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 Agency for the Cooperation
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Annual Report on the Results of Monitoring the Internal Electricity and Gas Markets in 2015

Consumer Protection and Empowerment

November 2016



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Consumer Protection and Empowerment

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Trg republike 3
1000 Ljubljana
Slovenia



Cours Saint-Michel 30a, box F
1040 Brussels
Belgium

If you have any queries relating to this report, please contact:

ACER

Mr David Merino
T +386 (0)8 2053 417
E david.merino@acer.europa.eu

CEER

Mr Andrew Ebrill
T +32 (0)2 788 73 35
E andrew.ebrill@ceer.eu

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1 Introduction

- 1 The Consumer Protection and Empowerment volume is one of four volumes that make up the Market Monitoring Report (MMR); the others are Electricity Wholesale, Gas Wholesale and Electricity and Gas Retail.
- 2 The Consumer Protection and Empowerment volume examines the functioning of European energy markets from the perspective of the final household consumer. Through a series of indicators, robust and comparable data provide empirical evidence of consumer protection across European energy markets. As in previous years, the volume explores the transpositions of the relevant 3rd Package provisions into national legislation, examines the existence and effectiveness of consumer protection mechanisms, including the number of consumers, and provides recommendations on possible measures to improve market functioning from a consumer perspective. Thereby, the volume continues to demonstrate how consumer involvement constitutes an integral part of functioning retail energy markets.
- 3 The 5th edition of the Consumer Protection and Empowerment volume is able to provide a much more in-depth and nuanced picture of European energy markets and the position of consumers therein. Over the last five years, national regulatory authorities (NRAs) have not only collected information on existing definitions of the concept of vulnerable consumers, but also on their numbers. Likewise, the Consumer Protection and Empowerment volume has shown over time that the duration of switching has steadily decreased towards the 3-week time frame of the 3rd Package. It has also been shown that NRAs have made significant efforts to gather the number of consumer complaints, and classify them, while, at the same time, no evidence for increased complaints could be found. Finally, the volume has continuously provided evidence showing that progress in smart meter roll-out varies enormously across Member States (MSs).
- 4 The Consumer Protection and Empowerment volume explores the similarities and differences in consumer protection between MSs in terms of the general principles set out in the 3rd Package. However, not all national specificities are covered. A number of selected case studies illustrate more clearly how selected consumer provisions from the 3rd Package have been transposed into national law and, at the same time, give further proof (or the lack thereof) of well-functioning retail energy markets. As in the past, data for this volume come from the CEER database, populated by NRAs.

2 Consumer protection

Chapter summary

The 2016 consumer protection section builds on and extends findings from previous years in a fuller and more differentiated way, where legal and factual aspects of consumer protection monitoring contribute to a better and more comprehensive picture. This section investigates public service obligations and the issue of vulnerability; beyond their transposition into national law, the section explores the substance and mechanisms as to how consumers are protected in these areas, and reports any changes to specific protection mechanisms.

Universal service obligations are well implemented across the EU. However, MSs have appointed suppliers of last resort with different functions, which makes straightforward cross-national comparisons more difficult. Since the percentage of consumers benefitting from supply of last resort varies from 0 to close to 100%, there remains space to ‘sharpen’ the functions of the supplier of last resort. Importantly, the supply of last resort mechanism must not be used to disguise price and/or product regulation in any way.

European energy consumers usually have several weeks to settle their due amounts before they are disconnected. This time certainly helps sort out financial issues for a large number of struggling households. Nevertheless, some are disconnected. Disconnection rates are highest in some Southern European countries. While some of these countries recently underwent economic hardship, the reasons for increased disconnection rates are manifold and span from an increased technical ability to disconnect remotely to culturally determined issues, such as payment morale. On the other hand, low disconnection rates may be the by-product of alternative means to secure payment, for instance, prepayment metering.

Regarding vulnerable consumers, most MSs have introduced definitions of the concept, as requested by the 3rd Package providing special protections to vulnerable people. Some MSs have introduced an explicit definition, whereby legislation clearly identifies specific sections of the population that are considered vulnerable due to their characteristics or living conditions. The variety of national approaches makes it difficult to collect and compare data on the occurrence of vulnerability across Europe. The available figures suggest as many as 20% of European household consumers are vulnerable, but there are also countries reporting 0%, despite an existing explicit definition, showing that statistics must be seen in close connection to their national meanings.

2.1 Public service obligations and disconnections

5 Public service obligations from the 3rd Package foresee the right of consumers to be connected to the electricity grid as much as the right to be supplied with electricity at an affordable price, which is termed universal service in the Electricity Directive. The same Directive states that suppliers of last resort might be appointed by MS to ensure the provision of universal service. Despite the fact that the Gas Directive does not foresee universal service, it nonetheless promotes a supply of last resort mechanism for gas consumers. In addition, some MSs have introduced default suppliers (see the German case study below for an illustration). Despite being functionally distinct from supply of last resort, here they are addressed together with supply of last resort, since they also secure energy supply to consumers in precarious situations. However, to fully guarantee market liberalisation and consumer protection, neither supply of last resort nor default supply should provide a backdoor to price regulation.

Supply of last resort

6 Figure 1 illustrates in which jurisdictions suppliers of last resort have been appointed, as well as their various functions. Electricity suppliers of last resort exist in all countries apart from France¹. There is no gas supplier of last resort in Bulgaria, Finland², France, Greece or Slovenia (no gas is available to final household consumers in Cyprus, Malta or Norway). In most jurisdictions, supply of last resort is considered a precaution for supplier and/or DSO failure, that is, in cases when a current supplier to the final household consumer goes bankrupt and is no longer able to perform its function, or the licenses of a current supplier or DSO are revoked.

7 However Figure 1 also shows that suppliers of last resort often protect consumers with payment difficulties or inactive consumers beyond the business failures of energy service companies. Protection in the case of payment difficulties refers to situations in which

- a final household consumer does not find a supplier in the free market (no energy supplier is willing to sign a contract with the consumer) or
- a final household consumer is dropped by its current supplier because of non-payment.

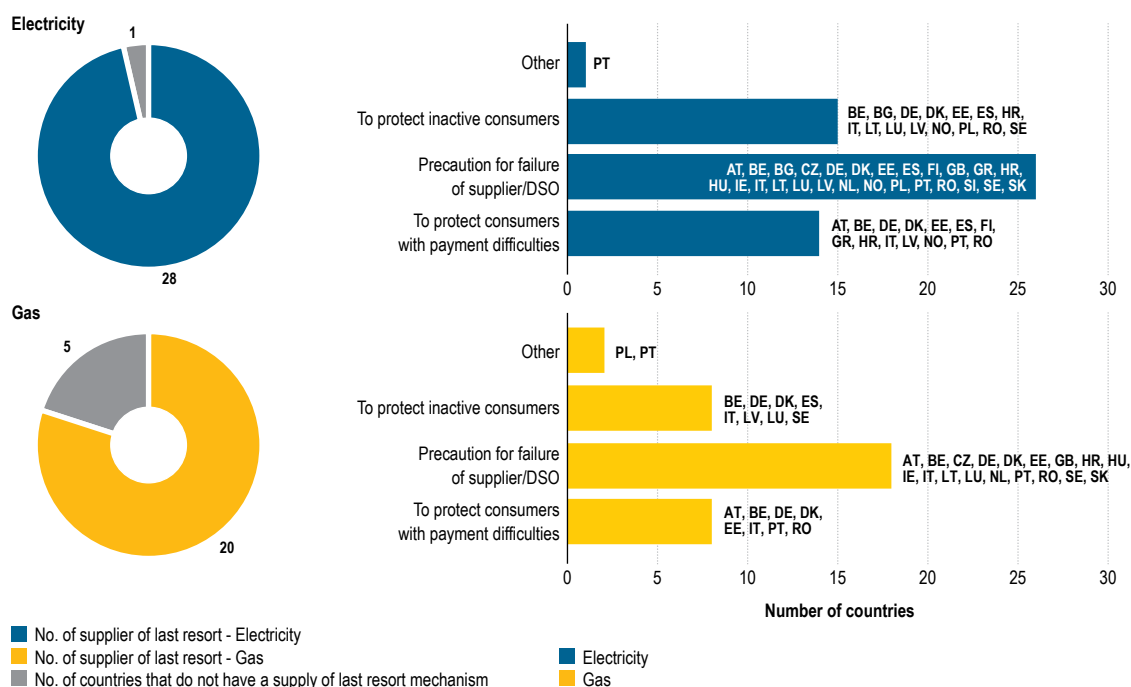
8 *Inactive consumers* enjoy protection through a supply of last resort mechanism if

- they do not choose a supplier when moving home;
- they do not choose a supplier when markets are deregulated; or
- their fixed term contract expires.

1 However, French local energy companies fulfil similar functions without being called suppliers of last resort.

2 Due to a derogation applied according to Directive 2009/73/EC, Article 49, the Finnish natural gas market has not yet been opened to competition. Consequently, there is only one possible supplier for all consumers.

Figure 1 Functions of suppliers of last resort in Europe – 2015 (number of countries)



Source: CEER Database, National Indicators (2016).

Notes: (i) For classification into functions of “protect inactive consumers”, “precaution for failure of supplier/DSO” and “consumers with payment difficulties”, see text (paragraphs (9) and (12)); (ii) No data available from Slovakia; (iii) No gas network in Cyprus, Malta or Norway; (iv) In Belgium, the functions of suppliers are regional. The situation for Belgium reflects the Flemish case.

9 This cross-national functional variety leads to significant differences in the numbers of consumers supplied by suppliers of last resort across Europe, which makes a straightforward comparison between MSs difficult. While actual figures are available for 20 (electricity) and 15 (gas) jurisdictions only, the numbers of electricity consumers supplied by suppliers of last resort range between 0 (in 9 jurisdictions: France, Great Britain, Hungary, Ireland, Lithuania, Luxembourg, Slovakia, Slovenia and the Netherlands) and more than 12 million (Spain). In Spain, this corresponds to 49% of household consumers, while in Romania 99.9% of household consumers (8.6 million) are supplied by the last resort supplier (similarly to Croatia, where more than 90% of all electricity consumers are supplied by the last resort supplier). In gas, a majority of NRAs have reported no consumers supplied by the supplier of last resort, e.g. Croatia, France, Great Britain, Hungary, Ireland, Lithuania, Luxembourg, Poland, Romania and the Netherlands. Among the remaining five jurisdictions for which information was reported, the number is highest in Spain (1.7 million), which corresponds to 23% of all gas household consumers.

Case study: Public service obligations in Germany

German energy legislation demands a secure, affordable, consumer-friendly, efficient and environmentally sustainable supply of electricity and gas to the general public³. The essential principles, rights and obligations for the energy industry and consumers are contained in the Energy Industry Act, whereas concrete rights and duties as well as process flows are contained in secondary legislation such as federal ordinances or regulatory decisions. Energy legislation, however, does not contain aspects of social legislation. Individuals in (severe) financial difficulties receive social assistance tailored to their needs, taking all their personal and financial circumstances into account, including their energy needs.

Germany is an example of a MS that has a broader interpretation of the SOLR concept where it is called default supplier. A default supplier covers not only protection in case a supplier goes bankrupt – the SOLR in its narrow sense – but also protects for other situations as is explained hereafter.

Right to be supplied with energy - Default supply obligation

One of the suppliers in each network area is the local default supplier. The obligation to offer a default supply falls on the supplier with the most household consumers in a network area. For household consumers supplied through a low voltage or low pressure grid, the default supply starts automatically upon the first use of energy if they

- do not find a supplier in the free market⁴;
- do not choose a supplier if they change residence;
- are dropped by the current supplier for whatever reason;
- the supply of last resort ends without the consumer having chosen a new supplier.

There are currently 884 electricity DSOs and 732 gas DSOs licensed in Germany. The default supplier is determined every three years, as of 1 July by the respective DSO. The DSOs have to publish the result on their websites and report it to the respective state authority. The default suppliers were determined for the first time in 2006; the most recent determination was conducted on 1 July 2015.

If default suppliers change, consumers remain with their previous supplier. Thenceforth, their default supply contracts are deemed to be 'normal' household consumer contracts.

Terms and conditions for default supply

The terms and conditions for default supply contracts are contained in federal ordinances⁵; for instance, consumers may cancel their default supply contracts with two weeks' notice. Germany made use of the option in recital 45 of the IEM-Directive and extended the scope of default supply to small enterprises. Household consumers are therefore end-consumers who use energy predominantly for their own domestic consumption, or end-consumers with an annual consumption below 10,000 kWh for professional, agricultural or commercial purposes⁶.

3 See sec. 1 Energy Industry Act (Energiewirtschaftsgesetz – EnWG).

4 Currently, approximately 1,226 electricity suppliers and 853 gas suppliers are active in the market. On average, household consumers can choose from 75 gas suppliers and 99 electricity suppliers and even more offers in their network area.

5 The Stromgrundversorgungsverordnung (StromGVV) and Gasgrundversorgungsverordnung (GasGVV).

6 Section 3 par 22 EnWG.

Prices for default supply

Default suppliers have to announce the price they charge publicly (e.g. in the local newspaper) and publish it on the Internet. Changes to these prices and additional conditions for default supply must be announced publicly, and all consumers must be notified in writing at least six weeks prior to the change. Consumers must be given a precise break-down of all energy price components, including supply, network tariffs, taxes and levies and the changes that were made to each of the components⁷.

Advance payments and prepayment meters

A default supplier may require prepayment if it has reason to believe that a consumer will fail to fulfil payment obligations in due time. In doing so, the supplier needs to inform the consumer in a comprehensive manner about the reasons, the start date, the amount of payments and the conditions for terminating prepayments. Instead of requiring prepayments, it can also install a prepayment system⁸. If a consumer is not willing to prepay, default suppliers may also require deposits.

Disconnections

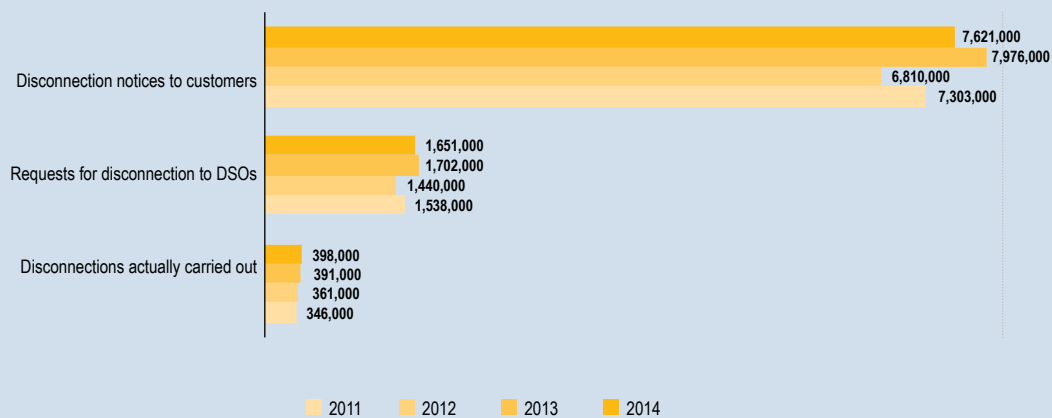
In the event of non-payment, default suppliers are allowed to request the consumers' disconnection from the DSO. The consumer must receive a payment reminder and a warning of disconnection with four weeks' notice. The payment reminder can be sent immediately after the due date and may also already contain the disconnection warning. In addition, consumers need to be in arrears of at least 100 euros before they are disconnected. The actual disconnection must be announced again three working days before it happens. Therefore, the whole process of disconnection from the due date of the bill until the actual disconnection takes at least four weeks.

However, disconnections are not permitted if the consequences are disproportionate to the severity of the violation of the terms and conditions of default supply, or if the consumer explains that there is sufficient chance that payment obligations will be fulfilled. In practice, consumers can avoid disconnections by submitting a declaration that the costs are borne by their local job centre or social security office. The decision on whether a disconnection is disproportionate ultimately lies with the civil courts. The courts usually deny a disconnection if persons in the household rely on electric equipment for medical purposes or if small children are affected. They also often deny disconnection of heating energy during cold periods, or disconnections over the course of public holidays. Information from BNetzA's energy consumer service shows that many consumers are simply unable to take sufficient care of their contractual affairs and suffer a disconnection which could have been avoided if they had reacted in the proper way and in due time

⁷ See CJEU, joint cases C-359/11 and C-400/11 and sections 2 and 5a StromGvV/GasGvV.

⁸ Section 14 StromGvV/GasGvV.

Figure i Number of disconnection notices, requests for disconnection and actual disconnections (electricity and gas), 2011–2014.



In 2015, a total of 7.6 million disconnection notices were issued to energy and gas household consumers by default suppliers. About 1.8 million of these resulted in actual disconnection requests to the pertinent DSO. DSO's eventually carried out almost 375,000 disconnections of household consumers.

As a percentage of all household consumers, the disconnections amounted to less than 1%. The ratio between the total number of disconnections and the number of consumers affected was 1 to 0.94. This means that an estimated 6% of disconnections were repeated disconnections of the same consumers.

Supply of last resort

The supply of electricity and gas is secured at all times through a supplier of last resort (SoLR). This function is assigned to the default supplier. SoLR is available to all end-consumers that are supplied through the low voltage or low-pressure grid and can last for up to three months. It ends as soon as the consumer is on a regular contract again. The terms and conditions of default supply are applicable, with the exception of the clauses on the conclusion and termination of the contract and the right of access to conduct meter readings. SoLR is activated if

- a switching process cannot be executed;
- the DSO cancels a suppliers' network usage contract; or
- a supply contract of a non-household consumers ends without the consumer having entered into a new contract with another supplier.

Switches can fail, e.g. due to insufficient data submission by a supplier, so that the DSO is unable to identify the consumer who wants to switch. In order not to lock such consumers in with suppliers they have not chosen, the switching processes foresee an allocation of these consumers to the SoLR, enabling the consumer to 'switch out' at any time.

Suppliers that do not pay their network tariffs may be denied the right to use the network. This is usually the case in the run-up to an insolvency procedure. The German energy market has seen several supplier insolvencies in recent years, with more than 1.5 million consumers affected⁹.

In addition, if a supplier is banned from doing business by a regulatory decision¹⁰ or if disputes over network tariff payments cannot be settled even though the supplier is not insolvent¹¹, SoLR prevents the loss of energy for the consumers affected.

When network usage is denied, the DSO has to re-allocate the consumers affected to the SoLR. DSOs are obliged to inform the default supplier immediately about its obligation to carry out SoLR and about the individual consumers affected; in addition, SoLR needs to inform each consumer in writing¹². The default supplier too has to inform all consumers immediately about start and end dates of their SoLR, as well as the fact that they need to enter into a new supply contract by the end of the three-month-period at the latest¹³.

Prices for SoLR for household consumers must be not higher than the general prices for default supply (see above). Since SoLR is a statutory emergency obligation and not a contractual relationship between supplier and consumers, it does not 'override' or cancel the consumers' existing contract.

Disconnections due to non-payment

- 10 National legislation often also determines the minimum time a disconnection process for a household for non-payment (or other violations of contractual obligations) may take. Other stipulations include how much notice consumers must be given about an imminent disconnection and the prohibition of disconnecting consumers under specific circumstances or on specific days, in certain weeks or months or other events.

9 E.g. TelDaFax Group and EnergenSüd e. G. (2011); Flexstrom Group (2013); PROKON Erneuerbare Energien GmbH and Sanogas GmbH (2014).

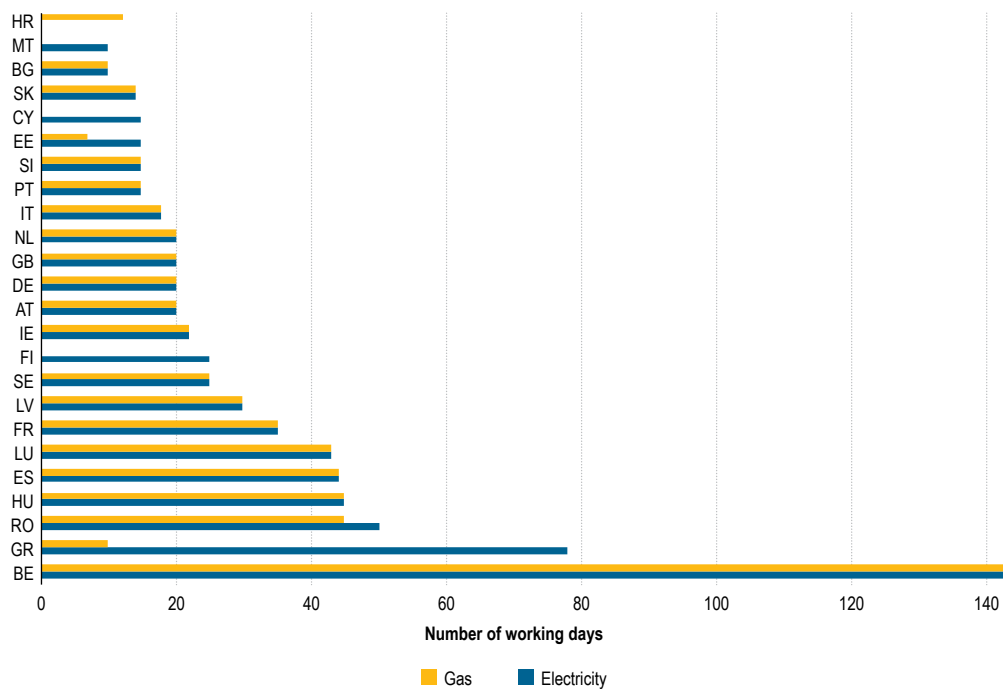
10 ASCARD GmbH („Pennystrom“; 2007), see BNetzA, decision BK6-07-008.

11 See Care-Energy Energiedienstleistungs GmbH&Co.KG (2013) and Care-Energy AG, decision BK6-16-058 and Expertos Unternehmens- und Wirtschaftsberatungs GmbH & Co. KG, decision BK6-16-017 (2016).

12 Section 3 par. 2 Niederspannungsanschlussverordnung (NAV) and Niederdruckanschlussverordnung (NDAV).

13 Section 3 par 2 StromGVV/GasGVV; otherwise, consumers enter automatically into a default supply contract.

Figure 2 Legal minimum time of a disconnection process in working days – 2015



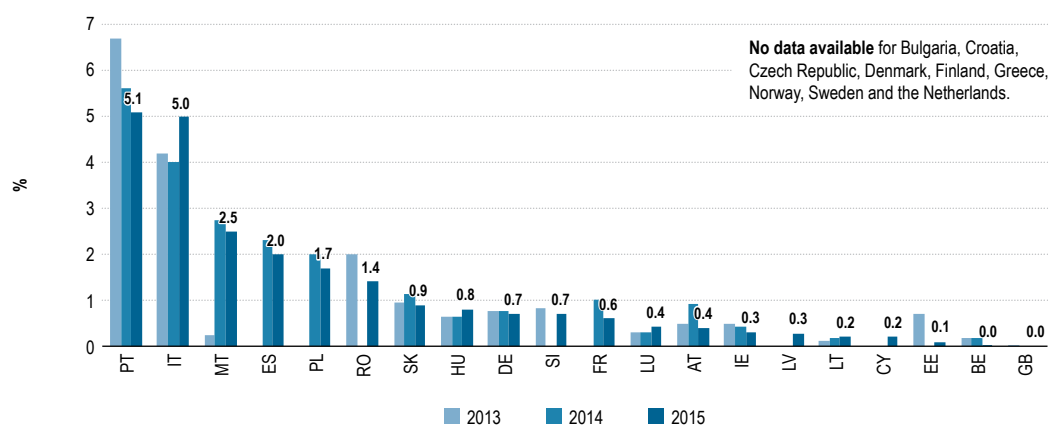
Source: CEER Database, National Indicators (2016).

Note: Data for Belgium valid for Flanders region only.

- 11 Most NRAs are able to determine the minimum disconnection time according to national law in the event of non-payment. As shown in Figure 2, the minimum legal disconnection time ranges between 10 and approximately 45 working days, or two to nine weeks in most jurisdictions. The average legal disconnection time in the event of non-payment is 33 working days for electricity and 31 working days for gas. Rather short legal minimum periods are observed in Bulgaria, Croatia, Estonia and Greece, where it should take only two weeks to disconnect gas consumers. In electricity, the shortest minimum duration of the disconnection process is 10 working days in Bulgaria and Malta, followed by approximately three weeks in Slovakia, Cyprus, Estonia, Slovenia and Portugal.
- 12 On the other hand, some NRAs are not able to quantify the minimum disconnection time according to the laws in their countries. This is sometimes because disconnection processes are defined in terms and conditions in contracts. In Annex Table A 1, NRAs provide more information on how the legal framework defines what suppliers and DSOs have to do when disconnecting a final household consumer.
- 13 In some jurisdictions, final household consumers must receive – either with their payment reminder or separately – notice of an imminent disconnection due to non-payment. In some countries, this final information has to be sent only a few days before the disconnection is undertaken and thus functions as a “real-time reminder” of the urgent need to pay. This is the case in Croatia (one working day) and Germany (three working days), for example.
- 14 In other countries, final household consumers must be given notice about disconnection much longer before the disconnection may (or may not) actually take place, as some sort of “routine information” in the disconnection process, e.g. in Spain (44 working days), Luxembourg (21 working days) or Bulgaria, France, Latvia, Norway and the Netherlands (20 working days).

- 15 The average actual duration of disconnection processes across Europe is available for 14 jurisdictions only. NRAs report real-life figures on the duration of an electricity disconnection between 5.4 working days in Latvia and 80 in Great Britain. In gas, the range is from 10 working days in Bulgaria to 80 in Great Britain. While no differences between the legal minimum and actual average duration of disconnection processes are reported for Bulgaria (10 working days), Cyprus (15), France (35), Ireland (22)¹⁴, Portugal (15) and Sweden (25), the average disconnection process may take up to four times longer than required by law (e.g. in Great Britain).
- 16 In 13 jurisdictions there are no restrictions on disconnecting final household consumers from the electricity and/or gas grid in terms of prohibited disconnections on particular days, weeks or months. In Austria, Bulgaria, Croatia, Hungary, Ireland, Italy, Lithuania, Portugal and Spain, disconnections must not take place on specific weekdays (mainly Fridays), weekends and on or before public holidays. In Belgium¹⁵, Finland, France, Greece, Romania and the Netherlands, it is not allowed (or only under stricter requirements) to disconnect final household consumers in the winter months (October to April). In most of these cases, this is valid for both electricity and gas. However, in Lithuania and Spain, the listed prohibitions are in place only for electricity consumers. In Romania, only gas consumers are protected from disconnection during winter.
- 17 In Austria, Bulgaria, the Czech Republic, France, Latvia, and Poland, no explicit exemptions from disconnections are made for both electricity and gas for particular circumstances or specific types of households. In Croatia and Denmark, exemptions – and thus increased protection – only apply to final household electricity consumers, while they apply only to gas consumers in Slovakia. In all other countries, final household consumers are particularly protected from disconnections in some cases due to specific circumstances such as cold weather (Greece, Lithuania, Romania and Slovenia) or particular types of households are more strongly protected than the general population. For instance, in Belgium (Flanders only), the grid operator may disconnect households because of non-payment only after the case has been discussed in the local advisory committee in the consumer's hometown and welfare workers check the specific circumstances on an individual basis. Annex Table A2 provides an exemplary list of which types of final household consumers may benefit from such increased protection standards.
- 18 Actual figures of electricity disconnections are displayed in Figure 3. In Portugal and Italy, disconnection rates peaked at around 5% of all households in 2015. In a number of countries, these rates are even considerably below 1 in 100 households. In most jurisdictions, disconnection rates have slightly declined from 2013 and/or 2014 (Portugal, Malta, Spain, Poland, Romania, Slovenia, France, Ireland and Estonia), while they have noticeably increased in Italy¹⁶.

Figure 3 Share of electricity disconnections due to non-payment – 2013–2015 (%)



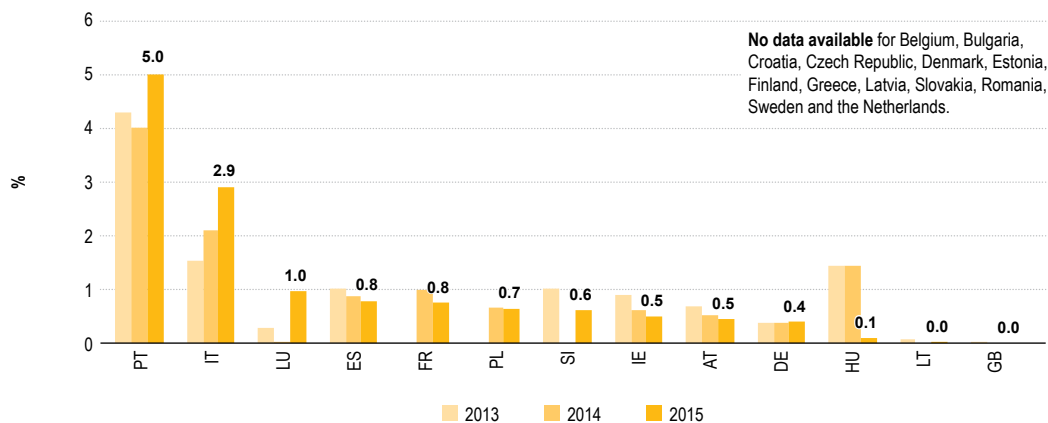
Source: CEER Database, National Indicators (2016).

Note: Data for Belgium are valid for Flanders only.

- 14 In the case of Ireland, the same data for legal minimum duration and average duration has been provided, as the Irish regulator does not currently have data on the time taken to disconnect to calculate a factual average.
- 15 In Belgium, protection from disconnection varies regionally. In Wallonia, for instance, disconnection may occur only when a prepayment meter is rejected by a (non-paying) household.
- 16 Disconnection is faster and easier where smart meters are available, which may explain the rise in disconnections in Italy due to the recent introduction of smart meters and their full operation.

- 19 For the first time, for this MMR 2015 data were also requested on electricity reconnections after disconnections due to non-payment. However, only a few NRAs are able to provide such data¹⁷. While electricity reconnection rates (with respect to disconnections) are lowest in Malta (10%), Cyprus (26%) and Romania (29%), they reach higher levels in Italy (44%), Hungary (70%), Portugal (75%), Austria (76%), Spain (79%), Slovakia (80%) and peak in Poland at 86%. While one might expect reconnection rates closer to 100%, evidence suggests that disconnections are in fact often accompanied by other events, such as moving, change of consumer (name), new contract (e.g. supply of last resort), supplier switching, and other situations, which, legally speaking, do not lead to a reconnection, but a new connection instead (which is not included in the above figures). Much of this may also depend on supplier policies on how to (re)supply consumers who have been disconnected due to non-payment, which may explain large variations across different jurisdictions.
- 20 In some jurisdictions, prepayment meters are installed instead of, or before, disconnections by supply companies and/or DSOs. This is particularly the case in Great Britain, where 4.5 million electricity prepayment meters are installed (corresponding to 16% of all household metering points). Other countries reporting electricity prepayment meter numbers are Poland (216,730 devices, or 1.4%), Ireland (75,177, or 3.7%), Germany (19,400, or 0.4%) and Austria (4,797, or 0.1%).
- 21 Data on gas disconnections due to non-payment are shown in Figure 4. While Portuguese and Italian household consumers are again the ones which are most often disconnected in Europe, gas disconnection rates do not exceed 1% elsewhere. In Italy, a steady increase can even be observed from 2013 onwards; likewise in Luxembourg, albeit at a lower level. No such trend can be observed in the remaining jurisdictions. Reconnection rates, which are only available for Austria (58%), Bulgaria (92%), Hungary (104%)¹⁸, Italy (21%), Portugal (63%), Romania (70%) and Spain (61%), suggest similar situations as in electricity, where in a large number of cases consumers may find different ways to access gas again (e.g. new contract, new supplier, new consumer etc).

Figure 4 Share of gas disconnections due to non-payment – 2013–2015 (%)



Source: CEER Database, National Indicators (2016).

- 22 Prepayment meters in gas are in wider use only in Great Britain (17% of household metering points) and Ireland (15%). The situation with prepayment meters in Ireland, especially the availability of two different types of prepayment metering, is the subject of the following case study.

17 Reconnection rates have been calculated as the ratio between reconnections and disconnections as reported to the data base.

18 A reconnection rate above 100% seems possible if more consumers are reconnected than disconnected in a calendar year.

Case study Ireland: Prepayment metering

Introduction

Prepayment meters for energy supply have an important role in providing protection and support to consumers who might otherwise struggle to manage their bills and face potential disconnection.

There are two models of prepayment meters in Ireland: commercial prepayment devices that consumers choose as a lifestyle choice, in order to better control their payments for energy bills and consumption (PAYG lifestyle choice), and those that are a regulatory driven proposition where the meter is provided free of charge to those in financial difficulty (PAYG financial hardship).

Process for Financial Hardship PAYG Installation

Through a number of Codes of Practice and a Customer Charter, the Commission for Energy Regulation (CER) has placed obligations on suppliers as a means to protect all energy consumers. These obligations are primarily contained in the CER Electricity and Natural Gas Supplier Handbook.

Suppliers are required to follow a series of steps prior to the offer and installation of financial hardship prepayment meters which must be offered, if appropriate, to consumers prior to proceeding with disconnection. These steps are detailed in the CER Supplier Handbook, and include measures such as: engaging and making contact¹⁹ with the consumer in written and other appropriate formats and offering a payment plan that takes into consideration the consumer's ability to pay. Where requested and appropriate, suppliers are also required to engage with a financial advisor or a recognised charity. These organisations act on behalf of the consumer to find a suitable payment plan or an alternative arrangement, which may include the offer of a PAYG meter. The CER has imposed several requirements on suppliers relating to disconnection processes, which are designed to ensure that disconnection is always a last resort.

It is the responsibility of suppliers to assess the suitability of prepayment meters for a consumer, especially if they are classed as vulnerable²⁰ or have an impairment which could affect their ability to use the technology²¹. DSOs are responsible for providing and installing financial hardship PAYG meters. As the cost of installation of financial hardship meters is socialised and thus free of charge to the consumer, suppliers must ensure that such meters are installed only in cases when a consumer is in genuine financial hardship, i.e. they are unable to make payments against their bills without assistance and are finding themselves in constant arrears.

Purchase of energy and payment of arrears

In electricity, PAYG financial hardship meters replace a consumer's normal meter with a main meter and a customer keypad. The consumer can top up their meter by purchasing credit from a recognised vendor (such as a local shop), and some suppliers offer top-ups online or by phone. For gas PAYG meters, a prepayment meter card is provided with the meter. Credit can be purchased for this card, which is then inserted into the meter and transferred to the meter by pressing a button.

19 As a minimum, suppliers are required to make the following contact in advance of issuing a request to disconnect a household consumer: a) at least two attempts to contact the consumer by notice in writing; b) At least two additional attempts to contact the consumer – this could be by telephone, email, text message or another format used by the supplier; and c) each attempt to contact the consumer should take place no less than three working days apart.

20 A vulnerable consumer is defined in legislation as a household consumer who is: a) critically dependent on electrically powered equipment, which includes, but is not limited to life protecting devices, assistive technologies to support independent living and medical equipment; or b) particularly vulnerable to disconnection during winter months for reasons of advanced age or physical, sensory, intellectual or mental health.

21 Suppliers are required to put in place systems/ processes which ensure that registered vulnerable consumers are not disconnected during the set periods. Consumers registered as critically dependent on electricity (as set out in (a) above) may not be disconnected for non-payment of account. Consumers registered as particularly vulnerable to disconnection during winter months (as set out in b above) may not be disconnected for non-payment of account in winter months (1 November – 31 March).

For financial hardship prepayment meters, suppliers are required to enter into a payment plan that takes into consideration a consumer's ability to make payments towards their arrears. This financial hardship PAYG process has the capability to set a certain amount of each top-up to go towards a consumer's debt repayment. Up to a maximum of 25% of any single consumer top-up may be attributed to debt recovery. When a consumer is repaying debt, they must receive a statement at least three times per year, which includes information on consumption, outstanding debt, the level of debt repaid and payments made.

For electricity consumers, payments towards arrears are deducted at the point where they purchase credit for their meter (the vendor). Their remaining top-up is issued as credit and can be entered into the meter using a unique code. In gas, once a consumer buys credit for the prepayment meter card and inserts it into the meter, any debt the consumer owes is deducted from the top-up once they transfer credit to the meter.

A protection mechanism included in electricity PAYG meters is the provision of emergency credit. In this regard, DSOs are required to set up the PAYG meter to allow for emergency credit in the event that a consumer's balance falls below a certain level. In this situation, for electricity, an alarm will sound from the meter. When credit expires, the meter will automatically disconnect the power; however, a button on the meter can be used to obtain emergency credit to reconnect the consumer. Once the credit on a gas PAYG meter drops below a certain level, emergency credit can be obtained by inserting a GasCard into the meter.

The minimum amount of emergency credit is approved by the CER. Any emergency credit used by the consumer is deducted out of the consumer's next top-up. A further protection mechanism included in the financial hardship PAYG meter is the prevention of disconnection during a number of defined periods, such as evenings, weekends and holidays.

If a consumer in arrears opts to switch²² to another supplier, the customer's existing supplier can inform the new supplier via a market message if the consumer has outstanding debt above an industry threshold approved by the CER. When such a 'flag' is raised by the current supplier, the new supplier may choose whether to proceed with or cancel the change of supplier (CoS) request.

Trends in the number of PAYG installations and disconnections

PAYG financial hardship devices have proved very helpful to consumers in avoiding disconnections. In early 2014 the CER, in conjunction with the industry and the Department of Communications, Energy and Natural Resources, reviewed the market processes to ascertain if more could be done to further reduce disconnections. While this work was ongoing, the CER imposed a moratorium on disconnections, which was lifted in February 2014. In May 2014, a voluntary agreement was introduced by most energy suppliers which saw them committing to never disconnect an engaging consumer.

Table I: Number of disconnections and PAYG financial hardship meters between 2011 and 2015 for electricity and gas

Electricity	2011	2012	2013	2014	2015
Total disconnections for non-payment of account	17,794	17,441	12,391	8,731	7,783
Total PAYG financial hardship meters installed	711	14,713	26,585	20,866	12,319
Gas	2011	2012	2013	2014	2015
Total disconnections for non-payment of account	4,560	7,558	6,279	3,998	3,542
Total PAYG financial hardship meters installed	21,181	11,934	15,532	8,803	5,574

22 When a consumer switches supplier while they still have a credit balance on their prepayment meter, any credit due to the consumer in a change of supplier scenario should be refunded no later than 2 months from the effective date of the change or within a timeframe approved by the CER.

Evidence also suggests that within the number of disconnections for non-payment of account reported to the CER each month, a number of dwellings for both electricity and gas are, in fact vacant. Part of the reason for the decrease was a CER review in conjunction with the government and the industry, and the voluntary agreement introduced by energy suppliers in 2014 (see above).

The number of disconnections for non-payment of account between 2011 and 2015 for electricity and gas are lower than the number of PAYG financial installations in the same period, and seem to correlate well for gas in particular. A spike in the installation rate can be seen in 2013 for both electricity and gas and this could reflect an increasing number of people who had difficulty paying their bills due to the economic crisis at the time.

The cumulative number of PAYG financial hardship meters installed for electricity for 2015 was 75,177 and 100,964 for gas. This represents 3.7% of the electricity market and 12% of the gas market, a significant portion of consumers.

PAYG lifestyle choice

Commercial prepayment devices are also available in Ireland and are termed PAYG lifestyle choice devices. The model offered by lifestyle choice PAYG suppliers for electricity is slightly different from that offered by the network companies, as the prepayment device is provided directly from the supplier to the consumer and acts as a budget controller in series with the existing meter. Such prepayment meters are assets of the suppliers rather than the network companies, and suppliers currently require consumers to pay an additional charge for the meter and service charges. For gas, lifestyle choice prepayment meters are installed by the network company, but their cost is borne by the consumer.

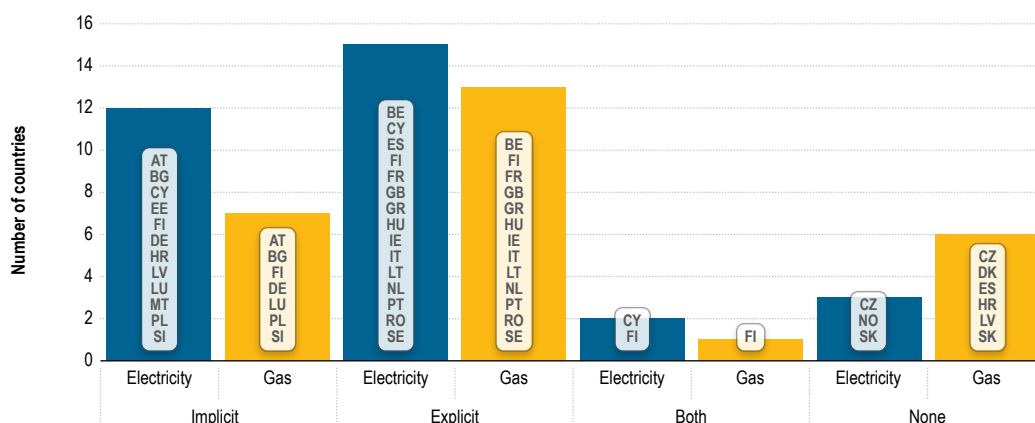
There has been significant take up of lifestyle choice prepayment meters by consumers in Ireland. Two suppliers in Ireland offer only electricity PAYG lifestyle choice plans, and they have a combined market share of 6.18% by consumer numbers and 6.04% by consumption. This indicates that there is a significant level of demand in the market for lifestyle choice PAYG plans. One other supplier offers prepayment lifestyle choice meters in addition to its regular electricity plans; however, data are not currently available on the number of consumers on this plan.

PAYG lifestyle choice plans are generally more expensive than standard plans offered by suppliers, as consumer's annual average bills include an additional supplier service charge and the cost of the meter.

2.2 Vulnerable consumers

- 23 According to both the Electricity (72/2009/EC) and the Gas (73/2009/EC) Directives, MSs shall take appropriate measures to protect final consumers, and, in particular, shall ensure that there are adequate safeguards to protect vulnerable consumers. In this context, each MS should define the concept of vulnerable consumers, which may refer to energy poverty and, *inter alia*, to the prohibition of disconnection of energy to such consumers in critical times.
- 24 MSs have opted for different definitions of the concept of vulnerable consumers. Figure 5 illustrates these approaches. Implicit definitions of the concept refer to concepts of vulnerable consumers which are an integral part of the national legislations without being put into specific wording. Explicit definitions of the concept are stated in legislation, e.g. social protection laws or energy laws which mention the characteristics of such consumers. As can be seen in Figure 5, MSs opt for implicit and explicit definitions alike, with some MSs reporting having both, for instance Cyprus (electricity only), Finland and Hungary. Only the Czech Republic, Norway and Slovakia have no definition of the concept of a vulnerable consumer in electricity, while the Czech Republic, Denmark, Spain, Croatia, Latvia and Slovakia do not have such a definition in gas. Figure 5 also illustrates that (almost) identical definitions of the concept in electricity and gas can be found in Austria, Belgium, Bulgaria, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia and the Netherlands.²³

Figure 5 Definitions of the concept of vulnerable consumers – 2015 (number of countries)



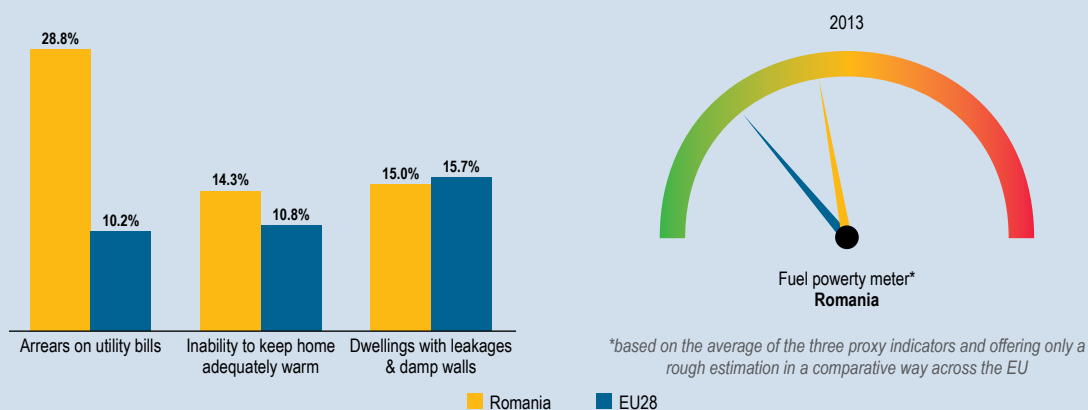
Source: CEER Database, National Indicators (2016).

- 25 Annex Table A3 presents in detail existing explicit definitions of the concept of vulnerable consumers. Generally speaking, there is a shared understanding of the concept of vulnerable consumers across jurisdictions in Europe. Most of the explicit definitions of the concept cover low-income households, the elderly or people in bad health. In some other cases, exceptional circumstances such as unemployment are covered. Explicit definitions even make reference to existing social protection and security laws without clearly stating eligibility criteria or other characteristics of vulnerable consumers.
- 26 The case below on the legal framework of energy poverty and vulnerability in Romania illustrates how elaborate these definitions and rules can be when the protection of vulnerable consumers is concerned.

23 In the remaining jurisdictions, definitions of the concept of vulnerable consumers vary (considerably) between electricity and gas.

Case study Romania: Energy poverty and vulnerability

According to Eurostat, in 2014, more than a third of the population was at risk of poverty or social exclusion in three EU Member States: Romania (40.2%), Bulgaria (40.1%) and Greece (36.0%). At the other end of the scale, the lowest shares of people at risk of poverty or social exclusion were recorded in Finland (17.3%), Sweden (16.9%), the Netherlands (16.5%) and the Czech Republic (14.8%).



Source: European Commission, based on Eurostat SILC survey

Energy poverty is often defined as a situation where individuals or households are not able to adequately heat or provide other required energy services in their homes at affordable cost. While reflecting on the notion of fuel poverty, the European Commission brought together survey data on shares of households with arrears on utility bills, which are unable to keep their homes adequately warm and live with leakages or damp walls.

According to Romanian Electricity and Gas Law No.123/2012, with subsequent amendments, the Ministry of Energy in collaboration with the Ministry of Labour, Social Solidarity and Family has competencies regarding energy poverty and issuing necessary action plans. Specific procedures need to be defined by ANRE regarding the definition of critical situations and consumers that cannot be disconnected in such situations, as well as methods for recovering associated costs by the undertakings.

In recent years, several studies and projects have been undertaken by organisations such as the World Bank or the United Nations Development Fund (UNDP) regarding energy poverty in Romania. As an outcome of the UNDP study, a methodology for fuel poverty evaluation is being developed.

In order to raise awareness regarding active policies and measures to increase energy efficiency, reduce energy poverty and protect vulnerable consumers, at the request of the Energy Efficiency Department within ANRE, the study “Energy Efficiency – national priority for reducing energy poverty, increasing life quality and safety of energy consumers” was drafted by the Romanian Institute for Life Quality Search and the Institute of Sociology, within the Romanian Academy (June–September 2015).

The study highlighted the fact that the difficulties of the national context in Romania represented by the share of people facing poverty or social exclusion risk (40%) should be taken into account. In the case of household energy consumption, the dissemination of the benefits resulting from energy-efficient behavioural changes to vulnerable consumers is a prerequisite to ensure a decent living standard, as required by the European context.

A new definition of energy poverty was introduced, i.e. the inability of a person or a household to cover minimal energy needs: lighting, optimal home heating in winter, supporting facilities for cooking and providing hot water in the home, use of means of communication.

Fuel poverty as a component of energy poverty means the financial inability of a person or household to cover the expenditure required to ensure minimum energy needs by means of accessible energy infrastructure and modern energy supply services.

Energy poverty depends, therefore, on a number of interrelated factors, such as:

- revenue available for necessary power;
- income available to invest in improving energy efficiency;
- income policy, particularly wage policy;
- energy quality of dwellings and energy standards of construction;
- access to different types of energy sources: district heating, natural gas, renewables;
- financial ability to connect to the network;
- culture of energy consumption that contributes to a significant extent to welfare;
- EU integration and liberalisation of the energy market; and
- the risk of monopoly in various forms that substantially affect the cost of energy.

Starting from such a broad definition of energy poverty, its reduction policy must include a set of actions: to support people who do not have the minimum income necessary to obtain energy services; to establish efficiency measures for energy consumption; to reduce energy price to final consumers; to improve the energetic characteristics of the living environment, primarily housing, offering general access to energy resources.

Some key findings of the study should be mentioned, such as:

- Ensure that a correct definition of energy poverty in all its complexity is used, as this is crucial in developing a social energy policy;
- Coordinate and integrate social policies in different sectors: social policy of energy, poverty reduction and social inclusion, social policy of consumer protection, income/wage policy, policy of job creation, policy of housing etc. by the government, with the support of ANRE;
- Launch a national programme to increase household energy efficiency;
- Reconsider the heating support scheme;
- Do not limit social energy policy to passive support of the “poorest of the poor”/“vulnerable consumers”. Increased attention should be given to prevention and to encouraging exit from the state of vulnerability,
- Extend the functions of consumer protection and develop better mechanisms of cooperation between ANRE and National Authority for Consumer Protection.

Definition and support for vulnerable consumers as part of the energy poverty concept

Romanian legislation contains a number of definitions of vulnerable consumers, such as:

- Social Assistance Law No. 292/2011 (Article 5): a vulnerable group designates individuals or families who are at risk of losing their ability to meet the needs of daily life due to disease, disability, poverty, drug addiction or alcohol or other situations that lead to economic and social vulnerability.
- Government Emergency Ordinance (GEO) No. 70/2011 on social protection measures during the cold season, amended and completed by Government Ordinance (GO) no. 27/2013 defines the vulnerable consumer as a client, lone person/family who cannot ensure from their own budget the full coverage of expenses to heat their dwelling and who has an income which lies between the limits established by certain articles of the GEO.
- Electricity and Gas Law No. 123/2012 (Article 3) defines the vulnerable consumer as an end consumer who, for reasons of age, health or low income, is at risk of social exclusion, and to prevent this risk, benefits from social protection measures, including financial measures.

Regarding the above definitions, it can be concluded that the main factors considered in national legislation when defining vulnerability are low income, health issues and age. The general legislation on social assistance and social inclusion (Law 416/2001 on guaranteed minimum income establishing a grant of social aid and Law 277/2010 establishing a grant of family allowance) ensures monthly payments for disadvantaged categories in the population that comply with the eligibility criteria.

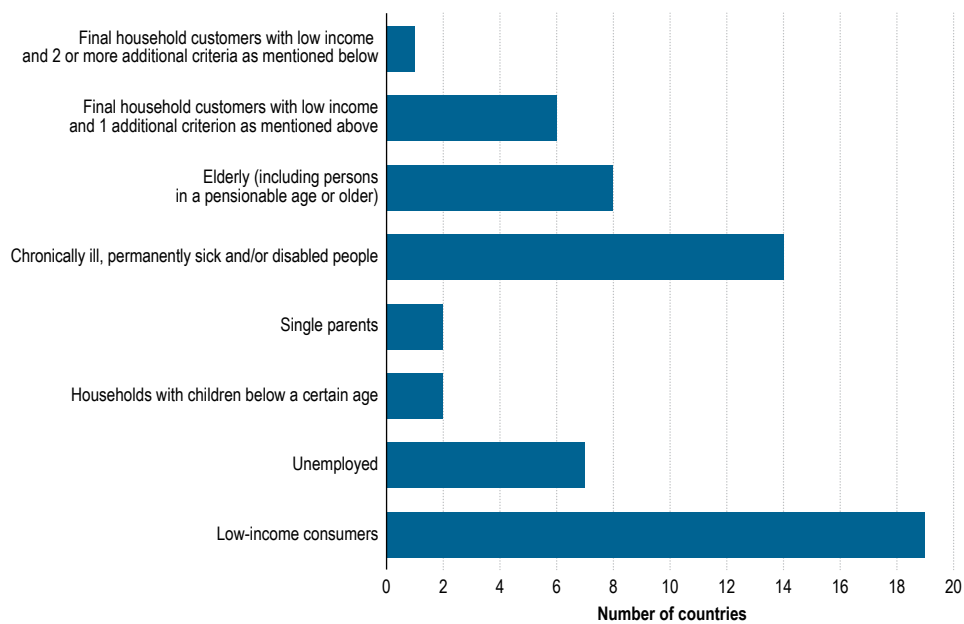
As regards energy-targeted vulnerable consumers, protection measures relating to households' electricity and heating include heating aid. According to GEO No. 70/2011 on social protection measures during the cold season, the aid is allowed for the following heating/fuel types: thermal energy supplied by a centralised system, natural gas, wood, coal and oil. The heating aid is supported from the state budget and/or, where applicable, the local budget intended for vulnerable consumers with an income below a threshold established by law, which aims to cover all or, where appropriate, a part of the costs of heating. Aid is granted only for the main heating system used. The major novelty introduced by Government Ordinance No. 27/2013 amending and supplementing GEO No. 70/2011 is the introduction of heating aid for electricity. Also, this regulation establishes the eligibility criteria for heating aid, i.e. the limits of the average monthly net income level for family members or for a single person.

In accordance with the Procedure regarding terms and conditions for granting the social tariff to household electricity consumers, approved by ANRE Order No. 38/2005 as recently amended and supplemented, vulnerable consumers with an average monthly income per family member less than or equal to the minimum wage set by the governmental have the right to apply for a social tariff. About 11.4% of households have applied for a social tariff in 2015.

According to the provisions of the Electricity and Natural Gas Law No.123/2012, with subsequent amendments, it is also forbidden to disconnect vulnerable consumers from the electricity network in situations of energy crisis. In addition, the government, with the approval of the Competition Council, may decide to set up a solidarity fund for financial support for vulnerable consumers and/or impose additional taxes on windfall profits of producers and suppliers of electricity and natural gas produced in response to favourable market conditions and/or incidental transactions. The constitution and operation of the Fund has still to be established by government decision.

- 27 Figure 6 shows that particular groups of household consumers benefit from additional protection mechanisms, although they are not necessarily considered vulnerable (for MSs-specific information see Annex Table A4). In Austria, for instance, all types of households are protected by general protections such as the Austrian “Grundversorgung” (supply of last resort) where final household consumers (and small businesses) may enforce their right to be supplied with energy. All listed types of Austrian households – low income, unemployed, large families, single parents, chronically ill, elderly and any combination thereof – are eligible for a number of energy-specific benefits, such as an exemption from contribution payments to funding renewable energy if their income does not reach a specific threshold. Dutch legislation states that a household consumer for whose members the end of electricity or gas supply would result in very serious health risks is vulnerable, and disconnection is not permitted unless a case of fraud has been proven. In Finland, energy laws declare that persons in special circumstances not caused by his/her own actions may also benefit from special protections.

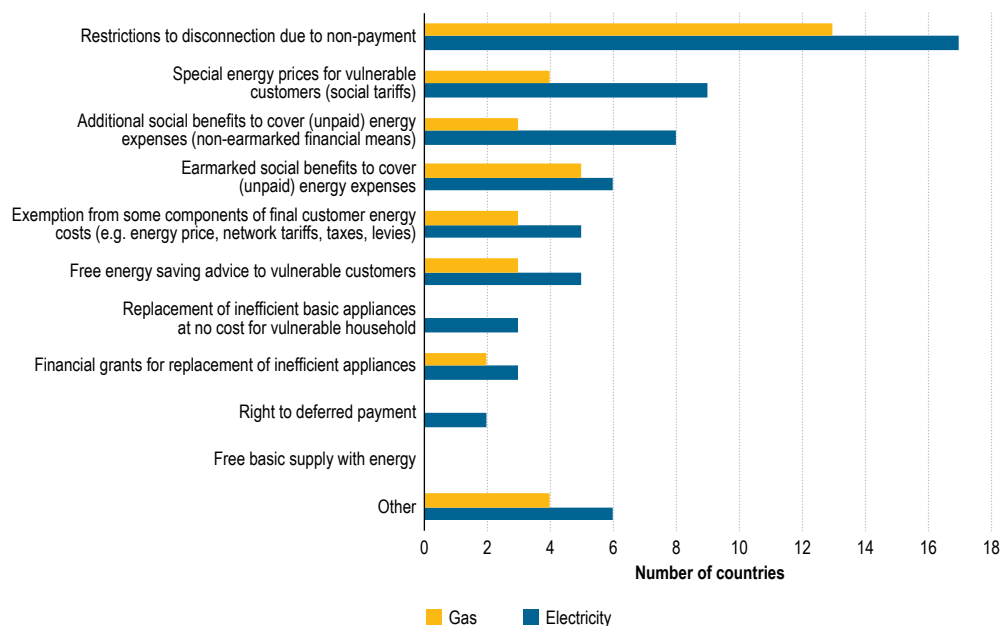
Figure 6 Number of countries providing protection for different types of households – 2015



Source: CEER Database, National Indicators (2016).

- 28 In total, Figure 6 provides evidence that low-income households (in 19 jurisdictions) and chronically ill or sick households (in 14 jurisdictions) are the most widespread protected groups of final household consumers with specific protection mechanisms in place. Yet, Figure 6 also suggests that specific types of households are not necessarily automatically protected. For instance, families with many children below a certain age or single parents do not benefit from the same level of protection throughout Europe. Instead additional criteria must often be met to be eligible for protections (e.g. low income).
- 29 Specific protections for vulnerable consumers are listed in Figure 7 (see also Annex Table A5). Most jurisdictions count on restrictions on disconnections, special energy prices (social tariffs) and additional social benefits to protect vulnerable consumers. Other protections such as financial grants (Austria, Belgium and France), or a right to deferred payment are less frequently implemented in Europe. Free energy is not offered anywhere in Europe. While there is a considerable overlap between electricity and gas, the protection systems appear to be more elaborate in the electricity than the gas sector. The case study below describes how one particular protection, social tariffs, benefits recipients in Portugal.

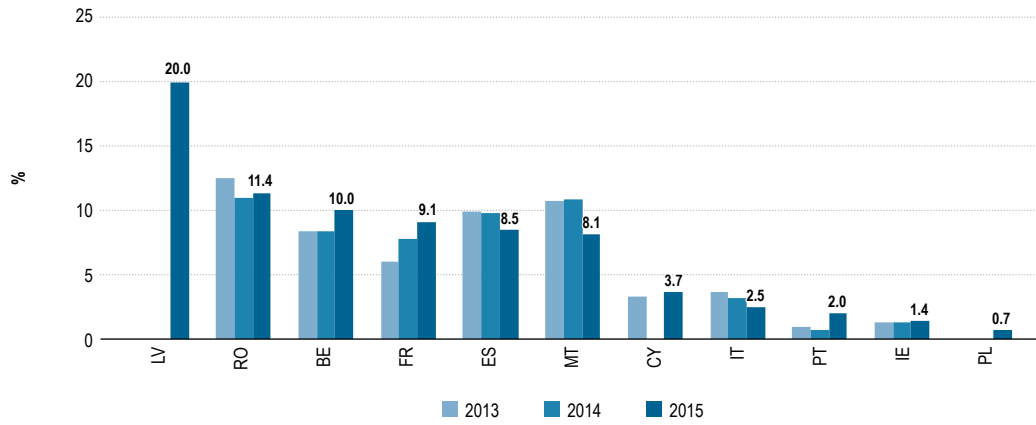
Figure 7 Number of countries protecting vulnerable consumers by type of measure – 2015



Source: CEER Database, National Indicators (2016).

- 30 Statistics on vulnerable consumers are presented in Figure 8 and Figure 9. It can clearly be seen that national definitions of vulnerable consumers affect their numbers, which is also evidenced by the generally low number of jurisdictions providing information. Hence, figures cannot be compared across Europe, but may indicate national trends over time, notwithstanding within-country challenges with respect to collecting data on vulnerability over time.
- 31 Some MSs report numbers of vulnerable consumers related to an existing explicit definition of the concept of vulnerability, while MSs with implicit definitions report, if at all, numbers of households receiving various social benefits. The Italian and Romanian NRAs, for instance, report numbers of (low-income) consumers who applied for social tariffs.
- 32 These observed cross-national differences in combination with within-country changes of data collection and references pose severe challenges to a meaningful interpretation of data on the number of vulnerable consumers across European jurisdictions. While there is some evidence for an increase in vulnerability in Belgium (Wallonia) and Portugal (in both electricity and gas), some decline can be observed in Italy due to a new definition of economic vulnerability (ISEE). The increase in France is indeed due, firstly, to the addition of a new fiscal criterion which affords the right to benefit from the special solidarity tariff to more consumers and, secondly, to the automation of the attribution of the special solidarity tariff to all consumers who fulfil the criteria.

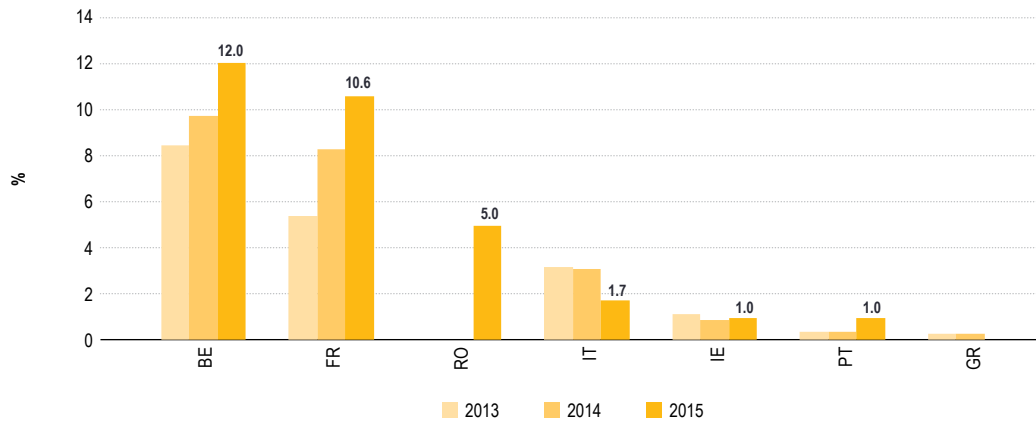
Figure 8 Share of vulnerable consumers in electricity – 2013–2015 (%)



Source: CEER Database, National Indicators (2016).

Note: Data for Belgium is for the Wallonia region only. In Flanders, the share is 7.5%; no data are available for Brussels or the federal level.

Figure 9 Share of vulnerable consumers in gas – 2013–2015 (%)



Source: CEER Database, National Indicators (2016).

Note: Data for Belgium is for the Wallonia region only. In Flanders, the share is 7.9%; no data are available for Brussels or the federal level.

Case study Portugal: Consumer protection through social tariffs

The Portuguese energy market comprises 1.2 million gas consumers and 6.2 million electricity consumers. About 1 million gas and around 5 million electricity consumers comprise the segment with lower consumption and/or contracted power (i.e. annual consumption up to 500 m³ for gas and up to 6.9 kVA of contracted power for electricity).

As of 2010, Portuguese law defines the concept of economically vulnerable consumers both for electricity and natural gas markets. Vulnerable consumers are individuals who are in a socio-economic low income situation. They have the right to access essential services such as energy supply under specific conditions, i.e. at reduced prices.

In 2010 (2011 for natural gas), consumers under specific social security programmes with contracted power up to 4.6 kVA (for electricity, increased to 6.9 kVA in 2014) and/or an annual consumption of up to 500 m³ of natural gas, were eligible for the social tariff. Hence, the definition of vulnerable consumer draws on both socio-economic criteria (the support schemes²⁴ managed by social security services) and intra-energy sector criteria (holding a household contract with specific contracted power and consumption assessable by both the DSO and the supplier).

In December 2014, a new support scheme was introduced in addition to those previously defined, together with an income criterion to extend the social regime to low-income households. The aim of this was to extend the social tariff regime to half a million consumers in electricity. The income threshold is to be progressively adapted in order to promote the convergence of the number of effective beneficiaries of social tariff to 500,000.

The regulations²⁵, both in electricity and natural gas, impose information requirements on suppliers so that consumers are made aware of the existence of a social tariff regime and how to apply for it. Suppliers should also keep the records of any interaction with consumers related to social tariff, regardless of the reason and the method of contact.

Suppliers must check with social security institutions (and the tax authority for electricity) that a consumer is eligible for support schemes or if their income is below the threshold relevant for the social tariff. Suppliers must also inform the DSO of the applicability of the social tariff, so that the grid access tariff can be adjusted accordingly. Until suppliers have fully implemented the arrangements with the social security services and tax authority, a consumer's statement stating that legal conditions have been met is accepted.

Suppliers must also assess each year whether the conditions for granting a social tariff still exists. Following this assessment, suppliers are required to inform the corresponding DSO as to which consumers no longer meet the requirements for the social tariff. Under regulatory conditions, the price cut in the social tariff is applied via the grid access component of the end-user tariff. Hence, the social tariff does not distort competition between suppliers and has no impact on supplier switching.

A support mechanism for vulnerable consumers in addition to the price reduction from the social tariff was established in September 2011. This support mechanism (named ASECE – additional support system to energy consumer) automatically further reduces the energy bill of consumers already benefiting from the social tariff. As an additional measure to cope with the socio-economic downturn since 2011, its relative value is fixed at 13.8% and was calculated to neutralise the change in VAT²⁶ in energy for vulnerable consumers.

24 The support schemes include a solidarity supplement for the elderly; social inclusion income; social unemployment subsidy; child benefit; social pension due to disabilities; and social pension for elderly.

25 The Commercial Relations Code (separate codes for electricity and natural gas) approved by ERSE upon public consultation and specific regulations foreseen in the codes.

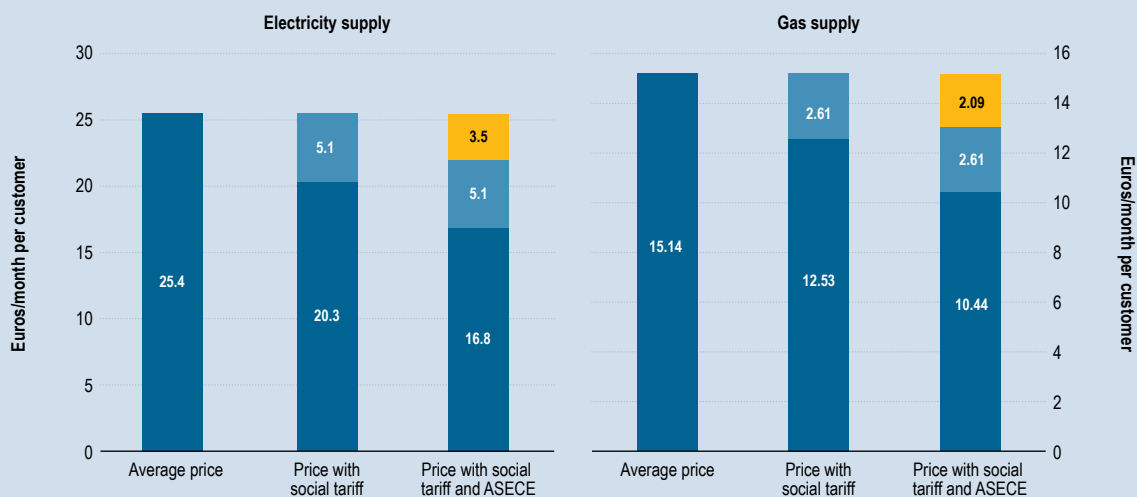
26 VAT changed from the reduced tax rate of 6% to the standard rate of 23%.

The costs arising from the discount in access tariff are supported by wholesale electricity generators, excluding special regime generators (namely, small hydro, wind, solar and CHP). The costs incurred by the social gas tariff are borne by all consumers in the access component of the end-user tariff. Finally, the ASECE costs are financed by the taxpayer.

The level of the price reduction through a social tariff is defined by the NRA, upon a decision by government. In electricity, the price reduction is calculated at 20% of the total price of energy, excluding VAT and other taxes. In natural gas, the price reduction depends on the limit to the annual variation of natural gas tariffs. As a way of informing consumers, the energy supply bill should clarify the application of the social tariff and autonomously identify the discount applied to the price.

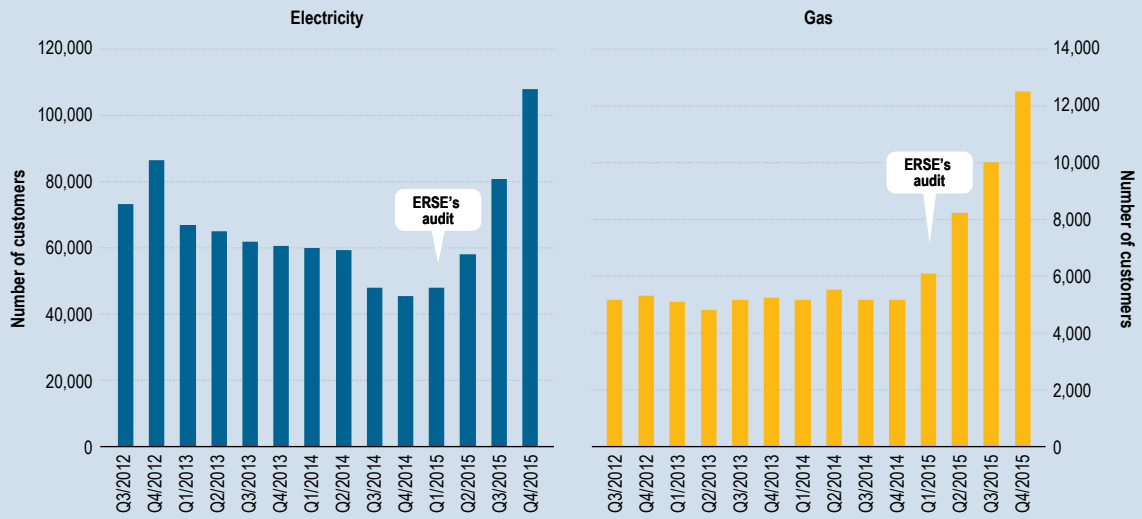
In addition to the social tariff, a discount is granted to energy consumers for extraordinary social support (ASECE). The ASECE discount represents the relative value in the base price (13.8%). The social tariff discount is calculated to represent 20% of the basic electricity supply price and, on average, 17.2% in the natural gas supply. Therefore, the total discount to vulnerable consumers in energy is more than 30% of the regular price (see Figure i)

Figure i Reduction of energy costs through social tariffs



The number of beneficiaries of the social tariff and ASECE has not exceeded 2.2% in the electricity market and 1.3% in the natural gas market, a surprisingly low number given that the vast majority of household consumers (approximately 80%) meet the energy-specific requirements for social tariffs, and Portugal has gone through difficult economic times. ERSE, the energy NRA in Portugal, thus decided in February 2015 to conduct an audit with a focus on information to consumers and the correct application of the social tariff mechanism. The audit revealed that information availability to consumers in combination with the evolution of switching levels during the process of abolishing regulated tariffs may have contributed to a reduction in the total number of beneficiaries of the social tariff between 2013 and 2014 (see Figure ii).

Figure ii Total numbers of beneficiaries of social tariff regulation – 2012–2015.



After the ERSE audit, the number of consumers benefiting from the social tariff (and ASECE) increased for the first time after 2011. This might be a direct result of the investigation, but may also be associated with the increased amount of information made available to consumers, including the provision of information about how to apply for the social tariff in the standard contract form.

3 Consumer empowerment

Chapter summary

In addition to consumer protection, consumer empowerment is the second pillar of the 3rd Package. This chapter covers such topics as consumer information, consumer options, price comparison tools, supplier switching and smart metering.

Access to the relevant information is an important tool for consumer empowerment and engagement in the energy market. MSs have introduced various provisions which deal with the provision of information to consumers (such as information on changes in prices, information on the bill, information on actual consumption and cost), single point of contact and energy consumer checklists.

The provision of information to consumers varies among MSs, both in terms of the legal requirements and in practice. Many MSs go beyond the requirements of the 3rd Package in some areas. The main shortcomings in many MSs are the lack of provision of information on consumption comparison with the previous period and a single point of contact on the bill.

The number of information elements on the bill required by national law varies widely among MSs (e.g. from six in Hungary and Luxembourg to 14 in Great Britain). It is evident that there is still a lack of information on switching and price comparison tools on the bill in many MSs, although these requirements are not explicitly mentioned in current EU legislation. However, NRAs in many MSs believe that too much information can also lead to too complex bills, inhibiting the beneficial role of information to consumers.

In most MSs, suppliers are required to provide a variety of payment methods (e.g. direct debit, standard credit, pre-payment, SEPA) and contract options (e.g. prepaid, advanced payment/instalment, online) to their consumers. In a significant number of these MSs, suppliers also offer discounts or rebates, depending on the method of payment. Also, a wide variety of price comparison tools in the energy sector is available to consumers; they are either publicly offered by the NRA or an authority dealing with consumer protection issues or are privately owned or operated.

Overall, there were no major changes in 2015 in either the legal or practical provision of information to consumers or in the availability of consumer choice options in different MSs.

Most MSs have legislation that ensures that the supplier switching process takes no more than three weeks and that consumers receive their final bill within six weeks. In practice, the average duration of a switch in Europe is around 14 working days, with nearly all jurisdictions fulfilling the limits from the Directive.

About half of MSs consider that an initiated switch cannot be stopped under any circumstances, except for administrative reasons (e.g. incomplete identification of the consumer, formal mistakes in notifications, metering point does not exist etc.). However, several MSs consider an outstanding bill with the outgoing supplier or DSO as a valid reason to stop a switch. In some countries, the old supplier may also stop a switch in the event of a fixed contract not subject to termination at the time of the switch. These obstacles to consumer switching should be progressively removed.

When considering the objectives of energy efficiency and the benefits for consumers, MSs have compiled certain minimum requirements for smart meters to achieve the desired effect. Seventeen MSs have minimum requirements and require that smart meters provide information on actual consumption, make billing based on actual consumption possible and ensure easy access to information for household consumers. Considering the limited roll-out of smart meters across MSs, work is still needed to meet the above-mentioned efficiency and benefits.

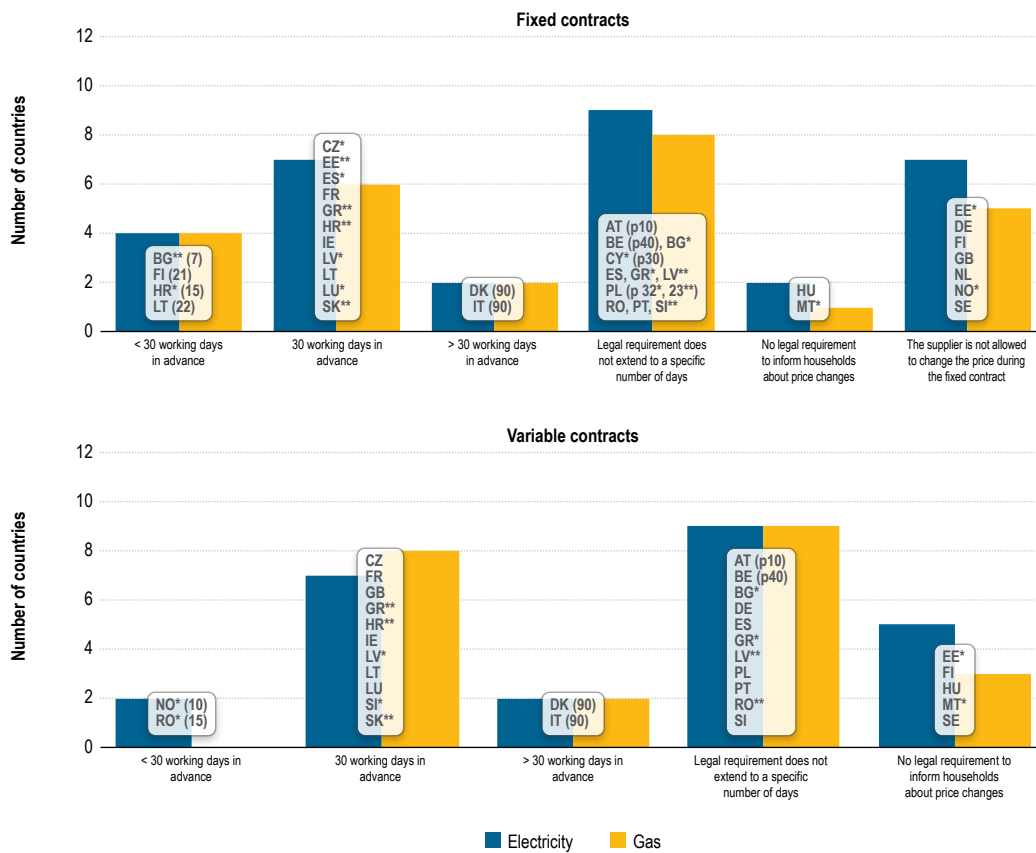
3.1 Consumer information

- 33 Engagement in the market requires consumers to have easy access to the relevant information. The Electricity and Gas Directives consider consumer information provided to consumers as the most important element of consumer protection and empowerment. This section focuses on:
- information about price changes;
 - information on the bill;
 - information on actual consumption and cost;
 - single point of contact; and
 - the energy consumer checklist.

Information about price changes

- 34 Annex 1 (b) of the Electricity and Gas Directives requires that consumers be given adequate notice of any intention to modify contractual conditions and be informed about their right to withdraw when the notice is given. More specifically, suppliers are required to notify their consumers directly in a transparent and comprehensible manner of any increases in charges at an appropriate time and no later than one normal billing period after the increase comes into effect.
- 35 As already shown in previous editions of the MMR, the provision of information on price changes and other components of the bill vary greatly across MSs. Figure 10 shows how consumers were informed about price changes in 2015.
- 36 The majority of MSs have legal requirements to inform consumers about changes in the energy price component within a specified number of days. In other MSs, the legal requirement to inform consumers about changes in the energy price does not specify a specific period. In Hungary and Malta, there are no legal requirements to inform consumers about changes in either fixed or variable energy price, while in Estonia and Sweden this applies to the variable energy price only.

Figure 10 Time point of information about energy price changes – 2015 (number of countries)



Source: CEER Database, National Indicators (2015–2016).

Note: * electricity only, ** gas only, p - in practice, number of days in brackets.

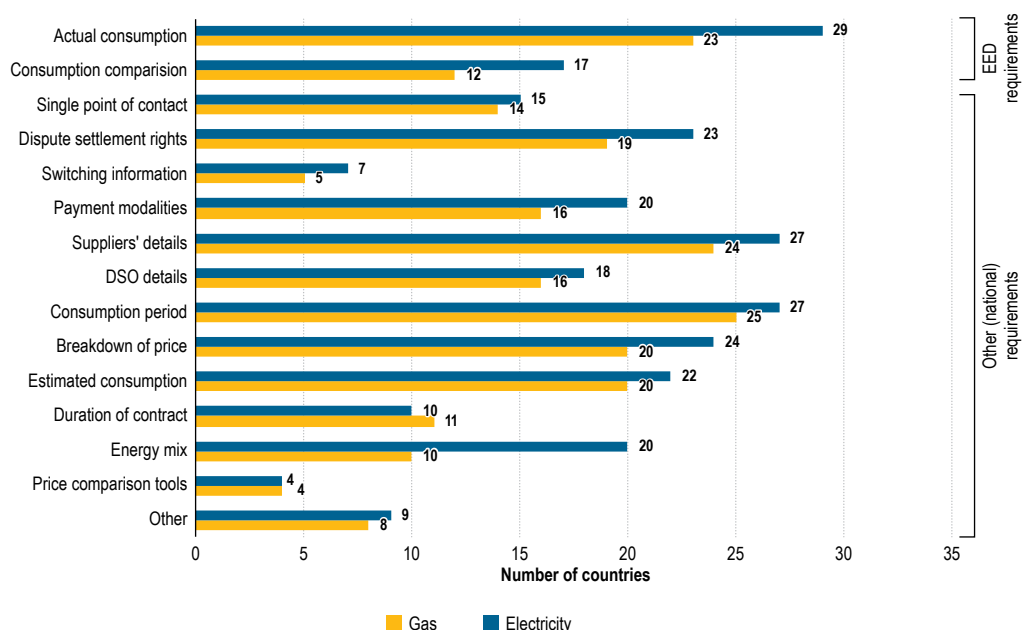
37 Most MSs also have a legal requirement to provide information to consumers about changes in other energy price components of the bill (network tariffs, taxes or other) for both gas and electricity.

Information on the bill

38 Article 10 of the Energy Efficiency Directive (EED) states that energy bills should contain information facilitating energy efficiency, i.e. information about current prices, actual energy consumption, comparisons of the final consumer’s current energy consumption with consumption for the same period in the previous year, as well as contact information of organisations where consumers can find information on energy efficiency.

39 In addition, the number of information items on a bill is not only defined by the EED, but also through other, often country-specific, requirements and laws. Such requirements may cover information about product properties (e.g. energy mix), contact details of energy service providers, price components and complaints and dispute settlement facilities.

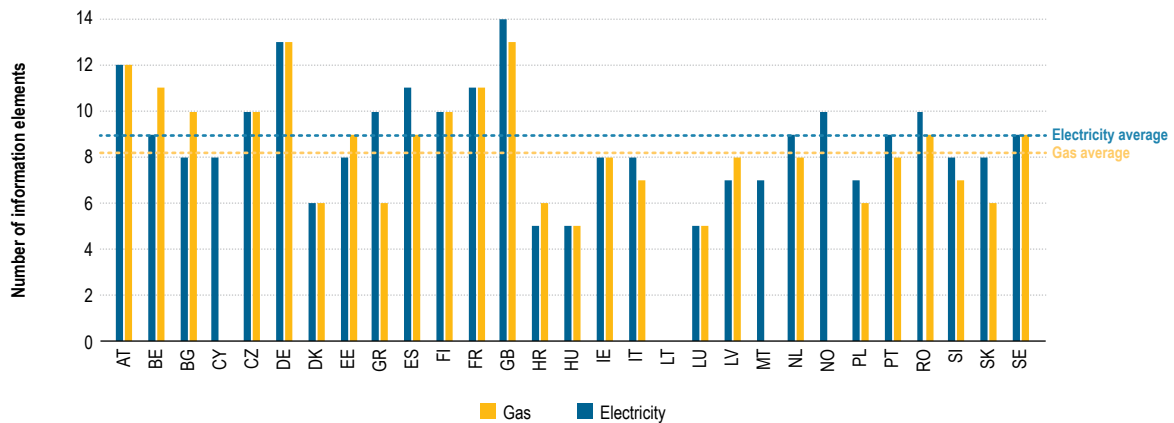
Figure 11 Information on household consumer bills – 2015 (number of countries)



Source: CEER Database, National Indicators (2015-2016).

- 40 Figure 11 illustrates information provided to household consumers on their bills. Consumers in the majority of MSs are provided with information on the consumption period, actual and/or estimated consumption, and a breakdown of the price. Information about the single point of contact is included on the bill in approx. half of MSs.
- 41 Although only two pieces of information are required under the EED, with regard to consumption comparison, only 12 MSs in gas and 17 MSs in electricity abide by the rule. However, most MSs have added additional requirements. These tend to be quite diverse and often differ considerably by country and between electricity and gas.
- 42 There is still a lack of information in many MSs regarding consumer empowerment through switching information, information about price comparison tools and the duration of contracts, as already pointed out in earlier versions of the MMR. Four countries require only that information about price comparison tools be printed on consumer bills, while seven countries in electricity and five in gas require the provision of information about switching.
- 43 However, Figure 12 shows that in most MSs, many of the information elements listed in Figure 11 are included in the bill²⁷

Figure 12 Information on household consumer bills – 2015 (number of information elements)



Source: CEER Database, National Indicators (2015–2016).

- 44 The danger persists that presenting too many different pieces of information on the bill might make it less accessible to consumers, because of the plethora of details which are all presented at once, and which are arguably not directly related to billing. When communicating with consumers, other communication channels, such as regular email or the consumer’s ‘my page’ on the supplier and/or DSO website, may be at least as efficient as the bill.
- 45 According to point 1.1 of Annex VII of the EED, MSs are required to ensure that where individual meters are available individual bills based on actual consumption are provided at least once a year. According to an interpretative note published by the European Commission on 22 January 2010, where smart metering is available to final consumers, billing information based on actual consumption should be provided on a monthly basis.
- 46 In almost all MSs, legal requirements specify that billing information based on actual consumption should be available to consumers without smart meters at least once a year. Table 1 shows that almost all MSs comply with the annual requirement. However, there is a wide variety in terms of how often billing information based on actual consumption is available in MSs, both in terms of the relevant legal provisions and in practice. According to legal requirements, consumers in Bulgaria, Estonia, Lithuania, Denmark (gas), should receive billing information based on actual consumption every month. The legal requirements on access to billing information based on actual consumption for electricity consumers with smart meters differ from those without smart meters in Austria, Finland, the Netherlands, Portugal and Spain.
- 47 For consumers with smart meters, the legal requirements on access to billing information based on actual consumption on a monthly basis is also in place for electricity and gas consumers in Austria, Hungary and Slovenia, electricity consumers in Spain and gas consumers in Germany and Latvia. In addition to these countries, the legal requirements for consumers with smart meters differ from those consumers without smart meters also in the Netherlands and Italy (electricity). In practice, billing information based on actual consumption is provided on a daily basis for electricity and gas consumers with smart meters in Great Britain, and gas consumers in Denmark and France.

Table 1 Frequency of billing information based on actual consumption – 2015

	Without smart meters		With smart meters	
	Legal	In practice	Legal	In practice
Daily			FI*	DK**, FR**, GB
Monthly	BG, DK**, EE, LT	BG**, EE, HR**, LT	AT, BG, DE, EE*, ES*, HU, LV**, SE, SI	FR*, HU, PT, SE
Bimonthly	CY*, ES**, PT**	CY*, ES, PT**	IT**, NL	NL
Quarterly	AT, GR*, IE*, NO*, PT*, RO**	DK, FR, GR, IE, NO*, PT*, RO	DK*, NO*, RO**	DK*, NO*
Every six months	FR	FR		
Annually	BE, CZ, DE, ES*, FR, HU, IT*, LV*, LU, NL, SE, SK	BE, CZ, DE, HU, LV*, NL, LU, SI, SK, SE	FR, SK*	SK*
Biannually	HR*, RO*, SI	MT, LV**	HR**, RO*	
Triennially	FI		FI**	

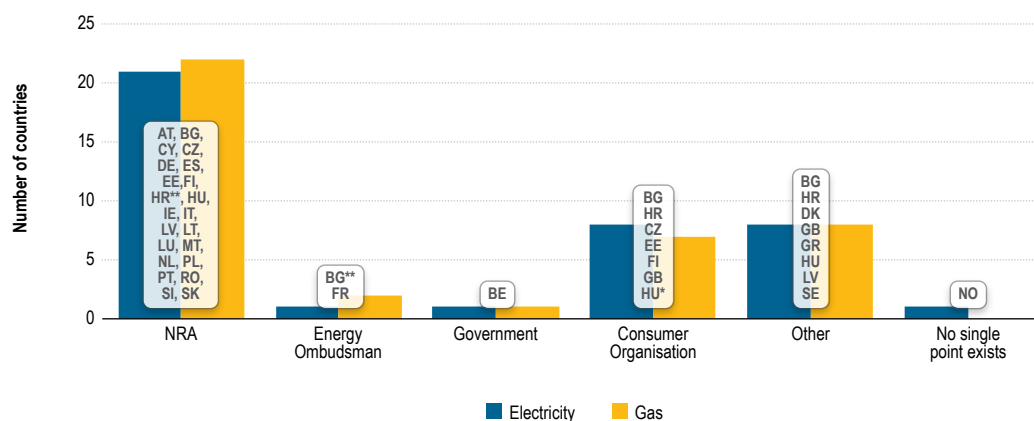
Source: CEER Database, National Indicators (2015–2016).

Note: * Electricity, **Gas.

Single point of contact

- 48 The Electricity and Gas Directives (Article 3 (12)) state that MSs must establish a single point of contact which consumers can contact to obtain independent information about their rights and the market. Most MSs have established a single point of contact. In fact, several countries have established more than one single point of contact (see Figure 13): Bulgaria (three in electricity and four in gas); Hungary and Croatia (three in electricity and two in gas) and the Czech Republic, Estonia, Finland, Great Britain and Latvia (two).
- 49 Figure 13 further shows that the NRA is the single point of contact in most countries (i.e. in 20 for electricity and 21 for gas), while in the remaining countries this role is (also) assigned to other bodies.

Figure 13 Single point of contact and acting body – 2015 (number of countries)



Source: CEER Database, National Indicators (2015-2016).

Note: * Electricity, **Gas

The energy consumer checklist

- 50 The European Commission has called on MSs to make available a consumer checklist or handbook of practical information related to energy household consumer rights. Such a checklist exists in 17 MSs: in 12 of them, the checklist is the responsibility of the NRA, while in the other five countries the checklist is the responsibility of the government or a consumer organisation. The remaining 12 MSs report that they have no single consumer checklist, but some state that the relevant information can be found in several different brochures/documents or on websites.

Case study: Consumer response to information campaigns in Great Britain

Background

Evidence from Ofgem's annual consumer survey²⁸ continues to show low levels of consumer engagement with the energy market in GB. It points out that there is a substantial proportion of disengaged consumers (i.e. more than one in five) who are predominantly on expensive standard variable tariffs, are less likely to engage with information and more likely to be in vulnerable situations. In some cases, disengagement may stem from practical barriers (e.g. not having access to internet, being in debt or on a particular type of meter), but overall it is mainly the result of behavioural barriers relating to negative attitudes to switching, the energy market as a whole and/or negative experiences with past engagement.

The focus of this case study is to illustrate how information campaigns undertaken in GB over the last two years helped to reduce some of these barriers, including in relation to access to the information on available tariffs, and to change some negative attitudes to switching. However, as Ofgem has not undertaken any formal evaluation of the impact of information campaigns, and given the fact there are many factors that influence consumer behaviour and consumer switching, this case study is not attempting to evaluate the specific impact.

Information campaigns

In April 2014 Ofgem launched its 'Be an Energy Shopper (BAES)' campaign, which continued in 2015 and 2016²⁹. The aim of the campaign was to encourage people to ask themselves whether they are paying too much on their energy bills, to investigate their different options and to make the switch to another supplier if it offers a better tariff. The goal was to convince consumers that switching to a different energy provider is no longer a complicated procedure as in the past. This is an important message in the light of the fact that, according to 2016 survey data, 46% of all domestic consumers still see switching as a hassle and 36% worry that if they switch, things will go wrong. Reasons given for consumer inertia range from the belief that any saving made from switching would be insignificant, to the feeling that sifting through the information available on energy comparison sites is simply too much trouble. The most disengaged consumers tend to have more negative attitudes and also a higher required saving threshold.

During February and March 2015 the UK Government, via the Department of Energy and Climate Change (DECC), ran another campaign, including television and printed advertisements across the UK. The campaign focused on raising awareness of the £2.7 billion in savings available to the 13.5 million households who had never switched energy supplier. The campaign, called 'Power to Switch'³⁰, encouraged consumers to take control of their energy bills, and outlined that the ability to save money by moving off expensive tariffs is in their hands. The campaign further highlighted that now is the time to switch, as the government have enacted several changes to make the market easier to understand and more accessible.

There are also programmes to support vulnerable consumers to engage with energy markets and get better deals, such as the Energy Best Deal and Energy Best Deal Extra schemes run by Citizens Advice, with support from Ofgem and major energy companies, since 2008. These give low-income consumers and frontline workers who support them the opportunity to attend group information session and one-to-one advice appointments on getting a better deal on their energy bills (i.e. help with switching) and other services such as advice on debt and energy efficiency.

28 ['Consumer engagement in the energy market since the Retail Market Review: 2016 survey findings'](#), Ofgem, August 2016.

29 ['Be an Energy Shopper Campaign 2015-2016'](#), February 2016.

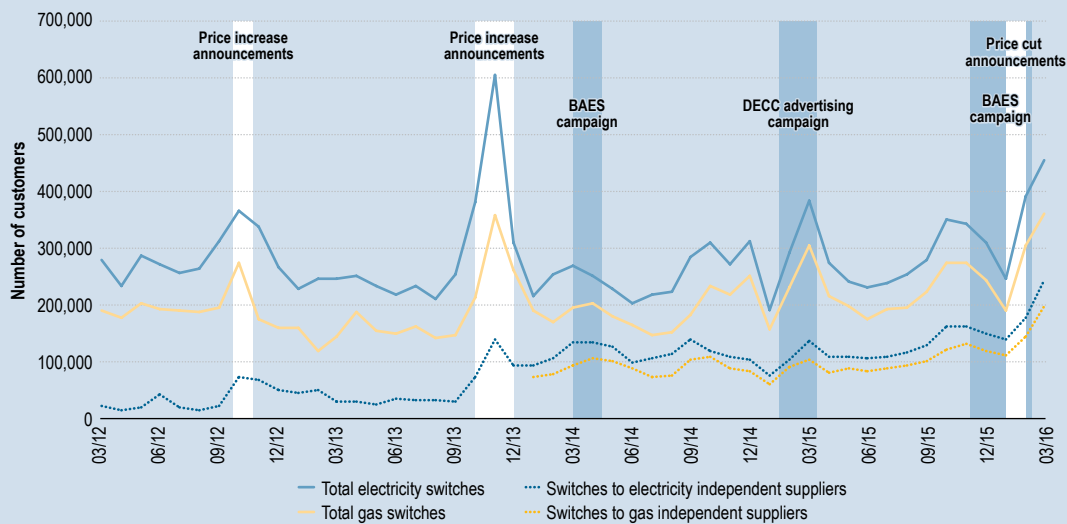
30 ['Power to Switch Campaign 2015'](#), DECC, February 2015.

Consumer response

Figure I below shows the relationship between switching peaks and several events, including information campaigns. For example, the number of electricity and gas switchers peaked in March 2016, with more than 450,000 electricity and 360,000 gas consumers changing their supplier (around 200,000 more than in January), after the BAES information campaigns and some price cut announcements. The previous switching peaks were helped by the DECC advertising campaign (March 2015 peak) and the high media and political attention around price increases and industry profits (November 2013 and October 2012 peaks).

Picking up the effect of BAES and DECC switching campaigns, the rolling annual switching rates in March 2016 reached the highest levels since June 2012 for both gas and electricity (13.5% and 13.0% respectively)³¹. In addition to information campaigns and price increase/cut announcements, another recent factor which contributed to increased switching levels was the continued emergence of cheaper fixed tariffs following the downward trend in wholesale prices.

Figure i: Monthly consumer switching in Great Britain, March 2012 – March 2016



Source: Ofgem analysis of data provided by network operators, suppliers and Xsoserve

Table I below shows some of the trends over the period 2014–2016 in consumers’ awareness of alternatives and ability to compare tariffs. Overall, consumer perceptions of how easy it is to compare and switch have improved. Internet access has become an increasingly important facilitator, as it gives consumers access to tools such as price comparison websites (PCWs) and online accounts, which facilitate actions such as switching supplier or changing tariff.

The survey responses also suggested that, on the whole, comparability is determined to a significant extent by the ease with which consumers can find and understand the information they need to make a comparison.

Table i: Trends in indicators of domestic consumers' awareness of alternatives and ability to compare tariffs – 2016/2014

Indicator	Findings
Awareness of alternatives	Most domestic consumers are aware that they can switch supplier, or change tariff or payment method with their current supplier. Over the last two years, Ofgem has observed a five percentage point increase in the number of consumers who are aware of all these potential actions (80% in 2016, up from 75% in 2014). Just 5% of consumers report being unaware of any of these options to engage.
Price comparison tools	Use of price comparison services has increased substantially in the past year. The 2016 consumer survey showed that 51% of those who had switched supplier, changed tariff, or compared tariffs in the last 12 months used an online price comparison website to find out about deals offered (an increase from 46% in 2015 and 40% in 2014).
Ease of comparison	Ofgem has observed a general trend in consumers finding it easier to compare tariffs (43% find it easy compared to 37% in 2014). Consumers who believe it is easy to compare are increasingly likely to credit this to information on price comparison websites (69% compared with 65% in 2014), reflecting the increasing role of PCWs in the energy market.
Perceptions of the level of choice	48% of consumers say there is about the right amount of choice in the range of available tariffs (up from 44% last year), while 29% think that they have too much choice, and 10% think they have too little. This represents a small decrease from 2014 in the proportions who think there is either too little or too much choice, while there has been an increase in the proportion of "don't knows".

Source: *'Consumer engagement in the energy market since the Retail Market Review: 2016 survey findings'*, August 2016.

With regard to the Energy Best Deal, Citizens Advice's evaluation report³² points out that 97% of those who answered the questionnaire said that they found the information session useful. As result, at the follow-up interviews, 34% of consumers said that they had looked for a better energy tariff following the information session. Since 2008, over 400,000 consumers have benefited from the Energy Best Deal, and in winter 2014/15, 1,370 group sessions were held (a 9% reduction on 2013/14), reaching 9,070 consumers and 4,910 frontline workers. Citizens Advice also delivered one-to-one advice appointments to 6,050 consumers in 2014/15 (a 40% increase on 2013/14).

Conclusions

Information campaigns undertaken in GB over the last two years were educational and used to raise consumers' awareness of alternatives and their ability to compare tariffs. In combination with other factors, these information campaigns also seem to have had a positive impact on switching rates.

The findings essentially point out that continued efforts are needed in order to educate consumers that switching is not as complicated as it is perceived to be. Experience to date suggests that it takes time for any engagement prompts, including information campaigns, to have a lasting impact on consumer engagement levels. It is also worth noting that information campaigns come at a cost and that an important consideration for any campaign would be value for money. Therefore, even if campaigns do impact on switching, there may be other interventions which have to be taken into consideration.

Looking into the future: limited consumer engagement will be addressed in GB primarily through Ofgem's implementation of the Competition and Markets Authority (CMA) remedies³³, by targeting communications to 'sticky consumers' and through more effective prompts to engage consumers (i.e. through programme of trialling, which will in part focus on testing the most effective 'prompts to engage' for different consumer groups).

32 Centre for Sustainable Energy, *'Energy Best Deal Evaluation Report, 2014/2015'*, July 2015.

33 *'Remedy implementation strategy'*, August 2016.

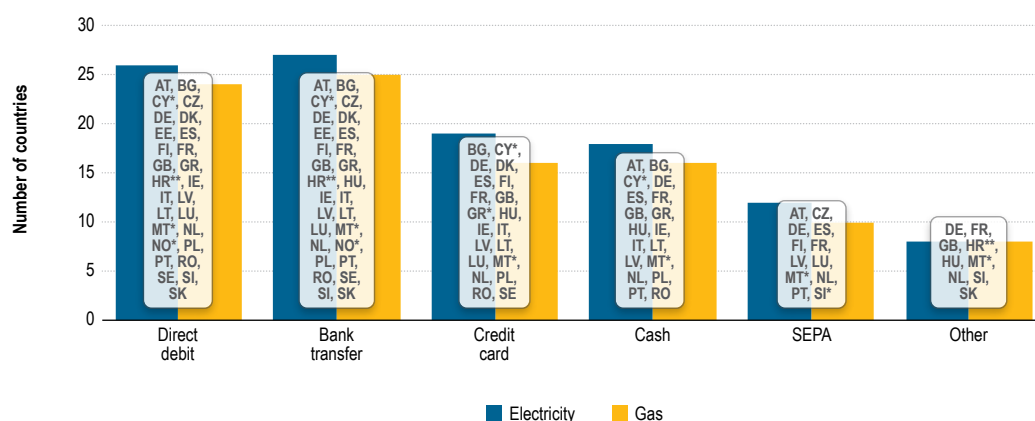
3.2 Consumer choice options

51 The Electricity and Gas Directives require a variety of payment methods to be made available to energy consumers. This Section looks into the implementation of these requirements and price comparison tools, which are an important element in providing clear and transparent information to consumers.

Payment options

52 The Electricity and Gas Directives require a variety of payment methods to be made available to energy consumers. The data presented in Figure 14 indicate that consumers in most MSs have a choice between two or more different payment methods. In 11 out of 28 countries, suppliers also offer discounts or rebates, depending on the type of payment method chosen.

Figure 14 Choice of payment methods – 2015 (number of countries)



Source: CEER Database, National Indicators (2015–2016).

Note: * Electricity, **Gas.

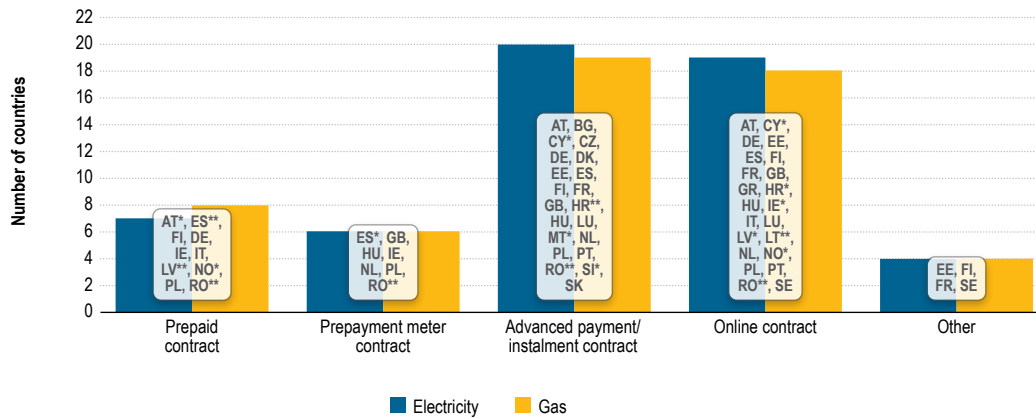
53 In addition to the more traditional payment methods, such as direct debit and bank transfer, in 2015 it was possible to pay energy bills using SEPA in 12 out of 19 Eurozone countries³⁴.

Contract types

54 As well as a variety of payment methods, there is also the requirement to offer a variety of contract terms relating to payment. Some of these terms are shown in Figure 15. In most MSs, advanced payment (or instalment) contracts are available. These are contracts whereby consumers pay regularly (monthly, bimonthly, quarterly, etc.) for their energy in advance of their annual (or biannual, quarterly, etc.) bill. Some MSs also have prepaid contracts and/or contracts tailored to prepayment meters. Prepaid contracts are contracts where a fixed amount of energy is bought and paid for at the start of the billing period, and where actual consumption is used to determine the final (accurate) bill. With a contract tailored to a prepayment meter, energy is bought ‘piece-wise’ in small amounts (pay-as-you-go). Online contracts, which require that all communication between household consumers and their supplier (including account management and billing) is effected through the internet are available in many MSs.

34 SEPA, or the Single Euro Payments Area, aims to create a true European Single Market for retail payments in euros, and makes all electronic payments in the euro area as easy as cash payments. With SEPA, a household consumer can use their home bank account to pay bills in any Eurozone country.

Figure 15 Choice of contract terms relating to payment by country – 2015 (number of countries)



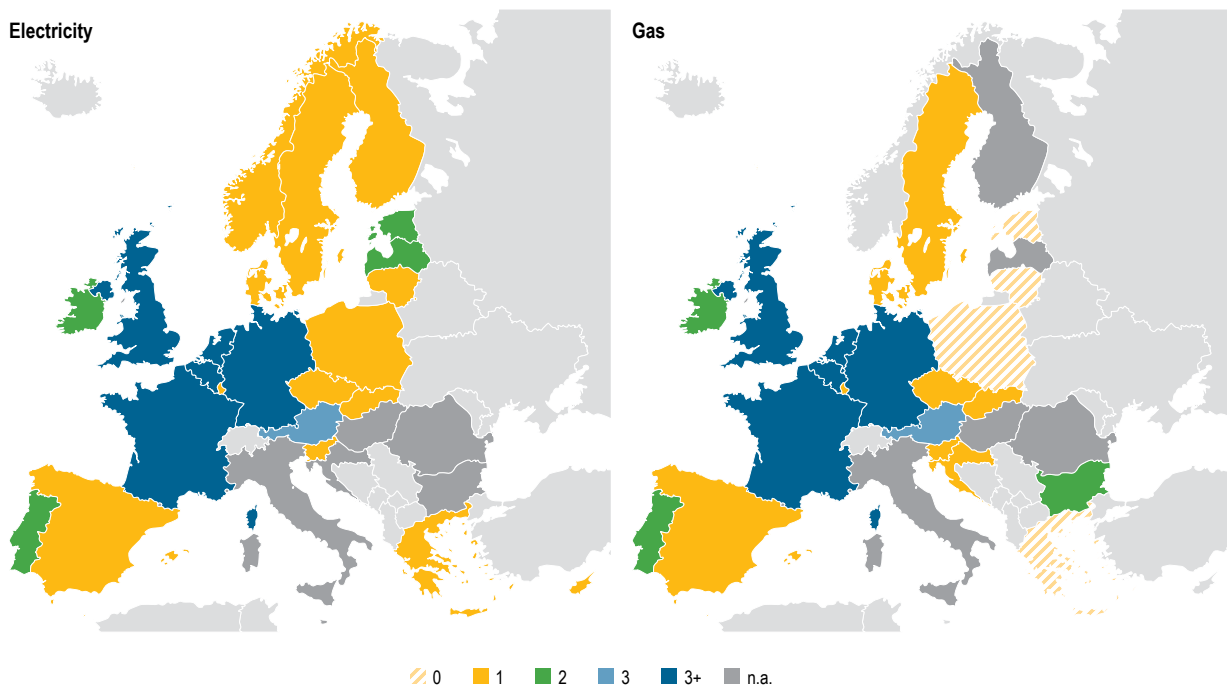
Source: CEER Database, National Indicators (2015–2016).

Note: * Electricity, **Gas.

3.3 Price comparison tools

55 Price comparison tools (PCTs)³⁵ are seen as crucial instruments to provide clear and transparent information to consumers. As shown in Figure 16 below, according to NRAs, reliable PCTs are available in 20 countries for electricity and 15 countries for gas. Figure 16 also shows the broad variety of price comparison tools in the energy sector. They are either provided by the NRA or by an authority dealing with consumer protection (in most countries with one, two or three PCTs) or they can be privately-owned (there are countries with several PCTs, such as Germany (10), Great Britain (12) and the Netherlands (9)).

Figure 16 Number of reliable price comparison tools in MSs – 2015



Source: CEER Database, National Indicators (2015–2016).

35 In this document, the term Price Comparison Tool refers to all digital content and applications developed to be used by consumers primarily to compare products and services online.

56 In providing information on the number of reliable PCTs, NRAs refer to the CEER recommendations ‘Final Guidelines of Good Practice on Indicators for Retail Market Monitoring for Electricity and Gas’³⁶. These recommendations provide a number of criteria to which PCTs have to adhere. such as: (i) information is correct and not misleading; (2) calculation of bills should be based on clear and transparent assumptions; and (iii) key information related to the offer (e.g. the type of contract or duration of any discounts) is clearly presented to the consumer.

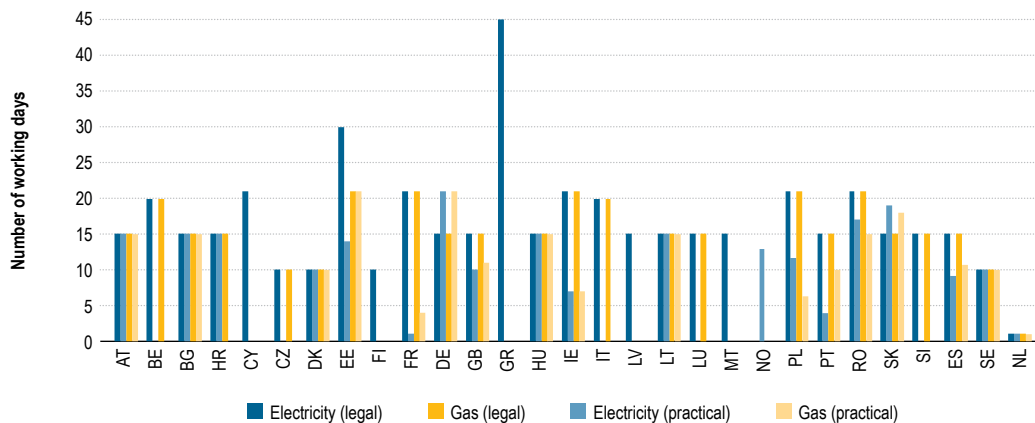
3.4 Supplier switching

Legal and practical duration of the switching process

57 Supplier switching is the most direct way for consumers to take part in the liberalised energy market. Furthermore, supplier switching strengthens competition. According to the Electricity and Gas Directives, a switch should take no longer than three weeks, and consumers should receive their final bill within six weeks.

58 As can be seen from Figure 17, the legal maximum duration of an electricity switch meets the Gas and Electricity Directive requirements in most MSs. However, in some countries the legal requirement is still set above this limit³⁷

Figure 17 Legal and practical switching time – 2015 (number of working days)



Source: CEER Database, National Indicators (2015).

Note: In Belgium, the general switching time is 20 days, while in one region, Flanders, it is 15 working days.

59 In 2015, 20 jurisdictions in electricity and 17 in gas monitored switching duration. In practice, the average duration of switches in Europe is around 14 working days (13.5 days in electricity and 14 days in gas), with nearly all jurisdictions complying with the limits specified in the Directives. In France, the practical switching time seem to take only one day in electricity and four days in gas, and in Portugal, switching takes four days in electricity. These reductions of switching time show progress toward the recommendation of ACER’s “Bridge to 2025” to enable consumers to switch within 24 hours.

Criteria to measure the duration of a switch

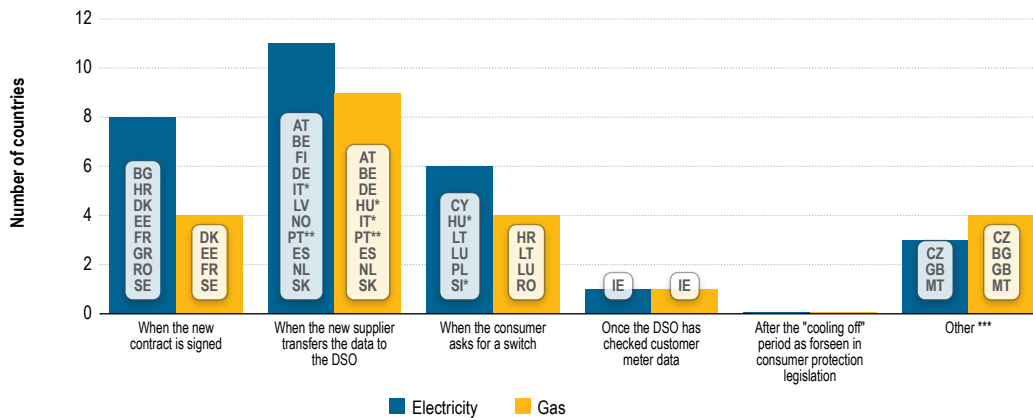
60 The Directives do not indicate the criteria to measure the duration of a switch. In order to compare the duration of switches meaningfully, it is important to take into account that different national criteria are applied to measure this. In eleven jurisdictions in electricity and nine in gas, the switching period starts when the new supplier transfers data to the DSO or the relevant entity managing the switching. In this situation, it is important that the new supplier send the switching request to the DSO as soon as possible, respecting the consumer’s wishes.

36 http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Customers/Tab1/E10-RMF-27-03_final%20GGP%20IRMM_12-Oct-2010.pdf

37 The countries reporting legal switching times above 15 workings days (equivalent to 3 weeks) are Belgium, Cyprus, Estonia, France, Greece, Ireland, Italy, Poland and Romania. In the Netherlands, suppliers are obliged to switch consumers within one working day, but the former supplier has to be given a one-month notice period. Switching is not applicable in countries with a derogation from Article 33 of Directive 2009/72/EC (Malta) or Article 49 of Directive 2009/73/EC (Malta, Greece and Finland).

61 About half of the countries consider the switching period from the consumer’s point of view: the switching period starts when the new contract is signed (eight countries in electricity/four countries in gas), or when the consumer asks for a switch (six and four, respectively). In this context, it would be desirable to define a common starting point for the switching period to guarantee all European consumers similar treatment when switching supplier.

Figure 18 Start of the switching period – 2015 (number of countries)



Source: CEER Database, National Indicators (2015).

Note: * Re-assigned according to the detail explanations at the CEER database

** In the case of Portugal, the supplier transfers the data to the entity responsible for switching management.

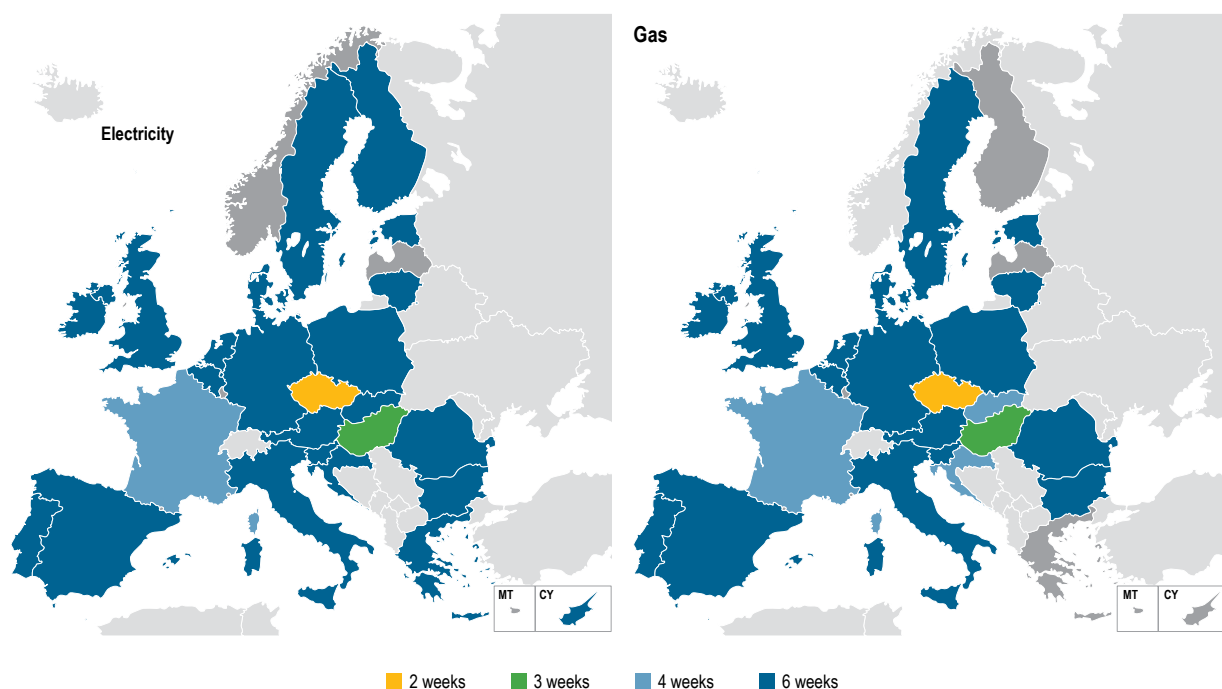
***Other: Malta: not specified in legislation; Czech Republic: it starts on the first day of the next month after the consumer’s request. Bulgaria (gas): switching enters into force on the first day of the gas month following the month in which the application was submitted, subject to a three-week period. In the case of Great Britain, the ‘relevant date’ of the start of the switching process means: (a) the day on which a consumer enters into a contract with a new supplier; or (b) if, after entering into the contract, there is a period within which the consumer may decide not to proceed with the contract (the “cooling-off period”), the earlier of: (i) the day on which the cooling-off period ends; (ii) the day on which the consumer and the licensee agree that the transfer may proceed during the cooling-off period; or (iii) 14 days after the day on which the consumer enters into the contract.

Time to receive the final bill after switching supplier

62 In almost all MSs, the regulation establishes that consumers should receive their final bill within six weeks after switching supplier, as required by the Directive³⁸. Only four countries have shorter periods (France, Croatia, Hungary and the Czech Republic). In practice, the average time to receive the final bill in Europe is around five weeks (5.1 weeks for electricity and 5.3 weeks for gas).

38 Data for Belgium are 6 weeks in Flanders and 8 weeks in Wallonia, after recording of the meter.

Figure 19 Legal maximum time between switching supplier and receipt of the final closure account/bill – 2015



Source: CEER Database, National Indicators (2015).

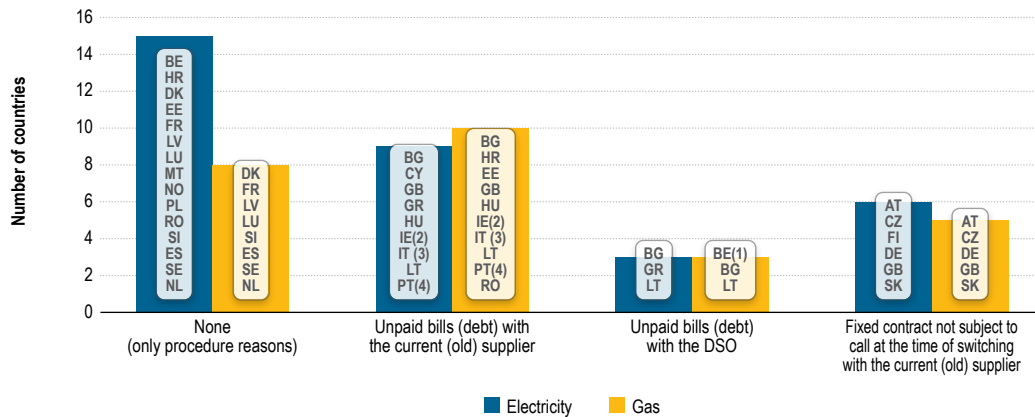
Possibilities to halt a switch

- 63 Switching is the most powerful tool to exert influence on the energy market. Therefore, the consumer's desire to switch should be respected by all market actors. The CEER Guidelines of good practice on *Retail market design*³⁹ stated as an overall principle that there should be no/minimal possibilities to stop an initiated switch⁴⁰.
- 64 However, in order to prevent unwanted switches, there should be clearly defined rules on the information needed to perform a switch. This means that if the new supplier sends incomplete or incorrect data to the DSO, the DSO may reject the request. In such a case, a switch is considered as "not initiated".
- 65 Excluding procedural reasons, about half of MSs consider an initiated switch unstoppable. Yet, Figure 20 illustrates that some jurisdictions permit blocking of an initiated switch in exceptional cases. Several MSs consider unpaid bills with the old supplier or unpaid bills with the DSO as valid reasons to stop a switch. Some other jurisdictions, such as Belgium, Italy or Portugal, apply this rule only in exceptional cases (see notes in Figure 20). Ireland is a case in point, where in case of liabilities to the old supplier, it is the new supplier who is given a warning, and has the possibility to stop the switching process.

39 C11-RMF-39-03 CEER Guidelines of good practice on Retail market design, with a focus on supplier switching and billing [Jan-2012].

40 In this part, we have differentiated between:
 -reasons to not initiate a switch (for procedure reasons or mistakes, to prevent unwanted switches), and
 -reasons to stop a switch (when the old supplier /DSO have the possibility to stop a valid switch).

Figure 20 Reasons to halt a switch of a final household consumer to a different supplier – 2015



Source: CEER Database, National Indicators (2015).

Notes:

- i. In Belgium, unpaid bills with the DSO apply only in cases of vulnerable consumers supplied by “social supplier”.
- ii. In Ireland, unpaid bills apply only in cases of outstanding debt. The threshold for domestic consumers is a consumer who is in arrears greater than €225 for more than 60 days. The amount is not disclosed to the new supplier. Where such a ‘flag’ has been raised by the current supplier, the new supplier can choose whether to proceed with or cancel the change of supplier (CoS) request.
- iii. In Portugal, unpaid bills apply only if the debt is to the last resort supplier.
- iv. In Italy, unpaid bills apply only if the supply has been interrupted by debt.

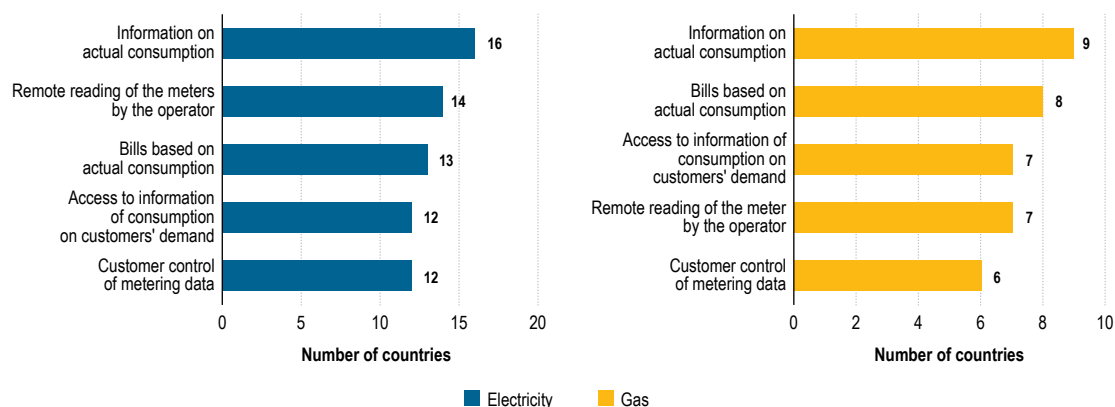
- 66 In several MSs (six in electricity and five in gas) the old supplier also has the possibility to stop a switch in case a fixed contract is not subject to termination at the time of the switch. Otherwise, there are some country-specific reasons for halting consumer switching.⁴¹
- 67 Regarding the case of violation of contract terms or debts, CEER’s Guidelines of good practice on Retail market design suggest that any dispute between consumer and supplier should be processed within the legal framework of contractual law, and therefore should not constitute a valid reason to stop an initiated switch. However, differences in legislation among Member States may result in different practices regarding the possibilities to stop an initiated switch. In such cases, MSs should carefully list exemptions for when, and by which market actor(s), it should be possible to stop.
- 68 The contractual terms, such as having a very small window of opportunity to switch, or the option to stop a switch by the old supplier, may result in consumer lock-in, restricting consumer choice.

41 - An electricity system operator shall reject the change of supplier if the new supplier fails to fulfil the obligations set out by the Act (Slovenia).
 - The access point is more than 20 years old and fails a review (Spain – electricity).
 - The supplier can be required to pay a financial security. If the consumer cannot ensure financial security, the supplier has the opportunity to quit the agreement within three days after the consumer receives a warning from the supplier (Denmark – electricity).

3.5 Smart metering

- 69 Article 9(2)(a) of the Energy Efficiency Directive establishes the obligation of MSs to ensure that the “objectives of energy efficiency and benefits for final household consumers are fully taken into account when establishing the minimum functionalities of the meters and the obligations imposed on market participants”. It is for MSs to decide which energy-efficiency objectives and which benefits to final consumers are taken into account when setting minimum standards for smart meters⁴².
- 70 The European Commission Recommendation on preparations for the roll-out of smart metering systems⁴³ aims to facilitate the roll-out of smart meters, and provides common minimum functional requirements for the smart metering of electricity. The requirements concern access and frequency of meter readings for the consumer, the network operator and any 3rd party designated by the consumer. The meters must provide two-way communication for maintenance and control, support advanced tariff systems, allow for remote control of the power supply and/or flow or power limitation, and provide import/export facilities. Furthermore, meters must provide secure data connections, fraud prevention and detection.
- 71 Seventeen MSs have minimal technical and other requirements for smart meters in their legislation, to ensure benefits to household consumers⁴⁴. Most of these MSs require that smart meters provide information on actual consumption, make billing based on actual consumption possible and ensure easy access to information for household consumers. However, as Annex Figure A1 shows, functionality requirements tend to differ widely across MSs.
- 72 Figure 21 summarises the top 5 functionalities required for smart meters in MSs. It also shows that the number of requirements of smart meters tends to be different for electricity and gas.

Figure 21 Top 5 functionality requirements of smart meters across Europe – 2015 (number of countries)



Source: CEER Database, National Indicators (2016).

42 Source: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1416394987283&uri=SWD:2013:448:FIN>.

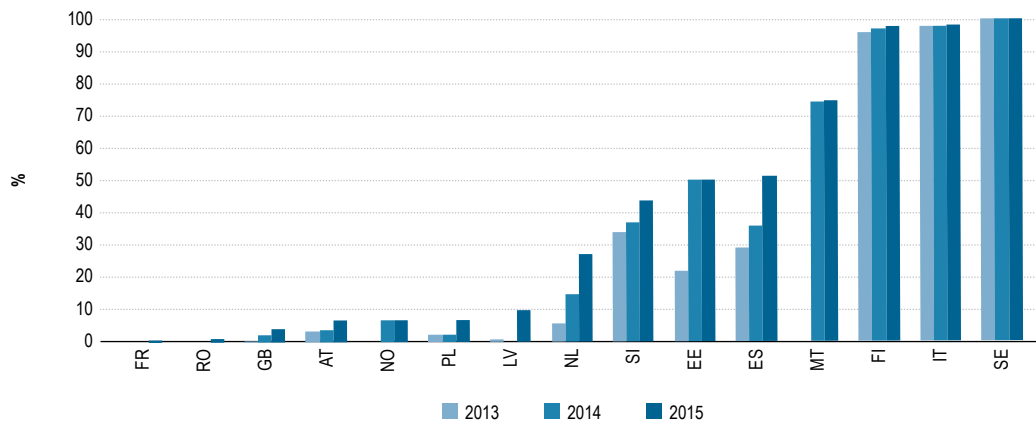
43 Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems (OJ L 73, 13.3.2012, p. 9–22).

44 Austria, Bulgaria, Denmark, Estonia (for electricity), Finland, France, Germany (for electricity), Great Britain, Italy, Malta (for electricity), the Netherlands, Norway (for electricity), Portugal, Romania (for electricity), Slovenia (for electricity), Spain (for electricity) and Sweden (for electricity).

- 73 According to Annex I of the Electricity Directive 2009/72/EC, MSs should roll out electricity smart meters to 80% of consumers by 2020, unless the result of a Cost Benefits Analysis (CBA) is negative. For the gas sector, Annex I of the Gas Directive 2009/73/EC requires MSs to prepare a timetable for the roll-out of gas smart meters based on a CBA (with no indication of a timeline). The roll-out of gas smart meters is still limited, with only three MSs (France, Great Britain and the Netherlands) having commenced.

- 74 Figure 22 presents how many final household consumers have been equipped with electricity smart meters per MS. Compared to last year, three more MSs have initiated a roll-out, i.e. Malta, Norway and Romania. Overall, in countries that had already started the roll-out, a larger proportion of households are now equipped with a smart meter.

Figure 22 Share of households with electricity smart meters – 2015 (%)



Source: CEER Database, National Indicators (2015).

4 Consumer complaints

Chapter summary

A critical aspect of consumer protection and empowerment monitoring is obtaining a better understanding of the number and nature of consumer complaints addressed to the various actors. For these reasons, this Chapter presents information about roles and responsibilities in complaint handling, numbers and types of complaint, complaint handling standards and national figures on alternative dispute resolution (ADR).

Almost all MSs provide figures on consumer complaints. The number of final household consumer complaints per 100,000 inhabitants received by suppliers, DSOs and ADRs as reported to NRAs in electricity and gas varies considerably across those countries for which data are available, mainly due to diverse handling and reporting cultures. Regarding complaints directly addressed to NRAs, a fuller picture emerges: the number of final household consumer complaints per 100,000 inhabitants received by NRAs ranges between 0.22 in Bulgaria to 239.20 in Portugal.

Similar to the results for 2014, the main share of consumer complaints received by NRAs in both electricity and gas relates to prices, contracts or billing issues. It seems that, in 2015, “connection to the grid” in the gas sector, was the cause for more complaints than “unfair commercial practices”. It is still difficult to evaluate complaints received by DSOs and suppliers, as DSOs and/or suppliers do not have the obligation to classify complaints.

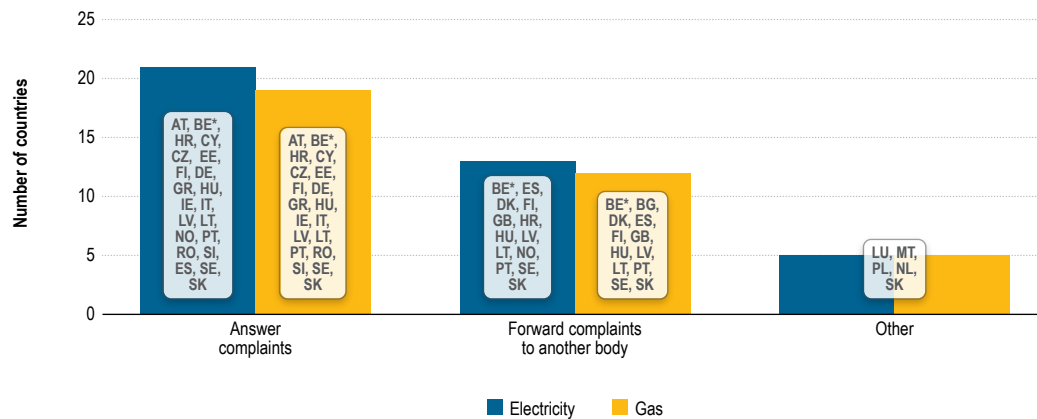
The contact details for submitting complaints are given in most MSs on bills or in supply contracts. A large number of MSs use at least two methods to inform consumers about the contact details of the complaint service.

Most MSs have introduced statutory complaint handling standards which relate to the time required to deal with a complaint, the registration of all consumer complaints and a prompt first answer or acknowledgement within one day, the first two being the most frequent requirements.

Almost all MSs implemented an ADR mechanism. Alternative dispute settlement is available and free of charge for final household consumers in 24 MSs in electricity and 23 MSs in gas. Information about disputes settled by ADR is available mainly in MSs in which the NRA is directly involved. In 2015, 65,514 disputes were registered, approximately 1% more than in 2014.

- 75 The Chapter uses the complaint indicators proposed in past CEER/ERGEG documents concerning Guidelines on good practice in complaint handling, reporting and classification. The long-term goal is to collect reliable data on the number of, and reasons for, complaints and how service providers (suppliers and DSOs) and 3rd parties (Alternative Dispute Resolution bodies such as Ombudsman and NRAs) handle them to the satisfaction (or dissatisfaction) of final household consumers. Due to the varied role of NRAs in complaint handling, data comparability might still be limited.
- 76 The Directives state that regulatory authorities shall monitor complaints made by household consumers. Where an MS has assigned these monitoring duties to another authority, the information resulting from such monitoring is to be made available to the regulatory authority as soon as possible.
- 77 The definition of a customer complaint is handled differently in the MSs. There are legal definitions in 10 MSs (Belgium⁴⁵, Croatia, Cyprus, Estonia, Germany, Great Britain, Hungary, Italy, Lithuania and Portugal). All the definitions reflect an understanding that a consumer complaint is described by reporting dissatisfaction with a received service or product. Whenever a consumer files a complaint, a response is either explicitly or implicitly required.
- 78 In 21 MSs and Norway (electricity) and in 19 MSs (gas), the NRA deals with complaints. In some MSs (Bulgaria, Croatia, Denmark, Finland, Hungary, Latvia, Lithuania, Portugal, Spain, Slovakia and Sweden) and Norway, complaints could be also forwarded to another body and in Great Britain, Luxembourg, Malta, Poland and the Netherlands, NRAs act more as dispute settlement authority or mediator than as complaint handler.

Figure 23 NRA's role in handling final consumer complaints – 2015 (number of countries)



Source: CEER Database, National Indicators (2016).

Note: *For Belgium the regulatory authority answers complaints only in the Walloon Region. For Flanders and Brussels as well as for the Federal level the ombudsman is the competent body for complaints.

79 The findings on final household consumer complaints are published by NRAs in 17 MSs in the electricity sector and 20 MSs in the gas sector. Other bodies are also involved in publishing findings, such as: DSOs (Croatia, Portugal and Slovenia), suppliers (Croatia, Great Britain, Greece, Portugal, Romania and Slovenia), ADR (Finland, Germany, Greece, Luxembourg, Norway and the Netherlands), ombudsman (Belgium, Finland and Norway), other bodies (Croatia, Denmark, Lithuania, Norway, Slovakia and Sweden).

80 NRAs need to have access to information about consumer complaints to be able to monitor them. Therefore, complaints addressed to DSOs, suppliers or ADR bodies have to be reported to NRAs. In the electricity sector, in 12 MSs (Austria, Belgium⁴⁶, Bulgaria, Cyprus, Estonia, Hungary, Italy, Portugal, Romania, Slovakia, Slovenia, Spain) DSOs and suppliers report to NRAs on consumer complaints; in three MSs (Latvia, Lithuania, Malta), only DSOs have this obligation, and in two MSs (Germany and Luxembourg) only ADR bodies do so. In Belgium, the ombudsman also reports to the NRA data on final consumer complaints.

81 In the gas sector, in 13 MSs (Austria, Belgium, Bulgaria, Croatia, Estonia, Greece, Hungary, Italy, Lithuania, Portugal, Slovakia, Slovenia, Spain) the DSOs and suppliers report to NRAs the data on final consumer complaints; in three MSs (Great Britain, Latvia and Romania) suppliers submit complaint data to NRAs, and in two MSs (Germany and Luxembourg) the ADR bodies do so. In Belgium and Great Britain, the ombudsman also reports to NRA the data on final consumer complaints.

4.1 Complaint data

82 This section illustrates the number of household complaints received by suppliers, DSOs and ADR as reported to the NRA. In addition, the number of complaints directly received by the NRA is also covered here. Furthermore, categories of consumer complaints are presented in this section to monitor the reasons for consumer dissatisfaction.

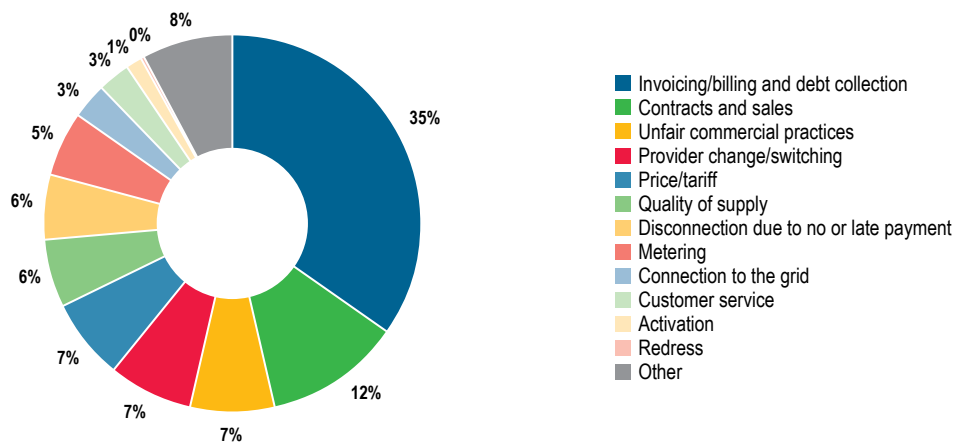
83 The number of final household consumer complaints per 100,000 inhabitants received by suppliers, DSOs and ADR bodies as reported to NRAs in electricity and gas varies considerable between countries for which data are available, the main reason being diverse handling and reporting procedures across MSs (see Annex Table A 6). The information on complaints directly addressed to NRAs is more complete: the number of final household consumer complaints per 100,000 inhabitants received by NRAs varies from 0.22 in Bulgaria to 239.20 in Portugal.

4.2 Classification of consumer complaints

84 In order to gain a better understanding of complaints, they are classified following a well-documented CEER typology. The main categories are: connections, metering, disconnections, billing and prices. For reasons of data quality, the analysis here is limited to complaints addressed directly to NRAs.

46 In the Walloon Region, only DSOs report on compensation requests.

Figure 24 Share of different types of final household consumer complaints in electricity directly addressed to NRAs across the EU and Norway – 2015 (%)

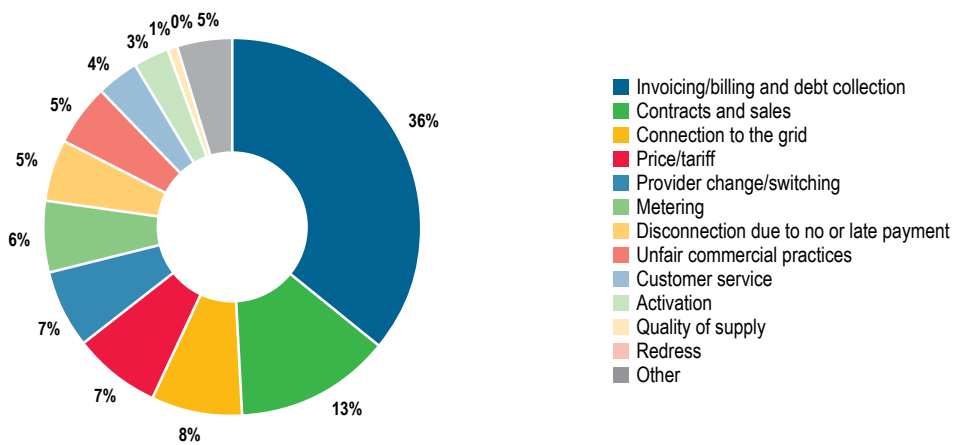


Source: CEER Database, National Indicators (2016).

85 Similar to the results for 2014, the main share of consumer complaints concern “invoicing/billing and debt collection” (35%). More than 51% of complaints concern prices, contracts or billing issues. In 2015, the percentage of contracts and sales complaints increased compared to 2014, whereas the percentage of price and tariff complaints decreased by approx. 50%.

86 For the gas sector, the results are quite similar (see Figure 25).

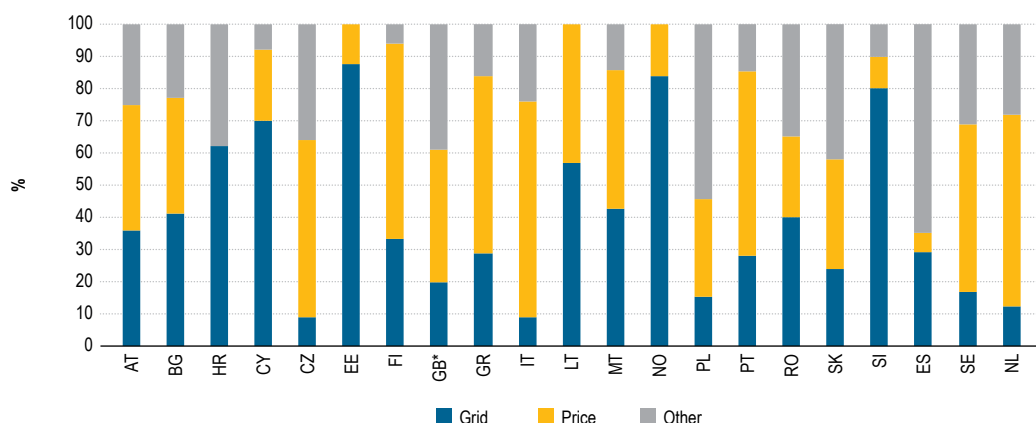
Figure 25 Share of different types of final household consumer complaints in gas directly addressed to NRAs across the EU and Norway – 2015 (%)



Source: CEER Database, National Indicators (2016).

87 A large portion of complaints in the electricity and gas sectors are concern grid and price issues. According to Figure 26 and Figure 27, for electricity and gas, respectively, these two categories of complaint account for around two thirds of all complaints.

Figure 26 Share of classification of household consumer complaints addressed to NRAs – electricity – 2015 (%)



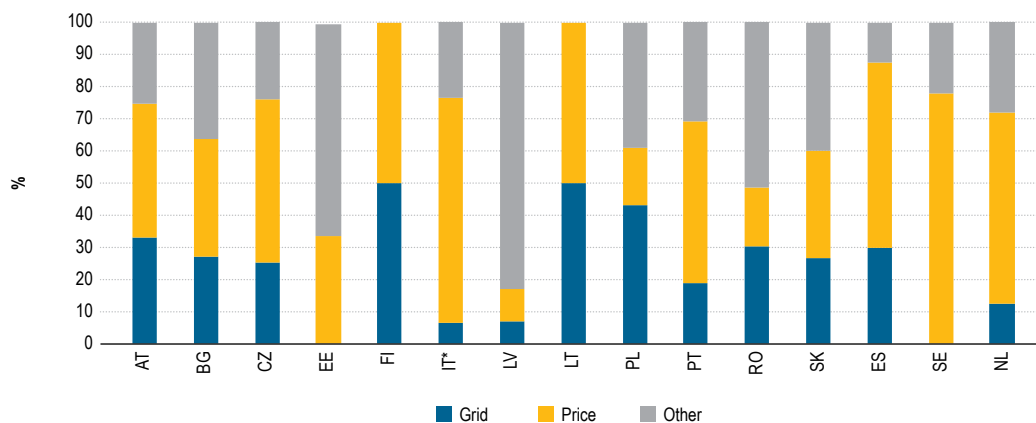
Notes: *supplier's information based on both electricity and gas complaints.

Grid – connection to the grid, metering, quality of supply, disconnection due to no or late payment;

Price – contracts and sales, invoicing/billing and debt collection, prices/tariffs; and

Other – unfair commercial practices, activation, redress, provider change/switching, consumer service, other.

Figure 27 Share of classification of household consumer complaints addressed to NRAs – gas – 2015 (%)



Source: CEER Database, National indicators (2016).

Notes: * households and non-households.

Grid – connection to the grid, metering, quality of supply, disconnection due to no or late payment;

Price – contracts and sales, invoicing/billing and debt collection, prices/tariffs; and

Other – unfair commercial practices, activation, redress, provider change/switching, consumer service, other

4.3 Complaint procedure

88 The importance of an independent and transparent procedure for handling complaints is crucial. Therefore, this section assesses the complaint handling procedures of service providers (suppliers and DSOs) through several indicators:

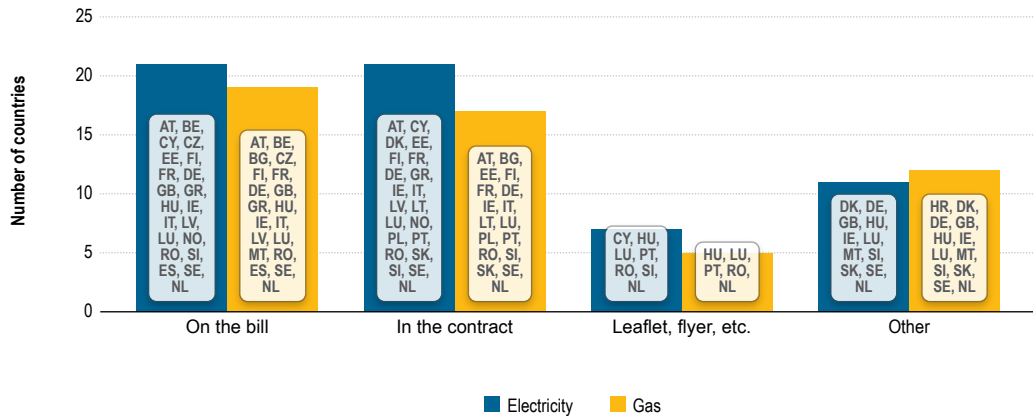
1. information for consumers on how and where to complain;
2. processing time to deal with complaints;
3. statutory standards on complaint handling; and
4. right to compensation.

Information for consumers on how and where to complain

89 In the electricity sector, the contact details of a complaint service are given on the bill in 21 MSs, in the supply contract in 21 MSs and on leaflets in seven MSs. In Norway, contact details are given on the bill and in the supply contract. In the gas sector, the contact details of a complaint service are given on the bill in 19 MSs, on supply contracts in 17 MSs and on leaflets in five MSs.

90 A large number of MSs use at least two of these methods. In nine MSs (Denmark, Germany, Great Britain, Hungary, Ireland, Italy, Luxembourg, Malta and the Netherlands) consumers can find additional information on suppliers or DSOs web pages.

Figure 28 Information for household consumers about contact details of a complaint service – 2015 (number of countries)



Source: CEER Database, National Indicators (2016).

Processing time to deal with complaints

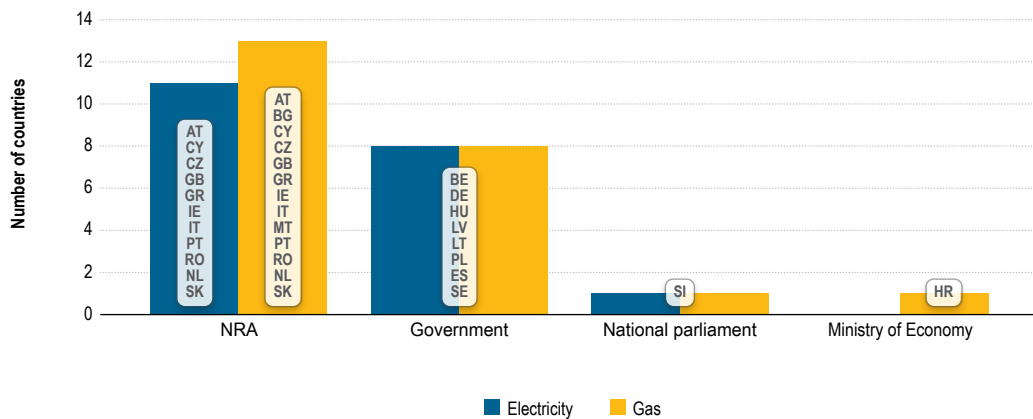
91 The legally permitted processing time for service providers to deal with complaints in most countries is between one and two months for both electricity and gas, which is considered a reasonable period for a response. However, in some countries, the processing time is shorter, such as five days in Austria or 14-15 days in Hungary, Poland and Portugal.

92 In practice, the time to deal with a complaint varies by MS and by the level of complexity of the case. The processing time usually depends on the complexity of the case. In Cyprus, France, Italy, Latvia, Lithuania, Romania, approx. 99% of complaints receive an answer from suppliers/DSOs in less than one month.

Statutory complaint handling standards:

93 The entity responsible for issuing statutory complaint handling standards is the NRA, the government, the national parliament or the ministry of economy, as shown in Figure 29.

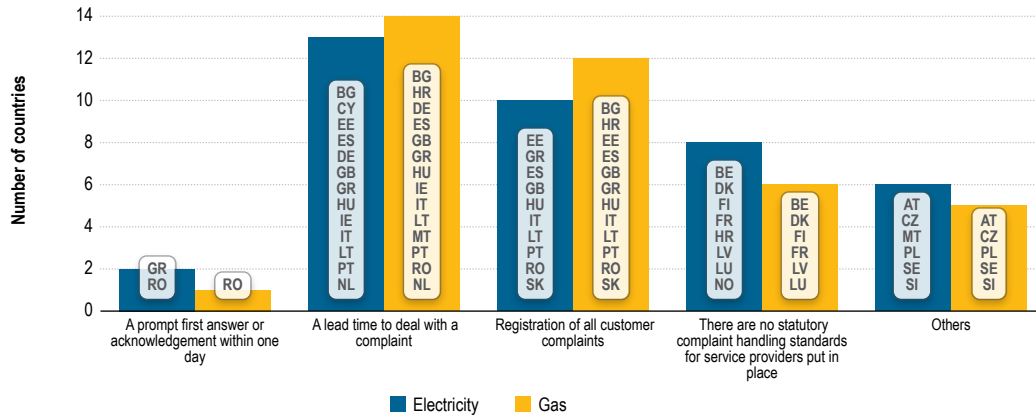
Figure 29 Entities responsible for statutory complaint handling standards – 2015 (number of countries)



Source: CEER Database, National Indicators (2016).

94 As stated in Directives 2009/72/EC and 2009/73/EC, complaint handling standards should be determined at the national level and should be effective. Figure 30 gives an overview of these standards, which chiefly concern the time required to deal with complaints and the recording of consumer complaints.

Figure 30 Statutory complaint handling standards for service providers – 2015 (number of countries)



Source: CEER Database, National Indicators (2016).

Notes: The lead time is the time required to meet a consumer request or demand. The lead time is generally considered as the time between the consumer's request and its fulfilment.

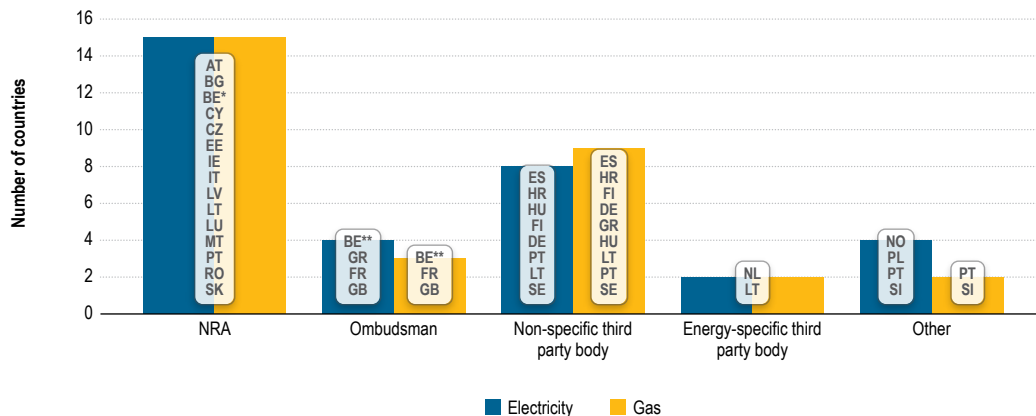
4.4 Alternative Dispute Resolution

95 The Directive states that Member States should set up independent mechanisms for out-of-court dispute settlement. To assess whether consumers are sufficiently informed and are able to deal with any difficulties they might have, this section investigates complaint handling procedures by screening the following ADR aspects:

- who is responsible for ADR;
- is the alternative dispute settlement free of charge;
- statutory complaint handling standards;
- time needed to settle disputes;
- number of disputes settled; and
- right to compensation in the event of a favourable outcome.

96 Almost all MSs implemented an ADR mechanism, the majority of which involve the NRA as the responsible body. Alternative dispute settlement is available and free of charge for final household consumers in 25 MSs in electricity and in 24 MSs in gas. The exception is the Netherlands, where ADR is available, but not free.

Figure 31 Entities responsible for ADR – 2015 (number of countries)



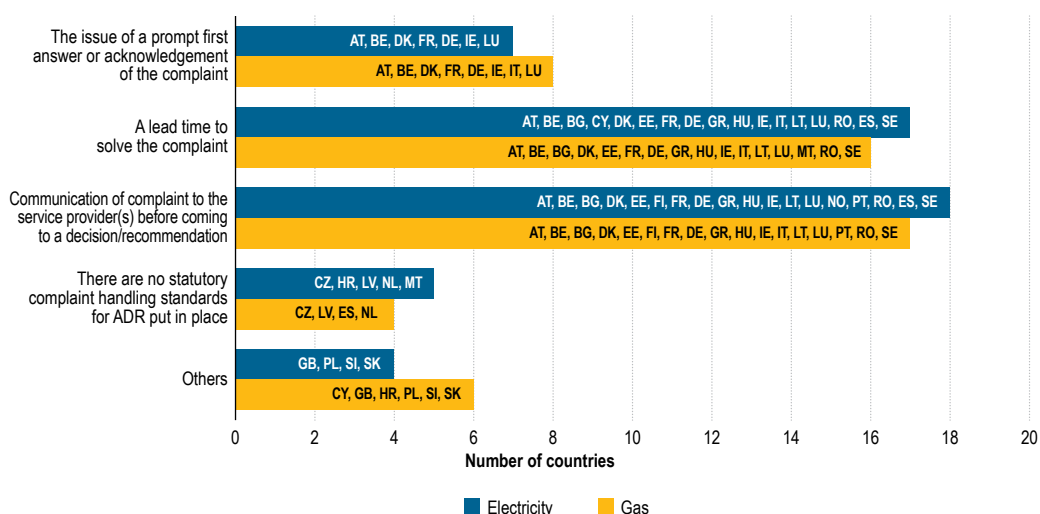
Source: CEER Database, National Indicators (2016).

Note: BE* - for one of the regions, the regional regulatory authority performs the ADR action; BE** – ADR at federal level and two out of three regions.

97 The most common way to provide household consumers with relevant information on the ADR body is to include the information in the bill and/or supply contract.

98 In seven MSs in electricity and in eight MSs in gas, statutory complaint handling standards concern the issue of a prompt first answer or acknowledgement of the complaint. A lead time, that is, a legal maximum time frame to resolve a complaint is applied in 17 MSs in electricity and in 16 MSs in gas. Communication of the complaint to the service provider before the resort to ADR is requested in 18 MSs in electricity and 17 MSs in gas. There are no statutory complaint handling standards for ADR in five MSs in the electricity sector and four MSs in the gas sector.

Figure 32 Statutory complaint handling standards set up for ADR/Ombudsman – 2015 (number of countries)



Source: CEER Database, National Indicators (2015–2016).

99 The processing time to settle disputes differs across MSs and ranges from 15 days in Hungary to six months in Sweden, including communication between the two parties through the ADR body. However, some countries have no specific deadlines.

100 The number of disputes settled through ADR in 2015 differs considerably between MSs. The number varies from 53,317 in Great Britain, both in the electricity and gas sectors, to 4,338 in Spain or 3,497 in France. The information on disputes settled by ADR is available mainly in MSs in which the NRA is directly involved in the process.

Case study Belgium: Energy ADR

Belgium is a federal state with three regional energy markets, but commercial and consumer laws, such as the law on commercial practices and consumer protection, are set at federal level. There are four energy regulatory authorities: three at regional level (BRUGEL in Brussels, CWaPE in Wallonia and VREG in Flanders) and one federal regulator (CREG).

The Belgian Energy Ombudsman Service is responsible for ADR for all matters concerning (energy) laws and regulations at federal level, such as the Consumer Agreement⁴⁷, and where there are shared competences between the federal and regional levels, as with the organisation of the energy market. The Belgian Energy Ombudsman Service also acts as the single point of contact for consumers' information.

Created in 2010, the Belgian Energy Ombudsman Service is a federal, fully independent and autonomous public service, with a legal personality. This implies that the Ombudsman's service functions completely independently from energy companies and regulators⁴⁸.

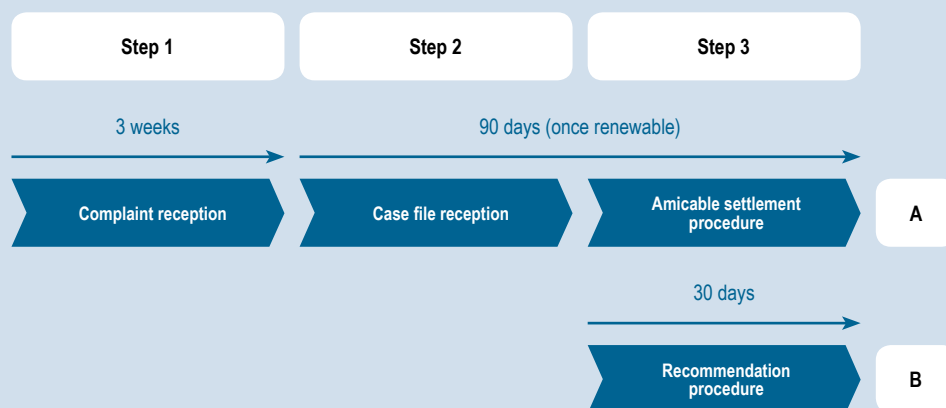
Access to the Ombudsman's services is free of charge. Only written complaints are accepted (sent by post, e-mail or fax) and after the consumers have tried first to solve the dispute directly with the electricity or gas company.

If the complaint is inadmissible, the Ombudsman forwards it to the company anyway; the latter must handle the complaint and send a copy of the answer to the Ombudsman Service.

The procedure is suspended by the electricity or gas company for the part of the bill in dispute from the moment the complaint is ruled as admissible until the recommendation for an amicable settlement is issued. Regarding the end of the investigation of a dispute, a complaint will not be further investigated as soon as a legal procedure is initiated. Further legal procedures are still possible after the mediation process.

Suppliers are legally obliged to mention the contact details of the Energy Ombudsman on bills and invoices.

Figure i Dispute settlement process



47 http://economie.fgov.be/fr/consommateurs/Energie/Facture_energie/Accord_protegeant_le_consommateur/.

48 The Ombudsman does not follow any instructions of any government in its decision-making process. In fact, the Ombudsman has almost the same legal personality and independent status as the Belgian Federal Regulatory Authority. The two Ombudsmen are appointed by the Government for a renewable mandate of five years, and are required not to have had any professional or binding relations with the energy sector.

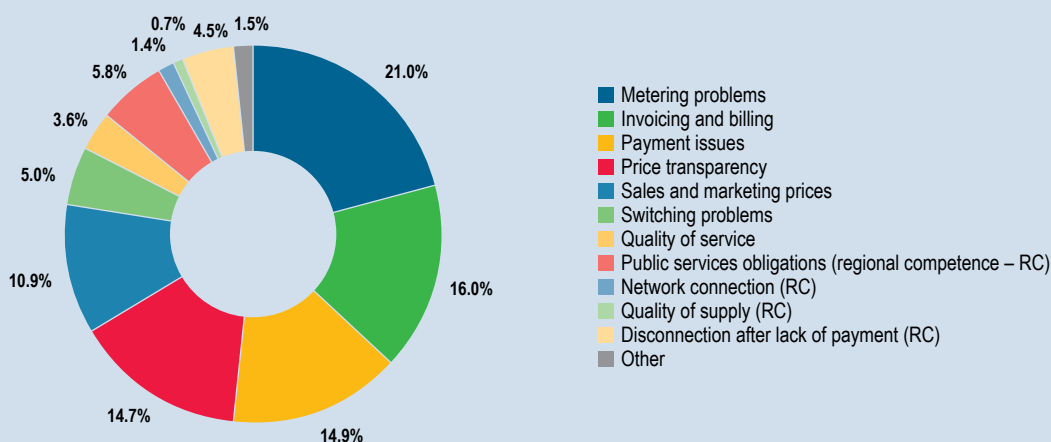
There are three major steps in the dispute settlement procedure. The first step, called “complaint reception”, is the initial assessment of the complaint after its reception, which can take up to 3 weeks. During that time, the Ombudsman analyses the complaint and decides on its admissibility, or requests additional supporting documents. The complaint is encoded according to the nomenclature developed by the European Commission, CEER, and NEON, the National Energy Ombudsman Network⁴⁹.

From then, the Ombudsman has a period of 90 calendar days, renewable once, to provide a detailed response to the consumer. During this period, the file is transmitted to the energy supplier (step 2), which has one month to communicate its position to the Ombudsman Service. The Ombudsman analyses the response and presents it to the consumer in an attempt to reach an amicable settlement (step 3 A). In the event of disagreement, the Ombudsman may issue a recommendation, when a dispute complaint is justified, and it seems that a legal or fair solution is possible from the legal and factual content of the case (step 3 B).

Further to dispute resolution, the Energy Ombudsman Service can advise the Federal Government on energy matters. Hence, the Service has been involved in drafting the Consumer Agreement “The consumer in the liberalized electricity and gas market”.

At the EU level, the Ombudsman participates in the National Energy Ombudsman Network – NEON, a network of independent Ombudsmen and ADR services throughout Europe. The members of this network share experience and good practices on energy dispute resolution, consumer protection and empowerment.

Figure ii Complaint Breakdown 2015



In 2016, NEON developed a Consumer Code⁵⁰. This Code aims to engage consumers, ombudsmen and other ADR bodies, as well as policy-makers, regulators, energy providers and other relevant stakeholders, to promote shared values and best practice and build a common framework to protect end-consumers. This includes effective standards for the right to access to, and use of, energy services, the security and quality of supply, access to the grid, data protection, prices and price comparison tools, marketing and sales, switches, moving, contractual terms, unified communications, easily understandable bills, information on real-time consumption with smart meters, and complaint procedures, with the principle of solidarity and responsibility at its core.

49 EC Recommendation of 12 May 2010 on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries; CEER GGP Consumer complaint handling, reporting and classification of 10 June 2010; Neon <http://www.neon-ombudsman.org/2015/06/neon-conclusions-on-data-management-and.html>.

50 See <http://www.neon-ombudsman.org/>.

5 Quality of DSO Services

Chapter summary

The quality of distribution services offered by DSOs is an important element of the consumer experience in energy markets. However, as this section shows, such quality could be improved in some MSs, e.g. regarding the time to connect a consumer to the grid and activate the energy supply. Further monitoring is also required from a significant number of NRAs in this area as to obtain a full picture of the functioning of these services.

- 101 MSs are required to take appropriate measures to protect final consumers in order to ensure they have a contract with their electricity or gas service provider that specifies the services provided and the service quality levels offered, as well as the time needed for the initial connection. NRAs have the duty to monitor the time taken by transmission and distribution system operators to make connections and repairs⁵¹. While these requirements concern the regulated part of energy markets, their functioning is essential for retail markets as a whole. Therefore, it is important to monitor these key services and their timely provision by DSOs to provide a full picture of market functioning from a consumer perspective.
- 102 This section presents the results of monitoring the quality of four key DSO services which have mainly to do with connection. This key distribution activity is strictly related to the regulation of a monopoly activity, although in a few countries it can be performed by independent companies:
- time to provide a price offer for a grid connection;
 - time to connect to the network and activate the energy supply to a consumer;
 - time to disconnect the energy supply following a consumer request; and
 - the maximum duration of a planned supply interruption.
- 103 From a regulatory point of view, most countries (18 for electricity and 12 for gas) have a legal standard period to provide a price offer for a grid connection, and around half of the countries have a legal standard for the time to connect to the network and activate the energy supply to a consumer (15 for electricity and 9 for gas). The average for these standards is between 3 and 4 weeks, but is as low as a week in Great Britain and Spain. A legal standard is much less common in the case of disconnections following a consumer request and for a maximum duration of a planned supply interruption.
- 104 Table 2 compares the legal standards with the actual situation; the CEER recommendations for the different standards are also included in Table 2. It is important to mention that the results, especially any statistical median, must be interpreted with caution, since some elements are measured in different ways and the number of countries monitoring these indicators is rather limited. However, in most cases, DSO practice tends to underperform the CEER recommendations on the respective services. Data for each jurisdiction are presented in Annex Table A7 and Annex Table A8.

51 Directive 2009/72/EC Article 37.1.m and Directive 2009/73/EC Article 41.m.

Table 2 Indicators of DSO service quality, legal and practical – 2015

Indicator	CEER Recommendation	Electricity (median value)		Gas (median value)	
		Legal	Practice	Legal	Practice
Number of days to provide a price offer for a grid connection	1 week (2 weeks for complex connections)	15 days	12 days	17 days	9 days
Number of days to connect to the network and activate energy supply to a consumer (in the case of minor works)	2 working days (unless a longer period is requested by the consumer)	15 days	8 days	28 days	25 days
Number of days to disconnect the energy following a consumer request	1 working day (unless a longer period is requested by the consumer)	5 days	4 days	6 days	5 days
Duration of a planned supply interruption	6 hours for electricity and 12 hours for gas	10 hours	18 hours	8 hours	24 hours

Source: CEER Database, National Indicators (2015).

Note: Several indicators include data from an incomplete number of countries. In addition, legal and practical data come from different jurisdictions.

6 Annex

Consumer Protection

Table A-1 Legal framework concerning the duration of disconnecting a final household consumer (examples) – 2015

Jurisdiction	Legal framework on the duration of disconnections
Belgium	Electricity and gas: Wallonia (only in the case of refusal of a prepayment meter): between 35 and 65 working days from the due date of the bill (from the refusal of a prepayment meter onwards, disconnection can be immediate). Flanders: The whole procedure described in the legislation takes at least 200 calendar days (~ 143 working days) before a household can be disconnected due to non-payment. After the expiry date of the bill, the supplier has to send a letter giving 15 days' notice, a second letter giving 15 days' notice again. Thereafter the supplier may terminate the contract after 60 days, so the client can try to find a new supplier. Ninety days have passed by this that time. If the consumer does not find a supplier, the grid operator takes over the supply. If the consumer also does not settle the bill, the grid operator also sends him 2 letters. If he does not respond, he receives a prepayment meter. If he refuses a prepayment meter, the grid operator can ask the local advisory committee of the consumer's home town if the person may be disconnected.
Czech Republic	Electricity and gas: There is a long-term non-payment period. The supplier may disconnect the consumer from the grid when the consumer has not paid two electricity bills; but before this, the supplier must inform consumer about non-payment.
Denmark	Electricity and gas: Without undue delay
Finland	Electricity and gas: The supply can be interrupted if the consumer, despite notifications, has defaulted on the payments to be made to the retailer or to the distribution system operator, or has otherwise materially breached the obligations based on the contract. However, according to paragraph 103 of the Electricity Market Act and paragraph 5 of chapter 4 of the Natural Gas Market Act, if the consumer is in a vulnerable situation, disconnection from the grid may happen no earlier than 2 months (~40 working days) from the due date of the payment. During the winter season (OCT-APR), disconnection may be no earlier than 4 months (~80 working days) from the due date of payment for buildings (or part of them) which are used as a permanent residence and the heating of which is dependent on electricity or gas.
Poland	Electricity and gas: According to the law, the DSO is allowed to disconnect/ suspend the supply if the consumer delays payment by at least a month after the due date of payment. The DSO or supplier (in the case of a contract that contains supply and distribution terms and conditions) is obliged to send written notification of the intention to disconnect if the consumer does not settle the outstanding and current liabilities within 14 days.

Source: CEER Database, National Indicators (2016).

Table A-2 Specific prohibitions of disconnection due to particular circumstances (examples) – 2015

Jurisdiction	Prohibitions of disconnection
Estonia	Electricity only: Where the failure of a consumer who is a natural person to pay an amount payable for the network service or universal service provided to him or her is due to his or her temporary insolvency, which was caused by his or her serious illness or loss of employment, the consumer may notify the network operator of such circumstances in writing. The corresponding notice must include evidence certifying the circumstances.
Finland	If the consumer is in a vulnerable situation because of serious illness, unemployment or other special cause, principally through no fault of their own, disconnection from the grid may happen no earlier than 2 months from the due date of payment.
Germany	Disconnections are not permitted if the consequences of the disconnection are disproportionate to the severity of the violation of the terms and conditions for default supply, or the consumer explains that there is a sufficient chance that he/she will fulfil his/her payment obligations. Furthermore, disconnections are allowed only if the consumer is in arrears with payments of at least 100 euros.
Ireland	Consumers registered as critically dependent on electricity may not be disconnected for non-payment of account. Consumers registered as particularly vulnerable to disconnection during winter months may not be disconnected for non-payment of account in winter months (1st November-31st March), and suppliers must ensure that vulnerable consumers are on the most economic tariff available.
Sweden	When there is a risk that disconnection could lead to personal injury that is not insignificant or to substantial property damage, and also in situations when the bill is disputed.
Netherlands	The legislation states that a household consumer for whom ending transport or the supply of electricity or gas would result in very serious health risks for the domestic consumer or a member of the same household of the household consumer is not permitted unless a case of fraud has been proved.

Source: CEER Database, National Indicators (2016).

Table A-3 Explicit definitions of the concept of vulnerable consumers – 2015

Jurisdiction	Explicit definitions
Belgium	Electricity and gas: federal/national definition of vulnerable consumer = those who benefit from “social tariff”
Bulgaria	Electricity and gas: According to § 1, 66c Energy Act “Vulnerable consumers – household consumers receive allowances for electricity, heating or natural gas under social assistance and regulation for its implementation”
Cyprus	Electricity: Energy poverty is related to the condition of consumers who may be in a difficult position because of low income, as evidenced by tax declarations in conjunction with their professional status, marital status and special health needs.
Estonia	Gas: an unprotected consumer is a household consumer who has been granted a subsistence benefit in accordance with section 22(1) of the Social Welfare Act
Finland	Electricity and gas: Defined with respect to the disconnection of electricity or gas supply (Electricity Market Act § 103, Natural Gas Market Act chapter 4 § 5): If the default on payment is caused by the end user’s financial difficulties due to serious illness, unemployment or some other special cause, principally through no fault of his own, the supply of energy may be cut at the earliest two months after the due date of the payment.
France	Electricity and gas: Any person or family experiencing particular difficulties, especially in view of heritage, insufficient resources or living conditions, has the right to support from the community to dispose of water, energy and telephone services supply in its housing.
Great Britain	Electricity and gas: Consumers who are significantly less able than a typical consumer to protect or represent their interests in the energy market; who are significantly more likely than a typical consumer to suffer detriment, or for whom detriment is likely to be more substantial. In performing our duties, we must take into account the needs of the following particular groups of consumers: of pensionable age that have a disability that are chronically sick on low incomes, or living in rural areas.
Greece	Electricity and gas: 1. (a) Low-income households suffering from energy poverty. 2. (b) Consumers who themselves, or their spouses or persons who live together, rely heavily on continuous and uninterrupted power supply due to mechanical life support 3. (c) Elderly who are over seventy (70) years old, provided they do not live with another person who is younger than the above-mentioned age limit. 4. (d) Consumers with serious health problems, especially those with severe physical or mental disability with intellectual disabilities, severe audio-visual or mobility problems, or with multiple disabilities or chronic illness who cannot manage their contractual relationship with their supplier. 5. (e) Consumers in remote areas, especially those living at Non Interconnected Islands.
Hungary	Electricity and gas: Vulnerable consumers shall mean those household consumers who require special attention due to their social disposition defined in legal regulations, or for some other particular reason in terms of supplying them with electricity.
Ireland	Electricity and gas: Vulnerable consumer means a household consumer who is (a) critically dependent on electrically powered equipment, which shall include but is not limited to, life protecting devices, assistive technologies to support independent living and medical equipment, or (b) particularly vulnerable to disconnection during winter months for reasons of advanced age or physical, sensory, intellectual or mental health.
Italy	Electricity and gas: There are two definitions of vulnerability, depending on economic and/or health conditions. Economic: in this case, vulnerability is measured by a specific indicator, ISEE (equivalent economic status indicator). It states the general economic conditions of a family, taking into account family income, assets, the number and type of families. Health: consumers that require electricity-powered life-support equipment with severe health problems and disease (with a medical certificate) are considered vulnerable without limitation based on income.
Latvia	Electricity: In the Electricity Market Law, there is a definition of vulnerable consumer: poor or low-income family (person), family with 3 or more children or a family (person) who care for a child with a disability, a person with a disability I group, who use electricity for their own household’s needs (final consumption)
Lithuania	Electricity: Vulnerable consumers are the households, who or persons living in their objects receive the monetary social support defined by the national laws (Information System of the Social Support for the Family). Gas: Vulnerable consumers – household consumers as well as non-household consumers, who consume less than 20,000 cubic meters of gas per year
Poland	Electricity and gas: According to the Polish Energy Law Act, a vulnerable consumer is recognised as a “person (to whom) a housing allowance is granted within the meaning of Art. 2. 1 of the Act of 21 June 2001 of Housing Allowances (Journal of Laws of 2013, item 966), who is a party to a comprehensive agreement or contract of sale for electricity and resides at the place of energy supply.”
Portugal	Electricity: Economically vulnerable consumers are those individuals who are in a socio-economic situation of low income and have the right to access to essential service of energy supply: 1) under social security programmes: solidarity supplement for the elderly; social inclusion income; social unemployment subsidy; child benefit; social pension due to disabilities, beneficiaries of social pension for elderly 2) with low income: the minimum threshold is set every year by the government. The consumer has to be the electricity supply contract holder; electricity consumption is exclusively for domestic use in permanent housing; supply is low voltage with a contracted power of up to 6.9 kVA. Each economically vulnerable end customer may benefit from the social tariff at only one consumption point. Gas: Economically vulnerable consumers are those individuals who are in a socio-economic situation of low income and have the right to access the essential service of energy supply. For this purpose, economically vulnerable consumers are those in social security programmes: solidarity supplement for the elderly; social inclusion income; social unemployment subsidy; child benefit and social pension due to disabilities. The consumer has to be the natural gas supply contract holder; consumption is exclusively for domestic use in permanent housing; supply is at low pressure and up to 500 m3 of consumption per year. Each economically vulnerable end consumer can benefit from the social tariff at only one consumption point.
Romania	Electricity and gas: The final consumer belonging to a category of residential consumers, which, due to age, health or low incomes, are at risk of social marginalisation and, in order to prevent this, risk benefit of social protection measures, financial measures included. Social protection measures and the selection criteria are established by normative acts.
Slovenia	Electricity: A vulnerable consumer is a household consumer who, due to financial circumstances, income and other social circumstances and living conditions, is unable to obtain an alternative source of energy for household use that would incur the same or smaller costs for essential household use.
Spain	Electricity: Main residences with a supply of < 3kW. Elderly, permanent disability and widow’s with minimum social security pension. Large families. Families in which all members of working age are unemployed.
Sweden	Electricity and gas: Vulnerable consumers are defined as persons permanently unable to pay for the electricity or natural gas that is transferred or delivered to them for purposes which are outside business activities. This consumer group is protected by the social welfare system.
Netherlands	Electricity and gas: A consumer for whom discontinuation of transport or supply of electricity or gas would result in severe health risks to the consumer or household members of the aforementioned consumer.

Source: CEER Database, National Indicators (2015–2016).

Table A-4 Groups and categories of consumers who benefit from (additional) protection mechanisms in national energy markets – 2015

MS	Low-income consumers (national thresholds)	Unemployed	Households with children below a certain age	Single parents	Chronically ill, permanently sick and/or disabled people	Elderly (including persons in a pensionable age or older)	Final household consumers with low income and 1 additional criterion as mentioned	Final household consumers with low income and 2 or more additional criteria as mentioned;	Other
AT	EG	EG	EG	EG	EG	EG	EG	EG	
BE	EG				EG		EG		EG: Wallonian consumers further benefit from financial educative guidance by the Public Center for Social Welfare or from mediation services
BG	EG								
CY	E	E		E	E	E			
CZ	EG								
EE	EG								
FI	EG	EG			EG				EG: Persons in special circumstances (not specified) that the person has not caused by his/her own actions
FR	EG								
GB	EG				EG	EG			EG: Living in rural areas
GR	E	E			EG	EG	E		
HU	EG				EG				
IE					EG	EG			
IT	EG				E		EG		
LV	E				E				
LT	E								G: all households
LU									EG: People in need
MT	E	E			E	E	E		
NO									EG
PL	EG								
PT	EG	EG	EG		EG	EG			
RO	EG				E	E	EG		
SI	EG	E			EG				
ES									EG: Vulnerable consumers
SE									EG: Vulnerable consumers
NL									EG
Number of jurisdictions	19	7	3	2	14	8	6	1	7

Source: CEER Database, National Indicators (2016).

Notes: E=Electricity; G=Gas.

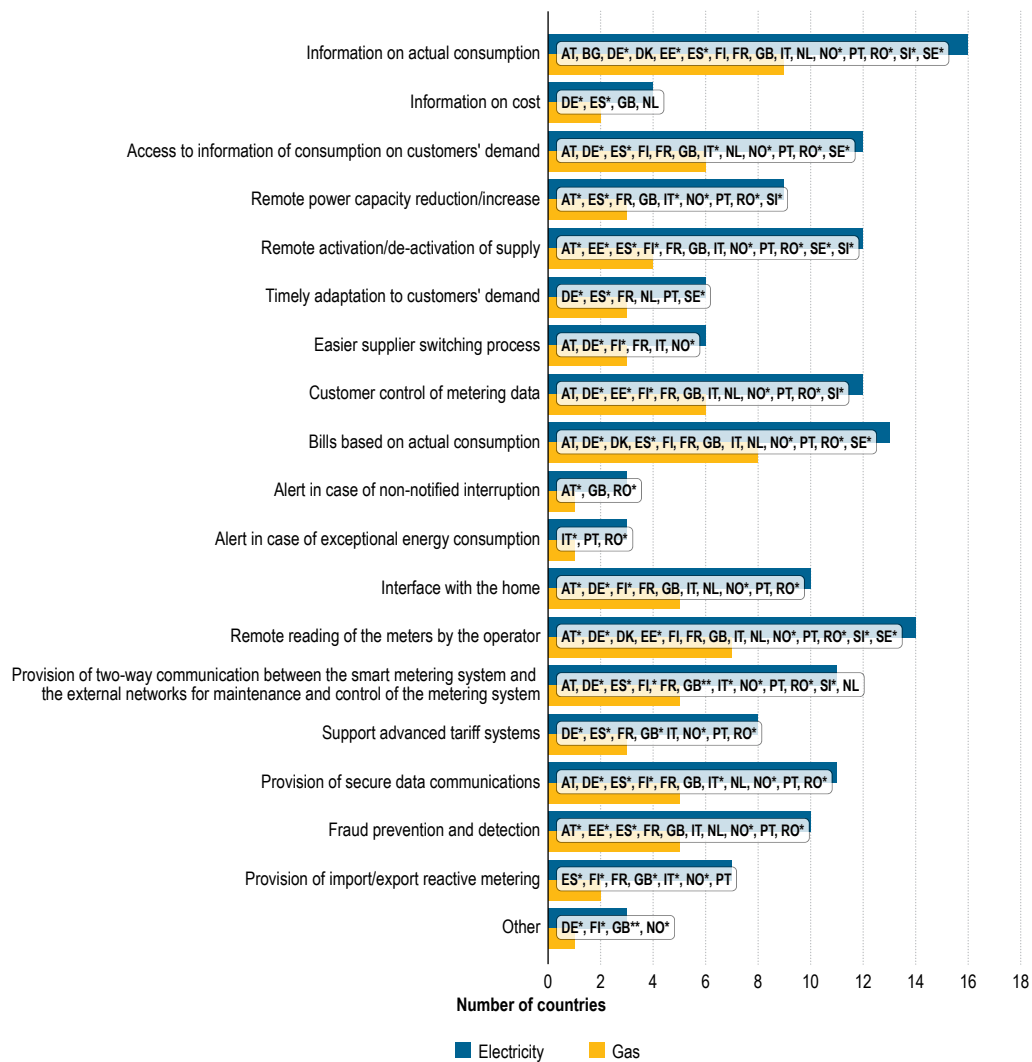
Table A-5 Measures to protect vulnerable consumers in the EU – 2015

Protection	Jurisdictions	
	Electricity	Gas
Restrictions on disconnection due to non-payment	AT, BE, BG, CY, FI, FR, GB, GR, HU, IE, IT, LT, LU, NL, RO, SI, SE	AT, BE, BG, FI, FR, GB, GR, IE, IT, LU, NL, SI, SE
Special energy prices for vulnerable consumers (social tariffs)	BE, CY, ES, FR, GB, GR, LV, PT, RO	BE, FR, GB, PT
Free basic supply with energy	-	-
Exemption from some components of final consumer energy costs (e.g. energy price, network tariffs, taxes, levies)	AT, FR, GR, IT, PT	FR, IT, PT
Additional social benefits to cover (unpaid) energy expenses (non-earmarked financial means)	AT, CY, FI, GR, HR, HU, NO, SE	AT, FI, HU
Earmarked social benefits to cover (unpaid) energy expenses	AT, EE, IE, MT, NO, PL	AT, EE, IE, PL, RO
Free energy saving advice to vulnerable consumers;	AT, BE, CY, FR, GB	AT, BE, GB
Replacement of inefficient basic appliances at no cost to vulnerable households	CY, FR, HU	
Financial grants to replace inefficient appliances	AT, BE, FR	AT, BE
Right to deferred payment	HU, LT	
Other	AT, BE, CZ, GB, IT, LT	AT, BE, CZ, GB

Source: CEER Database, National Indicators (2016).

Consumer Empowerment

Figure A-1 Functionality requirements of smart meters across Europe – 2015 (number of countries)



Source: CEER Database, National Indicators (2016)

Consumer Complaints

Table A-6 Available number of final household consumer's complaints per 100,000 inhabitants (electricity and gas) received by NRAs – 2015

	Suppliers (as reported to NRA)	DSOs (as reported to NRA)	ADR (as reported to NRA)	Directly addressed to NRA
AT			26.75	26.75
BE		198.73	37.30	
BG	1.03	19.16		0.22
HR				1.31
CY	41.49	7.43	1.89	3.18
CZ				34.30
DK				0.35
EE			0.08	0.84
FI				0.64
FR		31.14	15.90	0.00
DE			5.93	12.62
GB	7959.06		76.16	
GR	1414.74	376.11	2.33	1.58
HU	692.13	371.24		13.75
IE				7.15
IT	553.78	27.00		40.28
LV		417.28		3.66
LT	0.17	15.68		2.87
LU			3.99	
MT		5114.84		3.22
NO		28.31	6.16	0.63
PL	648.24	211.37	0.29	11.51
PT	3350.92	493.15		239.20
RO	618.05	388.65	0.01	15.17
SK	635.87	292.95	9.44	9.44
SI	603.48	109.05	0.82	0.97
ES	2451.71	1172.19	9.34	38.24
SE			8.22	6.12
NL			6.35	26.67
	*RO, PT - all consumers	*LV, RO, PT, SI - all consumers		*AT - ADR=NRA ** LV - all consumers *** LV - all consumers

Source: CEER Database, National indicators (2016), Eurostat (1 January, 2016)

Quality of DSO services

Table A-7 Legal perspective on DSO service quality – 2015

Indicator Countries	Legal maximum number of days to provide a price offer for a grid connection		Legal maximum number of days to connect to the network and activate energy supply to a consumer (in the case of minor works)		Legal maximum number of days to disconnect the energy supply following a consumer request		Legal maximum duration of a planned supply interruption	
	Electricity Days	Gas Days	Electricity Days	Gas Days	Electricity Days	Gas Days	Electricity Hours	Gas Hours
AT	14	14	2	5				
BE	10*	10*			2*	2*		
BG				60	7	7		24
HR								
CY	20				7		1	
CZ	10		10		10		10	
DK								
EE	30	30			8			
FI								
FR	90	90	5	5	5	5	10	
DE								
GB	5	5	7	7			12	12
GR	15	9	15	80	3		12	
HU	30	30	8	8				
IE	7-15		5		5			
IT	15	15	10	10	5	5	8	
LV	20		15		5			
LT	15	21	25	28				
LU	10		30					
MT								
NO								
PL								
PTL	15**	15**	2**				8	8
RO	30	30	90				8	
SK			5	35	14		15	
SI	20		10					
ES	5	6	30	6	5			
SE***								
NL								
Average	20,3	20,4	17,6	23,2	5,4	4,8	8,6	14,7
Medium value	15	17	15	28	5	6	10	8

Source: CEER Database, National Indicators (2016).

*Belgium: data are from Flanders; ** Portugal: indicative; ***Sweden: Within reasonable time.

Table A-8 Practical perspective on DSO service quality – 2015

Indicator Countries	Number of days to provide a price offer for a grid connection		Number of days to connect to the network and activate energy supply to a consumer (in the case of minor works)		Maximum number of days to disconnect the energy supply following a consumer request		Maximum duration of a planned supply interruption	
	Electricity Days	Gas Days	Electricity Days	Gas Days	Electricity Days	Gas Days	Electricity Hours	Gas Hours
AT	14	2.9	21					57
BE								
BG				60		10		24
HR								
CY	20		20		7			
CZ								
DK	7	7						
EE								
FI								
FR	43.7		75.1					
DE								
GB								
GR	15		5		5			
HU								
IE								
IT	11	5.76	8	5.78	1	2.67	8	
LV						3		1
LT	10	30	25		21	10		
LU								
MT								
NO								
PL	15	9	8.6	157	6.26		24.93	
PT			3.65					
RO	24.46		119					6
SK			1.5	25	3	2	12	
SI	3.56		3.09					
ES	4.33	10	4.15	7	2.65	7	79	24
SE								
NL	10	10						
Average	15	11	24	51	6	5	31	22
Medium value	12	9	8	25	4	3	18	24
CEER Rec.	5/10	5/10	2	2	1	1	6	12

Source: CEER Database, National Indicators (2016).

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