



CEER

**Council of European
Energy Regulators**

Fostering energy markets, empowering **consumers**.

How to Involve and Engage Consumer Organisations in the Regulatory Process

A CEER Public Consultation Document

Questionnaire

Ref: C14-CEM-70-04a

23-05-2014



The following questionnaire must be filled in online until 8 August 2014.

Respondent Details (all fields mandatory):

***Name of Organisation:**

***Type of organisation (multiple choice):**

- Producer
- Supplier
- Consumer organisation
- Academic
- Think Tank
- Consulting Firm
- NGO
- Other, please specify (comment box)

***Main tasks of Organisation:**

***Link to Organisation's Website:**

***Contact Person Full Name:**

***Contact email:**

***Contact phone:**



Information Exchange

Recommendation 1 – Simplicity of Information (Information Exchange)

Information shared between NRAs and consumer organisations should be clear, simple and easy to understand. Technical data from NRAs should therefore be brought to an understandable level. NRAs should encourage consumer bodies to act likewise in relation to NRAs.

Question for Public Consultation:

Do you agree that there is a need to simplify the data exchanged between NRAs and consumer organisations in order to enhance added value to their relationship?

- Yes
- No
 - *If no, why not? (Comment Box)*

Recommendation 2 – Visibility of Information (Information Exchange)

NRAs should ensure a high level of visibility in relation to their activities. This should be achieved by pro-actively delivering timely notifications about major decisions/publications and by supporting these documents with summary notes explaining core elements and effects on consumers. NRAs should encourage consumer bodies to act likewise in relation to NRAs.

Question for Public Consultation:

Do you agree that major decisions and publications should be made more visible through notifications and explanatory notes summarising the core elements and impacts on consumers?

- Fully agree
- Partially agree, I'd like to propose additional/different measures to create visibility
 - *Comment Box*
- No
 - *If no, why not? (Comment Box)*

Recommendation 3 – Improved Communication Channels (Information Exchange)

NRAs should identify contact persons in relevant fields of interest in order to allow information to flow more rapidly and directly on the basis of mutual trust. NRAs should encourage consumer bodies to act likewise in relation to NRAs.

Question for Public Consultation:

Do you think that information exchange between NRAs and consumer bodies can be further strengthened by identifying specific contact persons on both sides?

- Yes
- Yes, but more needs to be done. I propose additional/different ways to improve communication channels
 - *Comment Box*
- No
 - *If no, why not? (Comment Box)*



Recommendation 4 – Clear Framework for Information Sharing (Information Exchange)

In order to establish a clear cooperation framework recognised by both parties, NRAs should encourage consumer organisations to establish such a framework with them, e.g. through a Memorandum of Understanding in which the parties determine the basic principles in relation to how and which information should be spread. Such an agreement may be reviewed/updated regularly to take changing circumstances into account in the long-run.

Question for Public Consultation:

Do you think a clear framework for information sharing is useful to determine the basic rules of information sharing?

- Fully agree
- In principle yes but the following alternatives should be considered
 - Comment Box
- Don't agree
 - Why not? (Comment Box)

Capacity Building

Recommendation 5 – Synergies (Capacity Building)

NRAs should strengthen the performance in relation to consumer organisations and aim for joint capacity building measures given that they possess expertise of significant mutual value and try to achieve similar goals in relation to customer empowerment and protection. These synergies should not be left unexploited for the ultimate benefit of the final customer.

Question for Public Consultation:

Do you agree that the institutional performance of NRAs and consumer organisations could be improved through capacity building?

- Yes
- Partly agree
 - Explanation (Comment box)
- No
 - If no, why not? (Comment Box)



Recommendation 6 – Extent of Capacity Building (Capacity Building)

Capacity building should be proportionate both in terms of content and resources. It should allow NRAs and consumer organisations to enhance their level of knowledge with a view to allow for an informed dialogue.

Question for Public Consultation:

Do you agree that capacity building should be carried out in a proportionate manner to allow for better individual results and a more competent dialogue?

- Yes
- Partly agree
 - Explanation (Comment box)
- No
 - If no, why not? (Comment Box)

Recommendation 7 – Priority Subject Areas (Capacity Building)

Capacity building should be performed in clearly defined priority areas which may vary from country to country and from one institution to another. Priority areas can carefully be selected e.g. on the basis of circumstances in individual national markets, pressing customer needs and priority issues for the institutions involved as well as other relevant considerations.

Question for Public Consultation:

Do you agree that NRAs and consumer organisations should concentrate their capacity building activities on selected priority areas? These areas could include as a priority e.g. relevant national and EU energy legislation, price formation (price components), smart energy (demand response, smart grids, smart meters, etc.) and functioning of wholesale markets.

- Yes exactly
- Yes but in addition the following subject areas should be covered:
 - Comment Box
- No, instead of the mentioned issues we propose the following priority subject areas
 - Comment Box

Recommendation 8 – Resource Management (Capacity Building)

NRAs should commit to a general principle of providing capacity building free of charge (i.e. without any extra cost such as tuition or service fees) and encourage consumer organisations to do the same. If extra costs cannot be avoided, additional incentives should be provided (e.g. course certificates, possibility to network, etc.) in order to receive sufficient value for money. Donors could be called upon if the intended activities qualify for funding.

Questions for Public Consultation:

Do you agree that NRAs should agree to offer capacity building free of charge (i.e. with no extra costs) as a basic principle and encourage consumer organisations to do the same?

- Yes



- No
 - *If no, why not? (Comment Box)*

Do you agree that additional incentives (such as certificates, networking, etc.) are needed if the beneficiary of capacity building is asked to pay money?

- Yes
- No
 - *If no, why not? (Comment Box)*
- *Any further proposals for incentives that could work, please insert in comment box*
 - *Comment Box*

Recommendation 9 – Forms of Capacity Building (Capacity Building)

Capacity building should be realised through appropriate channels jointly agreed by NRAs and consumer organisations. Different groups may use different types of measures to reach information and knowledge depending on individual needs.

Question for Public Consultation:

Do you agree that a combination of different measures involving e.g. the dissemination of knowledge via virtual means (web platforms) and physical trainings (on complex subject areas) as well as networking initiatives (e.g. multi-stakeholder dialogues) will help build capacity?

- *Fully agree*
- *Partly agree, I would like to add/delete the following measures from the proposed list*
 - *Comment Box*
- *Don't agree*
 - *Why not? (Comment Box)*

Recommendation 10 – Best Practice from Other Sectors (Capacity Building)

NRAs should make an effort to find out whether any best practice examples on capacity building programmes exist in other (regulated) sectors that can be applied to the energy sector as well. At the same time, NRAs should encourage consumer organisations to report on any best practice examples they know about.

Question for Public Consultation:

Are you in favour of having NRAs look into other sectors and consider applying best practice examples in their capacity building programmes?

- Yes
- No
 - *If no, why not? (Comment Box)*



Regulatory Policy Development and Design

Recommendation 11 – Overview of Future Developments of the Regulatory Framework (Regulatory Policy Development and Design)

As a prerequisite for an increased dialogue on strategic and policy related issues, NRAs should provide an overview of future developments regarding the regulatory framework and encourage consumer organisations to participate in this process.

Question for Public Consultation:

Do you think that an overview of future regulatory framework developments could serve as a starting point for dialogue on strategic and policy related issues?

- Yes
- No
- *If no, why not? (Comment Box)*

Recommendation 12 – Prioritisation of Future Regulatory Developments (Regulatory Policy Development and Design)

NRAs, in dialogue with consumer organisations, should identify key priority areas of future regulatory framework developments in order to establish a strongly focused discussion that also allows resource-constrained consumer bodies to get involved.

Question for Public Consultation:

Are you in favour of prioritising core policy areas in order to allow for a focused and resource-efficient collaboration?

- Yes
- No
- *If no, why not? (Comment Box)*

Recommendation 13 – Public Consultations (information exchange)

Public consultations at national level should play a central role in the policy development process with a view to allowing interested stakeholders to take part in this process. Where appropriate, relevant consumer organisations' input may already be called upon in the early preparation phase of such consultation processes.

Question for Public Consultation:

Do you agree that public consultations are an appropriate tool to get stakeholders involved in regulatory policy development and that consumer organisations should be involved early on if appropriate?

- *Fully agree*
- *Agree on the central role of public consultations but not on early involvement of consumer bodies*
 - *Comment Box*
- *Don't agree*
 - *If no, why not? (Comment Box)*



Recommendation 14 – Transparency (Regulatory Policy Development and Design)

NRAs should provide maximum transparency whenever possible and should ensure clarity on how input from consumer organisations is taken into consideration during the regulatory policy development process.

Question for Public Consultation:

Do you believe more transparency will lead to wider acceptance of results by both NRAs and consumer organisations?

- Yes
- No
- *If no, why not? (Comment Box)*

Implementation and Enforcement

Recommendation 15 – Evidence-based Enforcement (Implementation and Enforcement)

Regulatory enforcement should be evidence-based and, thus, could include exchanges of information between NRAs and consumer organisations (as well as other market participants) with a view to detecting better potential non-compliant behaviour in the market and allow for a higher degree of acceptance and legitimacy of decisions even if the NRA does not have an obligation to act upon this information as it is ultimately the NRAs' decision when and how to ensure enforcement and compliance.

Question for Public Consultation:

Do you agree that the NRA should accept signals about potentially non-compliant behaviour in the market provided by consumer organisations and other market participants?

- Yes
- No
- *If no, why not? (Comment Box)*

Recommendation 16 – Accountability (Implementation and Enforcement)

In order to enhance the accountability of NRAs, regulators should develop appropriate means of communication with consumer bodies (e.g. annual reports, etc.) to create effective transparency of regulatory actions and decisions.

Question for Public Consultation:

Do you agree that NRAs should develop appropriate means of communication to increase transparency and accountability of the regulator?

- Yes, fully agree
- Partially agree
 - *Comment Box*
- Don't agree
 - *If no, why not? (Comment Box)*



Recommendation 17 – Non-conventional Regulation Measures (Implementation and Enforcement)

NRAs and consumer organisations could, where appropriate, support each other in making non-conventional regulation measures as effective as possible (e.g. reputational regulation, benchmarking, rewarding and moral authority). This should be achieved e.g. by providing relevant data and other support in the preparation of enforcement cases if deemed appropriate in the given context.

Question for Public Consultation:

Do you agree that NRAs and consumer organisations should support each other to maximise the effect of non-conventional regulation measures?

- | | |
|---|--------------------------------------|
| - | <i>Yes, fully agree</i> |
| - | <i>Partially agree</i> |
| - | <i>Comment Box</i> |
| - | <i>Don't agree</i> |
| - | <i>If no, why not? (Comment Box)</i> |