

Update to Annex 2 of GGP on Customer Complaint Handling, Reporting and Classification

ADR practises: case studies

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INFORMATION PAGE

Abstract

This document C11-RMC-48-03 is a CEER document on country cases regarding Alternative Dispute Resolution (ADR) in the energy sector.

This report is an Update to Annex 2 of ERGEG GGP on Customer Complaint Handling, Reporting and Classification, released in June 2010.

Target Audience

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

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Related Documents

CEER/ERGEG documents

- Public Consultation on Draft Advice on Customer Complaint Handling, Reporting and Classification, September 2009. Ref: E09-CEM-26-03, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_MEMBERS/Meetings/WG-FG/RMC_WG/CWG%20Meetings/CWG%20old%20meetings/36supthsup%20CWG/DD/E09-CEM-26-03a-V06_clean.doc
- GGP on Customer Complaint Handling, Reporting and Classification, June 2010. Ref: E10-CEM-33-05, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_CONSULT/CLOSED%20PUBLIC%20CONSULTATIONS/CUSTOMERS/Custom%20Complaint%20Handling/CD/E10-CEM-33-05_GGP-ComplaintHandling_10-Jun-2010.pdf

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1 Introduction

The European Commission has established a working group (WG) on alternative dispute resolutions (ADR) in the energy sector, which held its first meeting on 31 March 2011. CEER has been invited to participate as a key stakeholder at European level.

The mandate of the Commission WG is to produce Guidelines of Good Practice in the field of ADR to be presented at the 4th Citizen Energy Forum to be held in October 2011.

As the Commission invited participants to provide documents or relevant information on ADR in their countries/organisations, CEER takes the opportunity to update and add new cases to the 9 case studies on customer complaint handling (case studies as of October 2009) which were published in 2010¹.

The ERGEG GGP on Customer Complaint Handling, Reporting and Classification provided case studies for the following countries:

1. Austria;
2. France;
3. Italy;
4. The Netherlands;
5. Poland;
6. Romania;
7. Spain;
8. Sweden; and
9. UK (Great Britain).

The present report is an Update to Annex 2 of the aforementioned ERGEG 2010 GGP.

¹ Case studies as of October 2009. See Annex 2 of GGP on Customer Complaint Handling, Reporting and Classification, June 2010. Ref: E10-CEM-33-05, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_CONSULT/CLOSED%20PUBLIC%20CONSULTATIONS/CUSTOMERS/Custom%20Complaint%20Handling/CD/E10-CEM-33-05_GGP-ComplaintHandling_10-Jun-2010.pdf GGP on Customer Complaint Handling

2 Austria

2.1 Introduction

E-Control has established the Alternative Dispute Resolution Board (ADR board) in 2001. E-Control has also established an “Energy Hotline” where customers may receive information and advices. As far as issues dealing with general customer protection law are concerned, other third-party bodies are responsible, such as the Austrian Association for Consumer Information² and the Austrian Labour Chamber³.

There is no structured breakdown of responsibilities between third-party bodies and the ADR board at E-Control, but a flexible system of collaboration to direct inquiries and complaints to the body responsible.

2.2 Before a complaint (prerequisites)

There is no formal definition of a customer inquiry or complaint at E-Control. Therefore customers contact E-Control via phone, fax, mail and e-mail regarding various concerns. It is not compulsory for consumers to first contact their contractual partner, DSO or supplier about a complaint they have to be eligible to turn to E-Control’s services.

Consumers are informed about their possibility to turn to E-Control mainly through small informational campaigns by E-Control in the media. Increasingly, consumers report that they were directed to E-Control with their inquiries and complaints by suppliers or DSOs. Since March 2011, suppliers are subject to the obligation to mention in their bills the possibility for customers to appeal to E-Control’s ADR board.

2.3 Complaint handling

Within the NRA, there is a two-level approach towards consumer inquiries and complaints submitted to E-Control.

While in most cases the Energy Hotline serves as the first point of contact and may give information, perform price calculations or advise on some basic issues (e.g. self-meter readings, recent price increases, possibilities and process of supplier switching, etc.), the ADR Board deals with more complex requests, especially issues and complaints where there seems to be some wrongdoing by one of the contractual partners.

² Verein für Konsumenteninformation: www.konsument.at

³ Arbeiterkammer: www.arbeiterkammer.at

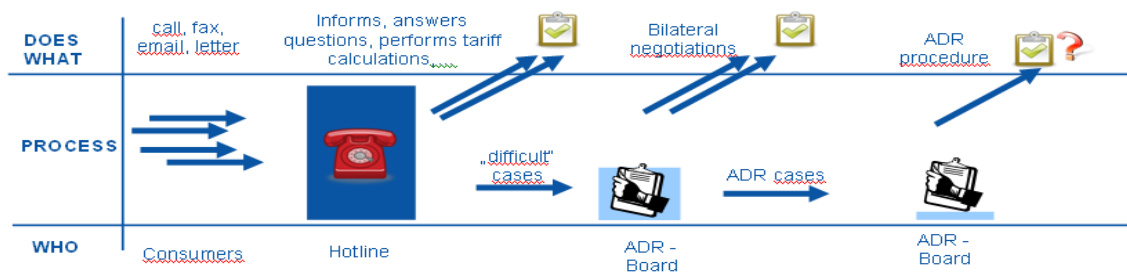


Figure 1: Process of Consumer Inquiry/Complaints Handling

Most customers contact the Energy Hotline although some consumers turn to the ADR Board directly as its contact details can be found on E-Control's website.

About 80% of all inquiries and complaints are solved by staff of the Energy Hotline, albeit in some cases with help or expert knowledge from the ADR Board and other employees of E-Control.

Consumer inquiries or complaints which cannot be answered by staff of the Energy Hotline are transferred to the ADR Board. The ADR Board then negotiates bilaterally with the consumer and supplier/DSO concerned and tries to reach a mutually-agreed solution for both parties involved. If this proves to be not possible for whatever reason, the ADR Board has the possibility to start an official ADR procedure.

However, most cases can be resolved without the need for an official procedure. Although the number of cases handled by the ADR Board rises due to growing consumer awareness of E-Control's service, the number of formal procedures carried out every year continues to decrease. This illustrates that the ADR Board generally has a very good contact with companies. The ADR Board is required to meet a deadline for finding a solution for every consumer within 6 weeks.

For the Energy Hotline, a new online user interface was created in 2008 to help agents to attend to the calls as well as to gather data about consumer inquiries and complaints such as:

- topic of call/email/letter;
- energy concerned (electricity or gas);
- type of customer (household or (small) business customer);
- date of call;
- contact details; and
- all necessary information to perform a price calculation.

This online user interface provides easy possibilities to perform price calculations directly within the application. Additionally, the tool allows sending price calculations to customers directly via email or letter or to forward inquiries to expert colleagues for this field. For the category "topic of call" a classification scheme is used, which is continuously adapted in

accordance to ERGEG relevant GGP⁴ .

2.4 Complaint settlement and consequences

Consumer requests may be ended in two different ways: if the request is a pure information query, the consumer's questions are answered, either by the telephone agents themselves or by experts within E-Control who get back to the customer.

The solutions of the ADR board are only suggestions to both parties involved and are not binding. Either party may go to court afterwards if not satisfied with the outcome of the ADR procedure.

Due to the well-established contacts with the industry and a very strong basis for cooperation, E-Control's ADR Board achieves a proportion of nearly 90% of all ADR procedures satisfactorily resolved for the parties involved. However, there are no fees or sanctions which may be imposed on any party involved, neither is there a detailed or structured follow-up of the outcomes reached.

2.5 Reporting

E-Control must publish a yearly action report on the ADR Board's activities and procedures and its outcomes. This report is compiled for the Austrian Parliament in order to allow monitoring of the numbers, topics concerned and outcome of negotiations and procedures. This report is publicly available and all companies concerned are named in the document. What the problem for the customer was and whether a satisfactory solution could be agreed on by all parties involved is also stated. This report is especially interesting for the industry itself as it serves as a kind of indirect pressure on the industry to cooperate.

In contrast, there are no obligations for DSOs/suppliers to publish any information regarding customer complaints.

2.6 Indicators

It is E-Control's view that customer complaint monitoring can show evidence of malfunctioning in the energy market. This is particularly the case for the retail market. Although both household customers as well as SME customers may report their inquiries and complaints to the Energy Hotline and the ADR Board, it is more common for household customers and single complaints to show the presence of general market malfunctioning. SME customers often have individual negotiated contracts whose contents are not known to E-Control.

The most relevant indicators are the ones which illustrate problems in market design or processes because there is a possibility for the NRA to adjust its policies.

⁴ GGP on Customer Complaint Handling, Reporting and Classification, June 2010. Ref: E10-CEM-33-05, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_CONSULT/CLOSED%20PUBLIC%20CONSULTATIONS/CUSTOMERS/Custom%20Complaint%20Handling/CD/E10-CEM-33-05_GGP-ComplaintHandling_10-Jun-2010.pdf GGP on Customer Complaint Handling

Other important indicators may illustrate a need for more information among customers to be able to profit from a free and liberalised energy market.

If consumers report insufficient or inadequate processes within the energy market, misbehaviour of single companies or a lack of clarity of provisions, E-Control works towards changing faulty processes or carries out procedures against malpractice by single companies. Also, through extensive media relations work E-Control uses the effect of naming and shaming to correct malpractice and inform consumers. This was done for example when companies used in-transparent and illicit bills.

3 France

3.1 Introduction

In France, the breakdown of responsibility for customer complaints/inquiries on gas and electricity, among third-party bodies, is:

- General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF, Ministry of Economy), dealing with complaints related to infringements of legal obligations before contracting (e.g. “imposed switching”);
- Energy ombudsman (*Médiateur National de l'Énergie*, MNE), dealing with complaints related to the execution of a contract between a household customer and a supplier or between a professional customer⁵ and a supplier; and
- NRA (*Commission de Régulation de l'Énergie*, CRE), dealing with complaints related to access to the grid.

CRE does not have, by law, any responsibility for collecting and handling customer complaints. The only exception refers to grid access related complaints, which are handled by the “*Comité de règlement des différends et des sanctions*” (CoRDIS), within CRE. Only DGCCRF and the MNE are responsible for collecting and handling customer complaints related to their responsibilities.

Even if most complaints can be easily allocated to the designated competent entity (DGCCRF, MNE and CRE), in some cases, there is no specific ADR body to be referred to. For instance, professional customers connected to more than 36kVA or consuming more than 30 000 kWh of gas per year cannot refer the matter to MNE. Another example is represented by complaints concerning disputes between DSOs and customers, where no access to the grid is concerned and where the customer is not bound to any supplier. In this case complaints can be handled neither by CRE nor by MNE. In order to overcome this situation, MNE asks for wider responsibilities. To widen its responsibilities, a new law should be voted in Parliament.

3.2 Before a complaint (prerequisites)

Customer information service: *Energie Info*

CRE and MNE have set up a joint organisation, *Energie Info*.

Energie Info includes:

- **Website**, managed in collaboration with the General Directorate for Energy and Climate (DGEC) and DGCCRF and dedicated to household and professional customers (practical information, FAQ supplier lists, consumer rights and “how to complain / settle a dispute”)
- **Multi-channel customer information service**, offering clear and practical consumer advice through phone, mail and e-mail. In this respect, a call centre has been set up in order to answer simple questions on the opening up of the residential market and the rights and procedures for electricity and natural gas.

⁵ Customer connected to ≤ 36 kVA or consuming less than 30,000 kWh of gas per year

The website www.energie-info.fr offers a **comparison tool** which covers electricity and/or natural gas offers provided and detailed by energy suppliers on a voluntary basis and in line with an operating charter. CRE and the Energy ombudsman stand as guarantors for the actual enforcement of this charter.

Uploaded to a secure extranet system, offers can be updated by suppliers at any time. This comparison tool details all the essential features of the offers in the form of tables or comprehensive descriptions: whether prices are regulated or not, commitment period, terms for cancelling the contract, services, etc.

Energie Info Customer information service, receives customers' inquiries (requests for information) and customers' complaints.

By customer complaint is meant the following: the customer expresses his/her dissatisfaction and expects (explicitly or implicitly) a response or resolution. *Explicitly* means that the customer states he/she is seeking some action to address his/her concern, even if he/she is not able to identify and state what action is required. *Implicitly* means that he/she requires the customer service agent to interpret that the service provider is expected to take action to deal with the problem.

Dealing with a customer complaint, *Energie Info* is responsible of directing customers to the relevant body to handle their complaints: either DGCCRF, MNE, CRE or any other relevant third-party organisation. When a complaint is transferred by *Energie-Info* to the relevant body, the customer is kept informed. In some cases, *Energie Info* can help directly in complaint handling, asking suppliers for information and trying to accelerate the complaint handling process between the service provider (supplier/DSO) and the customer.

It is compulsory for suppliers to mention the website address www.energie-info.fr on their bills. In order to improve information given to the customers, a reference to the Energy ombudsman could be added in the future.

Energy ombudsman (MNE)

Conditions for submitting a complaint to the Energy ombudsman (MNE) are the following: the customer has to submit a complaint first to the supplier, and then allow the supplier 2 months to handle it. To be eligible to MNE, you must be a household customer or a professional connected to ≤ 36 kVA or consume less than 30,000 kWh of gas per year.

A complaint can be submitted by letter or through the website.

3.3 Complaint handling

Energie-Info and MNE collect information about complaints and customers' contact data in IT tools dedicated to their activities.

Energy ombudsman (MNE)

When MNE receives a complaint that is "acceptable" (the situation described by the customer is within the scope of MNE's responsibilities), MNE has to propose a written recommendation to settle the dispute within 2 months. MNE makes recommendations which are not binding. MNE is financed by a tax on energy consumption, the "CSPE".

CoRDIS (within CRE)

CoRDIS is a dispute settlement authority, which settles disputes between

- the operators and users of public electricity transmission and distribution grids,
- the operators and users of natural gas transmission and distribution infrastructures,
- the operators and users of natural gas storage installations
- the operators and users of liquefied natural gas (LNG) installations, and the installations of transport and of Geologic storage of CO₂ related to access to those grids, infrastructures and installations or to their use.

Customers must follow a formal procedure. CoRDIS decisions are binding.

DGCCRF is part of government administration. DGCCRF decisions are binding.

3.4 Complaint settlement and consequences

Energy ombudsman (MNE)

The outcome of MNE's complaint handling is a written recommendation to the parties (supplier and/or DSO and customer). The recommendation is not binding to the parties and not enforceable. Suppliers, DSOs and customers are invited to follow it on a voluntary basis.

Each part may go to court if dissatisfied with the recommendation, and even before the end of the dispute settlement process. In some recommendations, MNE may ask the supplier/DSO to pay fees to the customer, as a compensation for the damage they have suffered.

3.5 Reporting

Classification of complaints used by Energie Info and MNE:

- Billing (meter estimation, meter reading error, meter dysfunction, fraud, etc.)
- Invoices (incomprehensible invoice, lack of invoice, etc.)
- Supply interruption (payment default, technical error, etc.)
- Unwished termination (i.e. mystery switch)
- Commercial practices (unfair commercial practices, unwished subscription, etc.)
- Contractual terms (switching, subscription or termination delays)
- Quality of supply (of electricity)
- Price / tariffs
- Payment (terms of payment, reimbursement, etc.)
- Connection to the grid (connection delays, etc.)
- Network (other complaints related to the grid works)

General MNE' recommendations are published on its website: www.energie-mediateur.fr.

A yearly reporting on *Energie Info* Customer information service is published in CRE's annual report (data includes enquiries and complaints), and a reporting on dispute resolutions is done in MNEs annual report

Names of suppliers and DSOs concerned by complaints are kept anonymous.

The IT-tool used to compile data for MNE's reporting uses the same complaints classification than Energie-Info's IT tool

3.6 Consumer associations' involvement

CRE has established a stakeholders' Forum dedicated to household customers and small professionals, the GTC (Groupe de Travail Consommateurs). DGEC, DGCCRF and MNE participate in the GTC along with service providers (DSOs and suppliers) and consumer associations.

Consumer associations are regularly informed and consulted about matters that concern them, such as current laws and regulations, quality of service indicators for system operators, the activity of the *Energie Info* initiative and any other current issues affecting the mass market. The work of the customer working group (GTC) is to contribute to better consumer protection and a well functioning market.

4 Ireland

4.1 Introduction

Following the transposition of EC/55/2003 and EC/54/2003 into Irish law, the Commission for Energy Regulation (Energy Regulator in Republic of Ireland) was given legislative responsibility for the provision of a complaint resolution service for natural gas and electricity customers with unresolved complaints. This function is carried out by a dedicated division of the Commission known as the Energy Customers Team.

The Energy Customers Team provides a basic information service and is responsible for the investigation and response to all domestic and small business customer complaints. The Energy Customers Team will only carry out an investigation into a complaint with a supplier or network operator if the customer has completed the full complaints process of the supplier or network operator first. This is to allow the opportunity for the supplier or network operator to resolve the issue first.

The Energy Customers Team service is provided through a dedicated low cost phone line, an email and postal address and our website www.energycustomers.ie. There is no charge for the customer to have their complaint dealt with by the Energy Customers Team.

Complaints received from very large users of electricity and natural gas are dealt with separately by the Commission for Energy Regulation (CER) division with direct responsibility for the policy area of the complaint.

4.2 The Process of Complaint Handling by Energy Utilities

All natural gas and electricity suppliers and network operators are required by the CER, through their licences, to have a Complaint Handling Code of Practice for customers which is subject to approval by the CER. The CER issued guidelines which the suppliers and network operators used to develop these Codes. These guidelines require them to have a two-step process which allows customers to escalate their complaint to a senior level if they are not satisfied with the response which they received the first time they have attempted to resolve their issue. Once a complaint has completed this process, if the customer is not satisfied with the response they have received they may refer their complaint to the Energy Customers Team for an independent review and determination.

Suppliers and network operators are required to publish their complaint handling procedures and make customers aware that they exist. They are also required to include a brief summary and all contact information on the back of their bill. This includes the provision of contact details for the Energy Customers Team if the customer is not satisfied with the way they have dealt with the complaint.

4.3 Classification of Complaints by the Energy Customers Team

The Energy Customers Team receives a number of different types of contact from customers in relation to complaints:

- Return to Supplier or Network Operator
- Standard Complaint
- Complex Complaint

4.3.1 Return to Supplier or Network Operator

A customer who has not completed their supplier or network operator's complaints process must first do this before the CER will accept their complaint. If a customer contacts us prior to completing the process we classify this as a Return to Supplier or Network Operator for recording purposes.

4.3.2 Standard Complaint

The CER receives a number of complaints from customers which do not refer to specific incidents or their individual natural gas or electricity accounts. These could be complaints in relation to the price of electricity being charged, dissatisfaction at having to pay standard approved network charges or general dissatisfaction with industry policy.

While these complaints are looked into and responded to, they are classified separately as they do not require investigation into the behaviour of a supplier or network operator. In general these complaints are responded to within one week as a standard response is usually available or easy to present.

4.3.3 Complex Complaint

The CER's statutory responsibility requires us to provide a service to customers with **unresolved** complaints with their supplier or network operator. Prior to accepting a complaint for full investigation the customer must have completed their supplier or network operator's full approved complaints handling process. This is to allow the supplier or network operator the opportunity to resolve the matter first. Once the supplier or network operator confirms that the customer has completed their process the CER then classifies this complaint as a complex complaint and commences its investigation.

Complex complaints are only accepted from customers in writing or by email. The customer is required to complete a standard form setting out their complaint and attaching any copies of correspondence in relation to their complaint. If a customer has a difficulty in completing the form, we will assist them in doing this.

4.4 Role of the Energy Customers Team / Energy Regulator for Individual Customers

Under the legislation, the role of the regulator is to provide an independent, simple and easily accessible service for customers with unresolved complaints. Once a complaint is classed as a complex complaint the team forwards the complaint to the relevant supplier or network operator for a report to be completed. This report is then sent to the customer for comment before issuing any decision. The team may request further information from the customer or utility until enough information has been received in order to issue a decision in relation to the complaint.

Under legislation the Commission has the power to make a binding direction on the utility in relation to compensation or to put in place a resolution for the customers. While this direction is binding on the utility it is not binding on the customer. If a customer does not accept the decision of the CER, they are free to pursue their complaint through the court if they so wish. To date we are not aware of any customer choosing to exercise this option following a decision of the CER.

4.5 Role of the Energy Customers Team / Energy Regulator for All Customers

While dealing with individual customers' complaints the Energy Customers Team monitors the complaints being received and the level of repeat complaints against suppliers or network operators. Where a trend is identified which is causing difficulties for customers the CER may discuss this with the utility and in some cases a direction to resolve the issue for all customers may be made.

The data collected from the complaints received is also used to feed into industry policy development as appropriate.

5 Italy

5.1 Introduction

The promotion of competition and customer protection are among the main goals of the Italian Regulatory Authority for Electricity and Gas (AEEG).

According to the institutional Law 481/95, AEEG has several functions, one of which is evaluating complaints, appeals and reports from users or consumers, individually or as a body, related to the respect of quality standards and tariffs by the gas and electricity operators.

Since the early stages of AEEG's activity, a department is in charge of information and consumer affairs. The Department has the following main tasks:

- to set rules for protecting customers: regarding contracts terms and conditions, billing transparency, pre-contractual information;
- to ensure transparency and information, also dealing with consumer organisations;
- to collect and evaluate customer complaints.

The number of complaints and enquiries sent to the Regulator has increased year by year, because Italian consumers start to know about AEEG functions and also as a result of market opening (about 213 in 1999, about 1.049 in 2005, about 8.000 in 2008, about 13.000 in 2009, about 29.743 in 2010).

Since the number of employees of AEEG has a ceiling by law, AEEG decided to outsource the first step of the complaint assessment process in order to cope with the growing rate of complaints and with the need for more effective and satisfactory answers to customers. This was supported by a change in the legislation.

The single buyer (*Acquirente Unico*) was the chosen outsourcer. This company is entirely owned by the Ministry of Finance and by the Ministry of Trade, and it acts as the wholesale supplier of customers served at regulated prices. The energy consumers help desk (*Sportello per il consumatore di energia*, hereafter simply referred to as "Consumers help desk") is a division of *Acquirente Unico* that was set up in July 2008 and officially presented to customers and suppliers on 1st December 2009.

Finally, since 2005, the Italian Competition Authority has the general task of prosecuting unfair competition practises, also in the energy sector. The breakdown of responsibilities is not always easy to define, especially in a liberalised market context.

5.2 Before a complaint (prerequisites)

A definition of customer complaint, against information request, is available in commercial quality of supply regulation. The definition is the following: a written communication, sent to the supplier, regarding the non-compliance of the supplied service with the terms of contract or the regulation.

Complaints can be submitted by the customers individually or through their organisations and have to be sent first to the supplier, who has the obligation to respond.

If the supplier does not respond, or when the given answer is unsatisfactory, the complaint can be submitted to AEEG. It can be sent directly to AEEG only if very urgent matters are involved (e.g. safety reasons).

The customer is requested to enclose all the relevant supporting documents.

5.3 Complaint handling

Suppliers and DSOs

Complaint handling standards have been defined for suppliers and they have entered into force on 1 July 2009.

There is an obligation to answer and a complete answer should be given within 40 days. Answers must be complete of all the information needed by customers in order to understand their rights on the specific matter.

When the standard is not met, compensation must be paid to the customer (there is a limitation of one complaint per customer per year). An overall standard has been fixed for information requests (30 days). Every six months suppliers are requested to send to the AEEG information regarding the number of complaints received in the previous six months (month by month) and the compensation paid.

According to AEEG rules, the supplier is entitled to be provided with technical data by the DSO when they are necessary to respond to a complaint. The DSO must pay a compensation to the supplier when it doesn't provide all relevant data within a fixed period of time.

Also DSOs have the obligation to respond to the complaints directly received. They have to respect an overall standard.

Consumers help desk (Sportello per il consumatore di energia)

The Consumers help desk, working under AEEG control, carries out complaints handling and has the obligation to inform AEEG about the outcome of complaints handling on a regular basis and to report to AEEG the suppliers or DSOs not compliant with the regulation. The Consumers help desk also refers to AEEG all complaints that need a second assessment, in case the customer or the supplier doesn't agree with the solution proposed by the Consumer help desk.



Figure 2: Consumer help desk logo

Furthermore, suppliers must answer in a short time (15 working days) to information requests submitted by the Consumers help desk.

The Consumers help desk consists of two departments:

- A Hotline (open from 8:00 until 18:00 hours) where 15 people answer to customer calls;
- A complaint unit where 63 people deal with complaints.

The Consumers help desk is continuously monitored by AEEG thanks to a shared Customer Relationship Management (CRM) system.

A quarterly meeting between AEEG, the Consumers help desk and consumer associations (representing household and small businesses customers) is held in order to analyze together the activities carried out by the Consumers help desk and to discuss further improvements.

Since 2007 a dedicated Hotline answers to customer questions about liberalisation, prices, contracts and complaint procedures. In 2009 the Hotline has been incorporated into the Consumers helpdesk and since then it represents the single point of contact for energy customers. In 2010 it answered to 661.084 calls.

Each customer may submit a complaint to the Consumer help desk through mail, e-mail and fax. Moreover, the customer can phone the Consumers help desk hotline and get information on the status of his/her complaint.

The directive establishing the Consumers helpdesk also provides for the suppliers to answer information requests coming from the help desk in due time (15 working days).

In June 2010 AEEG found out that three energy suppliers had not answered to a high percentage of information requests coming from the Consumers help desk. Consequently, one month later AEEG issued an order requesting these companies to provide an answer by the end of August.

The above mentioned companies have complied with the order and the Consumers help desk has monitored and assessed the content and the quality of the answers. As a positive outcome of the order, in the last two months all companies answered more punctually.

5.4 Complaint settlement and consequences

Complaint evaluation process by the AEEG involves two main stages.

In the pre-proceedings stage, AEEG can request information and relevant documents from the supplier. A certain behaviour can be recommended as a result of the evaluation (“moral suasion”).

When suppliers or DSOs are not compliant with AEEG recommendations, a proceedings stage could follow, where AEEG could:

- order the supplier to cease any behaviour violating consumer rights;
- place a financial fine on the supplier for non-compliance with regulations or with the above-mentioned order (through an infringement proceeding).

Controls and inspections can also be carried out.

The vast majority of complaints are resolved at the first stage, especially through the exercise of the “moral suasion”.

AEEG can place fines on operators, but it cannot prescribe a compensation for damages (in order to obtain it, the customer must go to court). The major suppliers have developed, in agreement with consumers associations, ADR procedures.

According to the aforementioned institutional Law⁶, AEEG has been granted the remit to handle out-of-court settlements and arbitrate in disputes between users or consumers and service providers. One or more sets of regulations should define the criteria, the conditions, the terms and the procedure to be followed in conciliation or arbitration disputes between users and parties operating the service to be heard by the AEEG. The same regulations should also establish the cases in which such conciliation or arbitration proceedings may be submitted in the first instance to arbitration or conciliation commissions set up at the chambers of commerce, industry, craft and agriculture.

However, in the meantime AEEG is supporting alternative dispute resolutions developed by energy companies and consumer associations.

5.5 Reporting

Complaints sent to AEEG were collected and classified into an access database that contained 19.620 records from 2005 until June 2009. The Consumers help desk has been provided with a new IT tool (a CRM shared with AEEG).

The classification is made up by a matter and a “sub-matter”. The main topics are:

- Invoicing/Billing;
- Contracts;
- Market;
- Connections to the grid;
- Meter services;
- Technical quality; and
- Commercial quality.

AEEG’s activity is reported in the Annual Report, where a simplified classification is used to show the number of complaints received by AEEG (until December 2009) and then by the Consumers Help desk and their main topics. The following table shows the data collected by the help desk:

⁶ Institutional Law 481/95

ELECTRICITY	apr 2009 - march 2010		apr 2010 - march 2011	
	total number of complaints	%	total number of complaints	%
INVOICING/BILLING	3.554	33%	3.576	23%
MARKET (including unfair commercial practices, provider change/switching)	2.670	25%	3.652	23%
SOCIAL BONUS (discount for vulnerable customers)	245	2%	3.978	25%
CONTRACT AND SALES (including disconnection due to no or late payment)	2.095	20%	2.077	13%
CONNECTION TO THE GRID	811	8%	947	6%
QUALITY OF SUPPLY	526	5%	633	4%
PRICE/TARIFF	507	5%	410	3%
METERING	187	2%	185	1%
CUSTOMER SERVICE	80	1%	172	1%
TOTAL OF MAIN SUBJECTS	10.675	100%	15.630	100%

GAS	apr 2009 - march 2010		apr 2010 - march 2011	
	total number of complaints	%	total number of complaints	%
SOCIAL BONUS (discount for vulnerable customers)	26	1%	6.876	45%
INVOICING/BILLING	2.111	45%	3.720	24%
MARKET (including unfair commercial practices, provider change/switching)	774	16%	1.794	12%
CONTRACT AND SALES (including disconnection due to no or late payment)	704	15%	1.089	7%
CONNECTION TO THE GRID	544	11%	603	4%
PRICE/TARIFF	298	6%	798	5%
METERING	197	4%	257	2%
CUSTOMER SERVICE	54	1%	102	1%
QUALITY OF SUPPLY	31	1%	37	0%
TOTAL OF MAIN SUBJECTS	4.739	100%	15.276	100%

Table 1: Main subjects of complaints and enquiries received by NRA and Consumers' Helpdesk

F. Indicators

Complaints provide precious information about how to improve regulation or to change current rules. Customer complaints reporting has also been used to identify malfunctioning in retail markets. For example, rules on the obligation to offer payment by instalments have been modified, because of the huge amount of complaints on billing settlement (before the installation of smart meters). Complaints about the lack of billing transparency have led to a new regulation.

Monitoring pre-contractual behaviour has led to new rules aimed at ensuring the supplier's fair conduct when dealing with customers.

Complaints monitoring can help to identify market malfunctioning and also highlights when a single supplier is giving poor service quality or infringing rules.

Sometimes malfunctioning is highlighted thanks to the documents attached to a complaint (contracts, bills, etc.).

Suppliers' performances in complaints handling are also monitored since July 2009 and a comparative publication will follow. Once a year AEEG will publish lists ranking the suppliers on the basis of a per capita index.

6 The Netherlands

6.1 Introduction

This case study explains the roles and responsibilities of customer complaint handling in the Netherlands.

6.2 Legal framework

The importance of adequate customer complaint handling is reflected in Dutch energy legislation. Based on the Electricity and Gas Act, both suppliers and DSOs (for electricity and gas) are responsible for having a dispute resolution procedure and are responsible for dealing with complaints from their own customers. However, legislation does not define what the dispute resolution procedures should look like, nor is there an obligation to use a mandatory uniform definition. Therefore, both suppliers and DSOs can determine when a complaint is a complaint and in what way it will be dealt with.

6.3 The process of complaint handling

In the Netherlands, customers must always formally submit a *complaint* (usually via e-mail, post or by telephone) if they want to solve a disagreement with their supplier or DSO. Once a supplier or DSO has given a decision and a customer does not agree with the outcome, both parties have a so-called *dispute*.

In that case, there is always the possibility to file the dispute with an independent dispute settlement body which in almost all cases is the so-called Stichting Geschillen Commissie⁷. All household customers are eligible to send disputes to the independent dispute settlement body (by email or by post) and the cost is 25 Euros, which will be refunded by the supplier (the opposing party), if the case is settled in favour of the customer. Alternatively, customers can go to court and ask the judge to issue a verdict. In both cases, the decision is binding.

6.4 Role and vision of the Dutch regulator

For the Dutch Office of Energy Regulation (hereafter NMa) complaint handling is a very important aspect of a deregulated energy market. For example, when switching supplier, customers need to be able to rely on their supplier that a problem will be adequately resolved. If this is not the case and customers lose trust, they can become reluctant to switch supplier. The past has shown that this can have a negative effect on market trust. Complaint handling is therefore an essential “basic” and it is for this reason that the NMa has a strong focus on this issue.

By law, the NMa can prescribe elements of complaint handling or set minimum standards (such as lead time). Until now, the NMa has basically chosen not to do so and instead to monitor customer complaint handling (see below). The reason for this is that complaint handling can be a unique selling point for suppliers in a deregulated market in which they can distinguish themselves when competing for the benefits for the consumer. Therefore, as long as suppliers deal with complaints in an adequate manner, the Energiekamer intentionally plays no role in individual complaint handling or dispute

⁷ If a DSO has not solved the complaint, a customer can file the complaint (under certain circumstances) to the director of the NMa or the Stichting Geschillen Commissie.

settlement⁸.



Figure 3: ConsuWijzer logo

6.5 ConsuWijzer: improving customer empowerment

In a deregulated market, it is essential that suppliers feel pressure to compete for the benefits of a customer. To do so, customers must understand the market and are confident enough to be active. It is therefore important that customers are well informed and feel empowered. ConsuWijzer, an information desk initiated by three authorities (NMa, Telecom authority and the Consumer authority), helps the customer to become empowered.

ConsuWijzer provides practical and understandable information and advice through Consuwijzer.nl and via telephone, post and e-mail. Consuwijzer can also be reached via a mobile application (m.consuwijzer.nl) and Twitter (twitter.com/Consuwijzer). All direct contacts first reach a front office, which handles easy cases. A back office handles the more complex cases.

	2009	2010
Web visits	2.017.000	2.350.000
Contact via telephone, mail and post	106.000	90.000

Table 2: Enquiries received by ConsuWijzer in 2009 and in 2010

Comparable information on the quality of service

Annual researches amongst household customers reveal the need for reliable comparable information on prices and quality of service. While there are many reliable price comparison websites for energy on the market⁹, the NMa decided to provide comparable information on the quality of service of energy companies via ConsuWijzer. The 'EnergieWijzer' publishes, amongst other indicators, the number of inquiries/complaints received per supplier. This data is updated on a quarterly basis.

Factsheets and templates

⁸ Only if complaints are not dealt with in an adequate way and suppliers do not show any sign of improvement, will, the NMa act. This was the case in 2007, when the NMa issued an injunction on a number of suppliers, based on extensive research.

⁹ A recent study on the quality of price comparison websites proved the reliability and independence of most of the websites: http://www.energiekamer.nl/nederlands/actueel/Persberichten/CA-NMa_01-10_Prijsvergelijkers_en_energiebedrijven_moeten_samen_verbeterslag_maken_in_informatieverschaffing_aan_consument.asp

Experience has shown that the breakdown of responsibility is not always clear for customers. Therefore, ConsuWijzer gives information on the proper procedures, e.g. on how to file a complaint to a supplier (or DSO). ConsuWijzer also provides templates in order for the customer to file a written complaint to his supplier or DSO.



Figure 4: The 'EnergieWijzer'

Information source

The NMa receives on a regularly basis, but also on demand, information on the amount and type of complaint and/or inquiry. ConsuWijzer uses a system for collecting, categorising and reporting, which gives insight into how certain energy companies, or the energy market as a whole, are performing on different aspects, such as switching, billing, and complaint handling.

6.6 Research on customer complaint handling

Between 2006 and 2010, the NMa has done research into customer satisfaction regarding the process of complaint handling of the largest 13 energy companies.

The results made clear that customers are becoming slightly ever more satisfied with the process by which suppliers solve their complaints, especially with regards to the lead time and accuracy. As for now, the NMa has decided to focus the attention on the major causes of complaints, namely the handling of metering data for billing and the remaining problems during the switching process.

6.7 Conclusion

As far as the NMa is concerned, monitoring customer complaints (through ConsuWijzer) is effective and will show evidence of market malfunctioning. Research and actions by the NMa have helped to put complaint handling among the top priorities of suppliers for the last several years. Monitoring customer complaints (and performing research when needed) is therefore a powerful instrument for a regulator.

7 Sweden

7.1 Introduction

In Sweden there are several different third party bodies that can be involved in customer complaints/inquiries, depending on the issue.

The Swedish NRA, the Energy Markets Inspectorate (EI), provides both information and handles some disputes (for example network connection, metering and electricity quality). The information activities help strengthen the position of customers in the electricity, natural gas and district heating markets. The information, mostly via the website, is addressed to both consumers and companies. All customers can also easily call or email the staff of the EI. Name, contact details and field of responsibilities for each member of the staff is publicly available on the website.

The National Board for Consumer Complaints is a public authority that functions roughly like a court. Its main task is to impartially try disputes between consumers and companies. Petitions are filed by the consumer.

Another way to improve the position of consumers in the electricity market is the work done by the Consumer Electricity Advise Bureau. The Bureau has an active role in informing and advising the public on such matters as the law and other rules that exist and how these are normally applied by companies on the electricity market. Among the third party bodies the Consumer Advise Bureau by far handles the most complaints and inquiries. The consumer can call the bureau every weekday and send questions through website. At the moment there are discussions about a possible inclusion of gas and district heating issues in the activity of the Customer Electricity Advise Bureau.

7.2 Before a complaint (prerequisites)

Regarding third party bodies, all household customers are eligible to contact any of the third party bodies, depending on the issue (for more information please see A. Introduction). The customers can make contact through whatever means they wish (phone, letter or email). However, the National Board for Consumer Complaints, which is an alternative dispute settlement board, requires written complaints from the customers. There are also three other limitations: The National Board for Consumer Complaints does not try issues that have already been settled in court, issues related to consumption or issues where the amount of the complaint, is less than 2000 SEK (~200 euro).

It is not compulsory for a customer who wishes to complain to any of the third party bodies to first have submitted his/her complaint to his/her supplier/DSO. However, it is always suggested to the customer that, as a first attempt to resolve the complaint, he/she should contact the supplier/DSO.

There is a customer information service, the Swedish Electricity Consumer Advice Bureau, which customers can contact to get advice on different supply contracts, information about the market and where to turn if they have further inquiries or complaints.

7.3 Complaint handling

All third party bodies have their own dispute resolution procedures. Both the regulator and the National Board for Consumer Complaints have written procedures and communicate the complaint with the DSO/supplier before coming to a decision.

The larger energy companies also have a complaint handling mechanism, called Customer ombudsmen. It is not mandatory for the DSO/suppliers to have a Customer ombudsman within the company. Customers that are unhappy with an issue can turn to the ombudsman within the company for a retry of the issue. If the customer even after the retry is not happy, he/she can turn to the National Board for Consumer Complaints.

7.4 Complaint settlement and consequences

The result of a complaint differs, depending on which third party body is involved. The regulator has the power to impose a conditional fine if a company does not follow the relevant legislation. A decision by the regulator can be appealed to the court.

The National Board for Consumer Complaints submits recommendations on how disputes should be resolved. The Board's recommendations are not binding, but a large majority of companies nonetheless follow them. Companies that do not follow the boards recommendations will get blacklisted ("name and shame").

7.5 Reporting

The classification of complaints or inquiries is similar, but not completely harmonized between the different bodies. Since 1 January 2011 the Energy Markets Inspectorate has starting using the ERGEG Proposal of Consumer complaints classification. The Energy Markets Inspectorate and the Swedish Electricity Consumer Advice Bureau closely cooperate in summarising customer's complaints and inquiries in the Swedish market.

Annually, the NRA reports to the Swedish government on the number and nature of complaints.

There will be additional legislation in the Swedish Electricity Act during 2011, implying that both suppliers and DSOs will be required to establish procedures for handling consumer complaints. This must be clearly outlined on the website and details for this must be available on request. Through the provision of the Electricity Act, the Energy Market Inspectorate will have the opportunity to request this information from every specific supplier/DSO.

7.6 Indicators

It is possible that monitoring customer complaints could reveal malfunctioning in the market. However, extensive customer complaint is in itself not necessarily an indication of market malfunctioning. It could also indicate that the customers are aware of their rights and/or demand high quality of service from their supplier or DSO. Since this awareness or high demand for quality of service could differ significantly between different countries, it is perhaps not very appropriate to compare the rate of complaints between countries.

One example where we have identified problems in the market is when suppliers have used unfair selling methods. Customers who have experienced problems in this area have contacted us and third party bodies to complain about this.

Another example: a few years ago there were problems in the electricity switching process,

which led to delays in the switch. There were complaints about this, and because of that some amendments were made in the Swedish electricity act. The result is that now it is only possible for the person who has a contract with the DSO to make a contract with a supplier, and it is the responsibility of the supplier to check that this requirement is fulfilled.

8 UK (Great Britain)

8.1 Introduction

Scope

The approach described in this document relates to GB (England, Scotland and Wales). Northern Ireland has a separate complaint handling standard and reporting system.

Complaint handling process framework

The Consumer, Estate Agents and Redress Act, 2007 required the setting up of a new complaint handling process for the energy sector (operating from 1 October 2008). A key purpose of this process is to ensure that the energy companies deal properly and fairly with their customers. Complaints must therefore be made to the energy companies in the first instance.

The process also involves third party bodies with specific responsibilities as follows:

- Consumer Direct (an economy-wide ‘helpline’ advising on consumer rights, and signposting how and where to make a complaint. It can also refer complainants directly to the companies);
- Consumer Focus (a referral body for vulnerable customer complaints and disconnection cases);
- the Energy Ombudsman (a backstop for unresolved complaints – the ruling of the Ombudsman is binding on the energy company but not on the customer who may seek further redress through the courts).

Ofgem (the NRA) does not deal with complaints. Ofgem enforces the statutory complaint handling standards required to be met by the energy companies and also have a power to determine certain disputes (for example the charges for connecting to the gas/electricity system). However, in the first instance the Ombudsman can make a provisional ruling; either party may challenge this and come to Ofgem for a determination.

Both gas and electricity complaints are dealt with through the same process. The process covers energy suppliers and network operators.

There is a statutory requirement for Ofgem to collect complaint information from the energy companies. Ofgem can receive this direct or from the relevant bodies dealing with complaints. Both Consumer Focus and the Ombudsman report information on the complaints they receive on a monthly basis.

8.2 Before a complaint (pre-requisites)

Definition of complaint

The complaint handling scheme does not provide a definition of an enquiry. There is a statutory definition of a complaint which is:

“any expression of dissatisfaction made to an organisation, related to any one or more of its products, its services or the manner in which it has dealt with any such expression of dissatisfaction, where a response is either provided by or on behalf of that organisation at the point at which the contact is made or the response is explicitly or implicitly required or expected to be provided”

Complaints can be made by phone, email, written (letter/fax) or in person.

All domestic customers, and micro-businesses, are eligible under the scheme. Microbusinesses are defined as:

- an annual consumption of electricity of not more than 55,000kWh; or
- an annual consumption of gas of not more than 200,000kWh; or
- fewer than the equivalent of ten full time employees and an annual turnover or annual balance sheet total not exceeding Euros 2 million.

Before a complaint is dealt with by the Ombudsman, a customer is required to have submitted the complaint to their energy company. The only exception is if the customer is classed as vulnerable or the complaint is regarding disconnection in which case Consumer Focus may deal directly with the energy company on behalf of the customer, without the customer having contacted the company in the first instance.

Consumer Direct is the service set by Government for directing customers to the relevant body to handle complaints or enquiries.

Information

Customers are informed of their rights to complain through information on bills and other supplier literature, through the websites of suppliers and network companies, through signposting from Consumer Direct and from other general information sources (e.g. Ofgem, Consumer Focus and Energy Ombudsman websites and other advice publications). If a complaint has not been resolved by an energy company by the end of the next day following receipt, the company must tell the customer they are entitled to information about the complaint handling procedure and direct them to the relevant section of their website and offer to send them the information free of charge.

8.3 Complaints Handling

Complaints handling standards

There are statutory complaints handling standards which apply to energy supply and network companies. These are set and enforced by Ofgem and are designed to ensure that the companies have the responsibility for dealing with customers in a fair and proper manner.

The standards cover the definition of complaints; the requirement to record information; to signpost the complaint handling procedures; to signpost the redress scheme; make arrangements for contacts from Consumer Direct, make arrangements for contacts from Consumer Focus; the resourcing of the complaints function and the requirement to publish information.

There are no statutory standards for the handling of complaints for Consumer Focus or for the Energy Ombudsman (but the latter has published key performance indicators). Each organisation has adequate IT tools to fulfil their obligations of recording and reporting, but these are not generic.

Customer satisfaction

Ofgem has engaged an independent research company to gauge customer satisfaction with the complaints handling standards which reported in Spring 2009 and again in Spring 2010 (a further survey planned for reporting in early 2012). Additionally, Ofgem has engaged a company to provide an independent audit of the energy suppliers' compliance with the complaints handling standards which reported in Spring 2009 and have taken action to ensure the companies comply with the standards.

Costs and funding mechanisms

Consumer Direct is government funded through the Office of Fair Trading. Consumer Focus is funded by government, and the postal and energy industries in proportionate levels, although this funding covers a range of activity, not just complaints handling. The Ombudsman is funded by the energy industry.

8.4 Complaint settlement and consequences

Complaint settlement

Energy supply companies and network operators are required to be a member of the statutory redress scheme (the Ombudsman). It is the responsibility of energy companies to handle the complaint and they have up to 8 weeks to resolve it (in the first year energy companies new to the scheme have up to 12 weeks to do so). The majority of complaints to the energy supply companies are resolved within one day.

If by 8/12 weeks, or before if the complaint has reached deadlock, customers can refer it to the Ombudsman. The ombudsman can award compensation up to £5000, payable by the energy company. The Ombudsman scheme is funded by the energy industry (a membership fee and fee per case) and no fees are required to be paid by complainants, regardless of the outcome of the case. The Ombudsman's decision is binding on the energy company, although the complainant can go to court if he feels that he can get further redress.

8.5 Reporting of Complaint outcomes

The Ombudsman can recommend changes to the company's processes and/or policies where systemic failures are identified, and it will bring to Ofgem's attention any trends or issues of concern across the industry and problems which it has attempted to address with an individual supplier without success.

Reporting

Ofgem is not responsible for the reporting of complaints (although it may decide to publish complaints data in future) but is statutorily required to receive reports. The individual organisations (energy companies, Consumer Focus and the Ombudsman) are required to provide and publish reports.

Classifications

There is no formal requirement for specific classification and classifications will vary over time.

Suppliers are required to publish annually the overall number of complaints it has not resolved by the end of the next day following receipt.

Consumer Focus publishes on energy suppliers performance using complaint data from Consumer Direct, Consumer Focus and the Ombudsman (which comprise a range of complaint categories).

The Energy Ombudsman publishes an annual report giving information on the total number of complaints it has received and the main complaint types: billing; transfer; and sales.

8.6 Indicators

Use of Complaints data

The complaints data derived through the complaint handling process is of considerable value and is the major source of information used to identify evidence of retail market malfunction. Ofgem also looks more widely at other evidence (e.g. other, non-complaint information from suppliers, information from stakeholder groups, market monitoring).

Incidences of mis-selling to domestic customers in 2007 and 2008 is an example where complaints were an important part of the evidence leading to a decision to open an investigation. Ofgem investigated and subsequently took enforcement action in relation to breach of a licence condition. Ofgem's decision was published on its website on 30 January 2009.

9 Conclusions

Among the nine case studies released in 2010, six have been updated: Austria, France, Italy, The Netherlands, Sweden and the UK (GB). Furthermore, one new case study (Ireland) has been provided.

As a consequence, CEER is able to present 10 country cases:

1. Austria
2. France
3. Ireland
4. Italy
5. The Netherlands
6. Poland
7. Romania
8. Spain
9. Sweden
10. UK (Great Britain)

Annex 1 – CEER

The Council of European Energy Regulators (CEER) is a not-for-profit association in which Europe's independent national regulators of electricity and gas voluntarily cooperate to protect consumers' interests and to facilitate the creation of a single, competitive, efficient and sustainable internal market for gas and electricity in Europe.

CEER used to act as a preparatory body for the European Regulators' Group for Electricity and Gas (EREG). EREG was the European Commission's formal advisory group of energy regulators. EREG was established by the European Commission, in November 2003, to assist the Commission in creating a single-EU market for electricity and gas. EREG's members are the heads of the national energy regulatory authorities in the 27 EU Member States.

This report was prepared by the CEER Retail Market and Customers Working Group.

Annex 2 – List of abbreviations

Term	Definition
CEER	Council of European Energy Regulators
ERGEG	European Regulators Group for Electricity and Gas
GGP	Guidelines of Good Practice
ADR	Alternative Dispute Resolution
DGCCRF	General Directorate for Competition Policy, Consumer Affairs and Fraud Control
MNE	Médiateur National de l'Énergie
CRE	Commission de Régulation de l'Énergie
CoRDIS	Comité de règlement des différends et des sanctions
CER	Commission for Energy Regulation
AEEG	Autorità per l'Energia Elettrica e il Gas
NMa	Dutch office of energy regulation