<p>In order to make the disclosure information for customers more coherent, efficient and reliable, it is worth considering whether the issuing of GOs should be extended to all sources of electricity. <b>Full disclosure, meaning the cancellation of GOs for all consumption</b>, would help to make the disclosure system more consistent and reliable, as well as to provide opportunities for marketing electricity products based on specific non-renewable sources in a trustworthy manner. A single, coherent, and properly designed system addressing all electricity generation, from all sources, has the potential of reducing administrative burdens and costs. In order to avoid imposing an administrative burden and costs on electricity producers, it could, as a first step, be introduced on a voluntary basis.</p>	



	<b>Where full disclosure is not possible, a residual mix should be determined at national level. The methodology to calculate the residual mix should be harmonised across all participating countries in the interconnected energy market, per energy carrier.</b>	
<b>8 UPDATED</b>	The further integration of gas and electricity markets at European level should be accompanied by actively continuing the development of the European GO market, thus increasing price transparency and competition. <b>Price information for products that include energy from supported and non-supported installations should be shared publicly and be easily accessible.</b>	
<b>III</b>	<b>How to provide consumers with transparent information?</b>	
<b>9 NEW</b>	<b>Consumers should be able to choose “local or regional” GOs, i.e. issued for local energy production close to the consumer’s consumption point.</b>	
<b>10 UPDATED</b>	<b>GOs and labels should be considered as two complementary mechanisms. Guarantee of Origin is the legal and technical mechanism to guarantee the source of energy, whereas labels should be considered as a communication tool to ease consumers’ understanding of the energy market.</b>  Labels can be considered as creating added value for more demanding customers, if it can be guaranteed that the additional impact is associated with the contract (such as direct investment of funds in new renewable generation capacity or reductions of CO2 emissions).	



	<p><b>An excessive number of labels might be confusing for consumers and potentially raise trust issues, if the information provided by these labels is inconsistent. On the supplier side, it would render it difficult for smaller suppliers to be active in every labelling system, especially when fees are charged.</b></p> <p>Labels should be encouraged to use GOs as their sole tracking mechanism, in order to ensure reliability and electricity and gas customer’s trust.</p>	
<p><b>11 UPDATED</b></p>	<p><b>When subscribing to an offer claimed as “green” by a supplier, the supplier should provide all necessary information to enable the consumer to verify the accuracy of the offer to which they subscribed.</b></p>	
	<p><b><i>GENERAL ADDITIONAL COMMENTS</i></b></p>	

## Annex 1 – List of abbreviations

Term	Definition
CEER	Council of European Energy Regulators
CT	Comparison tool
GGP	Guidelines of Good Practice
GOs	Guarantees of Origin
MS	Member States
NRAs	National Regulatory Authorities
PPA	Power Purchase Agreement
RES	Renewable energy sources

## **Annex 2 – About CEER**

The Council of European Energy Regulators (CEER) is the voice of Europe's national energy regulators. CEER's members and observers comprise 39 national energy regulatory authorities (NRAs) from across Europe.

CEER is legally established as a not-for-profit association under Belgian law, with a small Secretariat based in Brussels to assist the organisation.

CEER supports its NRA members/observers in their responsibilities, sharing experience and developing regulatory capacity and best practices. It does so by facilitating expert working group meetings, hosting workshops and events, supporting the development and publication of regulatory papers, and through an in-house Training Academy. Through CEER, European NRAs cooperate and develop common position papers, advice and forward-thinking recommendations to improve the electricity and gas markets for the benefit of consumers and businesses.

In terms of policy, CEER actively promotes an investment friendly, harmonised regulatory environment and the consistent application of existing EU legislation. A key objective of CEER is to facilitate the creation of a single, competitive, efficient and sustainable Internal Energy Market in Europe that works in the consumer interest.

Specifically, CEER deals with a range of energy regulatory issues including wholesale and retail markets; consumer issues; distribution networks; smart grids; flexibility; sustainability; and international cooperation.

CEER wishes to thank in particular the following regulatory experts for their work in preparing this report: Helena Almeida, Stefan Arent, Pamela Boeri, Christelle Heng, Abid Sheikh and Cora Zonderland.

More information is available at [www.ceer.eu](http://www.ceer.eu).