



Mrs Fay Geitona  
CEER Secretary General  
28 rue le Titien  
1000 Brussels

Ref MGO/2009272/go

Brussels, 30 November 2009

Dear Mrs Geitona,

**RE: ERGEG public consultation on draft advice in customer complaint handling, reporting and classification**

Thank you for the opportunity to comment on the draft advice for customer complaint handling, reporting and classification in energy.

In relation to this, please find below some essential standards for effective complaint handling that was presented at the Second Citizens Energy Forum on 30 September 2009, in London, on behalf of BEUC.

These standards – which could be followed up with much more detailed provisions at a later stage - are:


- **Fairness and consistency** – All customers should be treated fairly and with respect.
- **Highly visible procedures** – The appointment of single points of contact should be supported by clear information about how to complain, and clear and accurate feedback on how the complaint is processed and escalated.
- **Easy and free access** – removal of all unnecessary access barriers, including the provision of toll free numbers and call back facilities to ensure consumers can complain. Special effort should be made to make the information/assistance accessible to vulnerable consumers.
- **Responsiveness** – clear and appropriate time limits for resolving the majority of consumer complaints. Member States should ensure that the out of court settlement system is managed well within the 3 months limit. However, some indication is needed as to what would be a reasonable time for the treatment of a customer complaint by a supplier before the matter is escalated to ADR.
- **Effective company protocols**: suppliers and network operators should have high and measurable standards for the handling of complaints, as well as the necessary systems and processes to meet those standards. All complaints should be recorded – even those resolved at point of contact. The importance of good complaint handling and of regular analysis of complaints data should be supported at all levels throughout the company. Failure to meet those standards should trigger entitlement to compensation whether the complaint is upheld or not.

- **Right of access to independent complaint handling and dispute settlement services individually and/or collectively:** All customers should have free and easy access to an energy ombudsman or equivalent independent ADR body, empowered to ensure the fast and fair resolution of disputes and compensation for loss or infringement of rights. Vulnerable consumers should receive assistance for mediation. The conclusion of the independent alternative redress system should be binding on energy companies. It should not, however, undermine the right of consumers to seek individual or collective redress should they consider that they have been treated unfairly.

**More fundamentally, it is essential to guarantee the rights for consumers to access to justice collectively or individually:** access to ADR system or to an ombudsman should not, undermine the right of consumers to seek individual or collective judicial redress. In particular the **establishment of a group action procedure** should be developed in order to ensure an efficient justice in case of mass damages caused by the energy operator.

Finally, one general point to emphasise with respect to the consultation document is the importance that Member States (and appropriate EU bodies) consult with consumer representative bodies in drafting the implementing rules for the third energy package. Taking as an example, Recommendation 8 – Single point of contact - which we support - the effective achievement of the objective set out in Article 12(3) of Directive 2009/72/EC and Article 3(9) of Directive 2009/73/EC can only be achieved if organizations that are already experienced in working in this field are given the opportunity to comment and input into the proposed new arrangements .

Yours sincerely,



Monique Goyens  
Director General BEUC