



Empowering Mediterranean regulators for a common energy future.

Working Group on Consumers Issues (CUS WG)

Complaint handling & dispute settlement procedures available to household customers



STATUS REVIEW

REF: MED18-26GA - 4.2.1

FINAL VERSION



MEDREG is co-funded by the European Union

About MEDREG

MEDREG is the Association of Mediterranean Energy Regulators, bringing together 25 regulators from 21 countries, spanning the European Union, the Balkans and North Africa.

Mediterranean regulators work together to promote greater harmonization of the regional energy markets and legislations, seeking progressive market integration in the Euro-Mediterranean basin.

Through constant cooperation and information exchange among members, MEDREG aims at fostering consumers' rights, energy efficiency, infrastructure investment and development, based on secure, safe, cost-effective and environmentally sustainable energy systems.

MEDREG acts as a platform providing information exchange and assistance to its members as well as capacity development activities through webinars, training sessions and workshops.

The MEDREG Secretariat is located in Milan, Italy. MEDREG is co-funded by the European Union.

For more information, visit www.medreg-regulators.org

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

MEDREG Secretariat

Telephone: +39 02 65565 524

E-mail: vlenzi@medreg-regulators.org

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of MEDREG and do not necessarily reflect the views of the European Union.

About ECRB

The Energy Community Regulatory Board (ECRB) operates based on the Treaty establishing the Energy Community.

ECRB is the independent regional body of energy regulators in the Energy Community and beyond. It brings together the regulatory authorities of the nine Energy Community Contracting Parties and Observer Countries and regulatory EU partners. ECRB is chaired by a President and the European Commission, acting as Vice-Presidency supported by the Agency for the Cooperation of Energy Regulators.

ECRB's mission builds on three pillars: providing coordinated regulatory positions to energy policy debates, harmonizing regulatory rules across borders and sharing regulatory knowledge and experience. ECRB promotes the development of a competitive, efficient and sustainable regional energy market that works in public interest by building a bridge between the technical needs of the regulated industry and the interest of customers. As an institution of the Energy Community¹ ECRB advises the Energy Community Ministerial Council and Permanent High Level Group on details of statutory, technical and regulatory rules, makes recommendations in the case of cross-border disputes between regulators and issues Opinions on preliminary certification decisions and adoption of Network Codes. Beyond that, ECRB understands its mission as responsibility to provide coordinated regulatory input to questions of strategic regional energy market development. ECRB activities cover gas, electricity and customer protection.

ECRB wishes to thank in particular the members of the ECRB Customers and Retail Markets Working Group for their work in preparing this report.

For more information, visit www.energy-community.org.

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

Energy Community Secretariat

Telephone: +43 1 5352222 27

E-mail: nina.grall@energy-community.org

¹ www.energy-community.org.

Acknowledgements

This report is the result of a work carried out by the MEDREG CUS WG and Customers and ECRB Customers Retail Markets WG in the period March – December 2018.

Main drafters: MEDREG CUS WG and ECRB Customers Retail Markets WG

Executive summary

This report has in its focus the complaint handling and disputes settlement procedures available to household customers in the energy market, from the perspective of consumers' rights in the market but also taking into account the specificities of energy market. The availability to household customers of effective means to address their complaints and to have access to efficient, effective and inexpensive means of dispute resolution is a vital and incontrovertible characteristic of a functioning energy market. Such access also boosts their confidence in customer's scope for exercising their legitimate rights.

On the contrary, the absence of such mechanisms together, with a lack of customer awareness of their rights, would be worrying indicators of an ineffective and uneven balance between the rights and obligations of customers and of their service providers.

Household customers are likely to be disadvantaged towards the supply companies they encounter, due to inequality in means available, economic situation. Therefore, the role of public institutions to ensure safe and fair position of the customers is of vital importance. This document focuses on the role of the NRA in this respect, but also provides information on other administrative and judicial institutions complementing the role of NRA in protecting customers' rights.

The document aims to contribute to strengthen and ameliorate the impact of complaints handling and dispute resolution functions in general, and especially, when these are within the regulatory authority's responsibility. The document also gives light on the current processes used when such functions are carried out by entities, which are autonomous from the regulator, such as specialized alternative dispute resolution bodies. In any case, the bodies charged with the responsibility of handling out of court or other comparable alternative dispute resolution mechanisms should guarantee the impartiality and objectivity, by means of their granted legal mandate and their functioning in practice.

The importance of effective and affordable means available to customers and the need for awareness and transparency of procedures have been highlighted in this document as an attempt to introduce some minimum criteria to be met in guaranteeing access of customers to justice. This is particular important considering that most household customers are less experienced in legal matters compared to the supplier in front of them, are financially weaker and sometimes the value at stake doesn't economically justify the costs of a complaint process. Therefore, the out of court procedures should be designed in a way that facilitates customers' access to justice and encourages them to duly exercise their rights.

The content of the document is as follows:

- Brief introduction giving a background as to the development and contents of this document;
- Separate chapters each collating the information emerging from the questionnaire;
- A conclusion summarizing and commenting the salient findings of the questionnaire as collated in this status review.

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1. Introduction

Efficient consumer protection is one of the principle objectives enunciated in the approved MEDREG Strategy 2020-2030 (ref: Med14-24SC-3.1).

Consumer protection is perceived as a central responsibility of regulators. This includes complaint handling and dispute settlement instruments that allow customers to defend their interests and rights in the electricity market. The MEDREG Consumer Issues Working Group in accordance with the MEDREG Action Plan for the period 2018-2019² is committed to join efforts with ECRB and to introduce a comprehensive platform on complaint handling and dispute settlement mechanisms aiming improvement of the position of household customers in the energy market.

The ECRB Work Program 2018 foresees the Customers and Retail Markets Working Group, through the activities of a Task Force on Complaint handling, dispute settlement and customer awareness (TF3) to prepare a joint ECRB-MEDREG Status review on complaint handling and dispute settlement.³

The MEDREG Consumer Issues Working Group and the ECRB Customers and Retail Markets Working Group have already:

1. Carried out a survey on complaint handling and dispute settlement processes in the Energy Community and the MEDREG countries;
2. Evaluated the results of the survey and prepared a status review on complaint handling and dispute settlement practices applied in the Energy Community and MEDREG countries.

The focus of the survey and of this report is on complaints and disputes regarding household customers/consumers. For the purpose of this joint deliverable of ECRB and MEDREG countries, complaints are considered any out-of-court procedure involving the handling of concerns raised by household customers to the competent body(-ies), such as the energy regulator, the system operator or the Energy Ombudsman. On the other hand, dispute settlement is considered a formal procedure meaning that such procedure leads to a final administrative decision, which is binding to the parties involved. However, attendance of the case to court is always an option for each of the parties, as access to the courts is a fundamental right that has no exceptions.

The questionnaire and this status review, have also collected information regarding customers' awareness of their rights and obligations vis-à-vis their service provider.

² MEDREG CUS WG Work Program available at <http://www.medreg-regulators.org/Activities/Consumers.aspx>

³ ECRB Work Program 2018 available at <https://www.energy-community.org/dam/jcr:85a2a302-6cbe-47b0-bb04-772914026ac4/ECRB%20WP2018.pdf>

2. Regulatory Aspects

2.1 Competency of the national regulatory authority for resolving disputes by means of dispute settlement or complaint handling procedures in the case of household customers in the energy market

It is very important that an easy identified body is responsible for handling household customers' complaints and dispute settlement, which is usually a third party, proposing or imposing a solution.

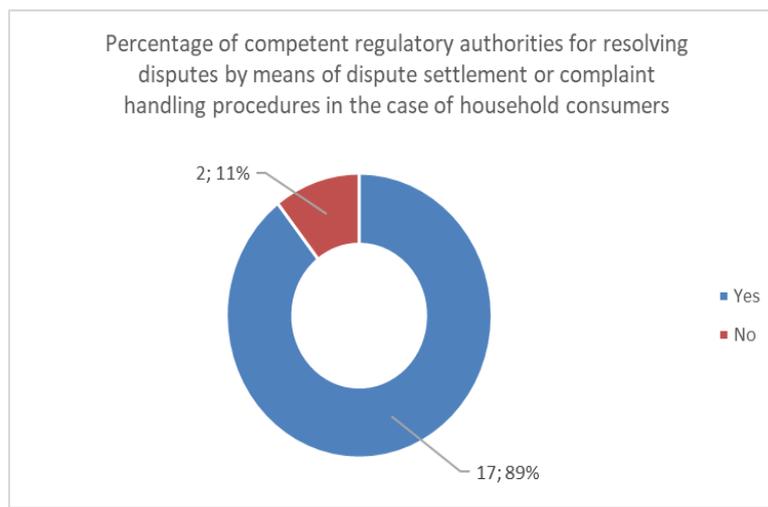


Figure 1. Percentage of competent regulatory authorities for resolving disputes by means of dispute settlement or complaint handling procedures in the case of household consumers.

The majority of MEDREG respondents (80%) responded positive to the question whether the national regulatory authority was charged with the responsibility to deal with and resolve the household customers' complaints. In the case of Greece, the regulatory authority for energy (RAE) investigates the consumer complaints only related to "regulative supervision issues". Likewise, Spanish regulatory authority (CNMC) does not hold any competence with regard to disputes emanating from or initiated by an individual consumer even though has competence over disputes taking place between energy market agents (ex. suppliers against TSOs or DSOs). As a result, out of ten respondent countries, in eight countries, the national regulatory authorities are competent to deal with and resolve the disputes raised by or affecting the household consumers, in one country the national regulatory authority is partially competent, and in another one such authority is not competent.

All regulatory authorities in the countries of the Energy Community Contracting Parties (EnC CPs) have competences to resolve household customers' disputes or complaints. These competences are clearly defined in their primary legislation related to energy and/or consumer protection. However, in only three EnC CPs – Bosnia & Herzegovina, FYR of Macedonia and Kosovo, definitions of "dispute resolution" and/or "complaint handling" are included in the relevant laws.

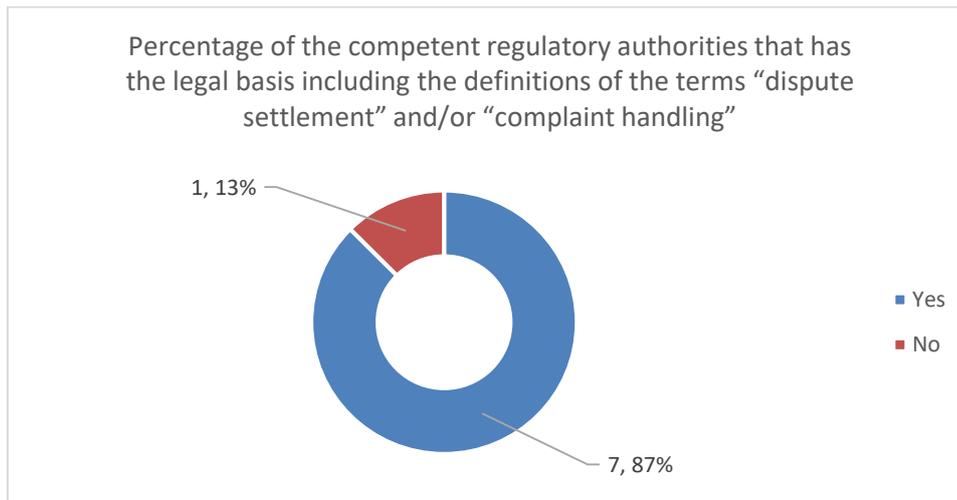


Figure 2. Percentage of the competent regulatory authorities that has the legal basis including the definitions of the terms “dispute settlement” and/or “complaint handling”.

From the answers provided by eight respondent countries, two respondents (Italy, Jordan) have a legal basis for complaint handling and for dispute resolution proceedings, while also having legal definitions for the terms “dispute settlement” and/or “complaint handling”.

In the case of ARERA (Italy), ARERA Resolution 209/2016/E/com of the May 5, 2016 defines the rules for the carrying out of the ADR procedures in the regulated sectors, covering the Conciliation Service and all the conciliation bodies included in the ADR register. ARERA can resolve to some extent the complaints/disputes arisen by household customers by verifying the ground of the consumers' claims and, as the case may be asking the supplier to resolve the problem. The regulatory authority does not pursue further i.e. if the supplier pays an automatic compensation to the customer within the maximum deadline. The relevant procedures, so-called Smart Help Services, are operated, on behalf of ARERA, by the Single Contact Point for Consumers. Complaints handling is the exclusive responsibility of suppliers, and implies the communication of a written, motivated and documented reply to a customer's written complaint. A "written complaint" is defined by the regulation set by ARERA as any written communication sent to the service provider (supplier, or DSO where applicable), also by electronic means of communications. Through this written complaint the household customer, or his/her legal representative or a consumers' organization, expresses complaints about the non-compliance of the service with one or more requirements defined by laws or regulatory provisions, by the supply contract, or by any other act governing the relationship between the supplier and the customer.

In the case of four respondent countries (**Algeria, Egypt, Malta, Portugal**) there is a legal basis, even though within such legal basis no definitions have been provided for the terms “dispute settlement” and/or “complaint handling”. Two member countries (**Palestine, Turkey**) did not provide an answer, in this respect. Two other member countries (**Greece, Spain**), these were not considered for this question, since their regulatory authorities are not competent for resolving such disputes.

2.2 Schematic descriptions of the dispute settlement and/or complaint handling procedure(s)

A clear and user-friendly information available as well as the transparency of the procedures and the activity of the authorities responsible for handling the complaints and resolving the disputes are key for the effectiveness of the out of court procedures and guarantee of consumer's access to justice. It is equally important to ensure that the household customer is given access to procedures without having the need for a specialized legal advice and/or legal representative, that the complaint procedures are free of charge or at least with affordable fees and the duration of the procedures until a final administrative decision will be taken do not take long.

Six out of eight MEDREG respondent countries (**Algeria, Egypt, Italy, Jordan, Malta, Portugal, and Turkey**) have clear procedures in place. **Palestine** did not provide a reply. **Greece** and **Spain** have not considered in this analysis, since they are not competent for resolving disputes.

In the countries of **EnC CPs**, the procedure for resolving the complaints and appeals is essentially the same; the complaint shall be submitted to the regulator, which afterwards requests the opinion of the first instance body (the supplier). The deadline for the decision on complaints is from 30 days (**Moldova**) to 60 days (**Bosnia & Herzegovina, Georgia, Kosovo, FYR of Macedonia and Serbia**), and all of them have made reference to the given possibility to extend this deadline for additional 30 or 60 days, for research and evidence collection. Therefore, the procedure until a decision will be taken may last up to maximum 120 days. As in case of **Bosnia & Herzegovina** and **Albania**. In **Serbia**, even though there is no legal provision on possibility of extension of the given deadline, in practice the deadline may be extended due the lack of information in the process of collection of evidences and documentation. More details on the procedures set in different countries, is provided by the NRAs as below.

In **Albania**, according to the Law on Power Sector, ERE has the authority for dispute resolution in accordance with the regulation on dispute resolution and complaints handling. Any concerned party having a complaint against the transmission or distribution system operator and any licensee regarding the implementation of their obligations under the definitions of this law or other bylaws on electricity sector, may refer those complaints for settlement to ERE. ERE decides on the dispute within 30 days from the registration date of the complaint. Such term can be extended for additional 30 days, in case ERE needs addition information on the case. ERE may decide not to accept the complaint in case of non- competence, in accordance with the law in force. In line with the applicable Law on Gas Sector, ERE is obliged to determine the procedure for complaint handling.

In the case of **Algeria** (CREG), the procedure is carried out as follows:

The complainant must first contact his distributor to inform him of his dissatisfaction by respecting the following three levels of recourse: first level as the Commercial Agency, second level as the Distribution Department, and third level as the General Management of the Distribution Company concerned. If the complainant is dissatisfied with the treatment of his request or if he has not received a response from the distribution company after a maximum period of three (3) months, he may introduce an appeal to CREG along with the necessary supporting documents.

CREG begins by collecting the necessary information on the request, in order to analyze it and to decide on admissibility of the case and its competence to treat it. According to CREG, the inadmissible cases are as follows: the complainant did not use all internal distributor remedies, the appeal file is incomplete and/or the dispute is being reviewed by a competent court or decided by the latter. In all cases, CREG has a maximum of three (03) working days to come back to the complainant and inform him of the consequences of his appeal in the form of an acknowledgment of receipt. In any case, the CREG may, if it is necessary, bring together the parties concerned to try to reach an amicable solution. In the event that one of the two parties is not satisfied with the CREG'S position in relation to the appeal submitted to it, it will always be able to bring the dispute before the competent courts.

In **Bosnia & Herzegovina**, there are two authorities (FERK, RERS) with different procedures in place:

1. FERK⁴:

- DSP: According to the FERK's Rule Book about Public Hearings and Settlement of Requests, Disputes and Complaints, FERK is settling disputes at the request of the party regarding the right for the electricity supply, the obligation of electricity supply, tariffs/prices which the electricity is supplied at, delay or refusal to supply electricity and quality of the electricity supply. It is a form of mediation procedure. Indemnification of possible damage shall not be considered.
- CCHP: According to the Law on Electricity in Federation of Bosnia & Herzegovina, FERK is authorized to resolve the complaint to the decision of DSO in the second-instance about refusal to access to the distribution network to the third party and conditions of access to the distribution network.
- Difference between both procedures: In dispute settlement procedure, FERK has a role of body, which originates parties to achieve a compromise, in contrary FERK recommends them to start court procedure. In customer complaint handling procedure, FERK resolves by final act as second-instance body.

2. RERS⁵:

- DSP: RERS is in charge, at the request of the party, to settle the disputes at the electric power market regarding: (a) the right for the electricity supply, (b) the right of access to the distribution network, (c) obligation of delivery of electricity, (d) tariffs which the electricity is delivered at, (e) interruptions in the electricity supply, (f) refusal to deliver the electricity, (g) quality of the electricity supply.
- CCHP: Definition is prescribed by national legislation. The RERS is competent to solve the complaint to the decision of distributor in the second-instance about: (a) refusal of the access to the distribution network to the producer of electricity, i.e. eligible buyer; (b) conditions of access to the distribution network to the producer of electricity, i.e. eligible

⁴ Dispute Settlement Practice & Complaint Handling Procedures in ERRA Countries - Benchmark Analysis: https://erranet.org/wp-content/uploads/2016/03/BA_Dispute-Settlement-and-Complaint-Handling-Procedures_2016_FINAL_eng.pdf

⁵ Dispute Settlement Practice & Complaint Handling Procedures in ERRA Countries - Benchmark Analysis: https://erranet.org/wp-content/uploads/2016/03/BA_Dispute-Settlement-and-Complaint-Handling-Procedures_2016_FINAL_eng.pdf

buyer; (c) refusal of the request of the end buyer to get the electric power consent for connection to the distribution network.

- Difference between both procedures: RERS is competent to solve only the complaint to the decision of distributor in the second-instance. The Rulebook on public hearing and settlement of disputes and complaints made by the RERS prescribes the procedure related to settlement of disputes and complaints of the participants at the electricity market and procedure of settlement of complaints at the oil and oil derivatives' market pursuant to the provisions of energy related laws.

In **Italy**, the procedure can be followed to regulatory authority only after the customer has filed a complaint to the supplier first. If the latter has not been answered, within 50 days from sending the complaint, or if the response is unsatisfactory, the customer can follow these procedures:

- The customer activates the conciliation procedure by registering on the online platform of the Service, filling in the application form and attaching all required documents. Offline application is also possible for customers that are not represented by a delegate or a consumer organization. Suppliers are obliged to take part in the procedure.
- The conciliation process consists of virtual (online) meetings in presence of an impartial, third-party conciliator with specific expertise in mediation and energy matters.
- The first conciliation meeting must be held within 30 days from the submission of the application and all required documents.
- The procedure must be completed within a maximum of 90 days from the submission of the application; the deadline may be extended with a maximum of 30 days, upon request of the conciliator in case of complex disputes or upon joint and justified request by both parties.
- If the parties find a solution for the dispute, they sign a written and dated agreement that is deemed to be enforceable, or can be invoked before the competent court in case of non-satisfactory with its contents by the counterpart.
- In the event that no agreement is reached, the conciliator prepares a report stating that the conciliation attempt has failed. In these cases, the conciliation attempt, as a condition of eligibility for judicial action, is considered to be exhausted, and the customer may go to the court to resolve the dispute.

In the case of **Egypt** (EgyptERA), the complaint handling procedures develops in the following manner:

1. Regulator stamps the complaint with the entry protocol number.
2. Presented to the CEO of the regulator in order to send it to the consumer protection specialists and to other related divisions that the complaint may need a kind of technical or financial analysis.
3. Immediately the consumer protection division prepares two letters:
 - First letter: From the Regulator to the complaining person telling him/her the complaint number and that the Regulator is investigating it.

- Second letter: From the Regulator to the licensed company, informing the company with the result of the findings from the study and analyze of the working group.

If the complaint is received by phone, the agency representative takes a brief summary of the complaint including the following:

- The name, address, telephone number, and any other contact information of the complaint, if optional.
- The information on other party (the licensed company name).
- The main points of the complaint.
- Other procedures of the complaint entire flow inside the Regulator.

The Regulator must check whether the consumer has contacted the company first to resolve the issue. If the company did not respond or did not provide any resolution for the complaint, the consumer protection division sends three reminders within ten working days. Only after these procedural steps, EgyptERA takes its own decision and sends it to the company, to execute such decision. In case the company does not take the action to resolve the complaint as per the decision, EgyptERA represents the case to its board of directors.

Dispute settlement procedural rules in **Georgia** are defined by the GNERC Resolution No. 54 on Procedural Rules of Dispute Settlement, adopted on December 29, 2017. The Rules define two types of applications: **an administrative complaint** which can be a written request presented by the interested party to the Commission, requesting annulment, modification or replacement of the licensee's resolution through which the administrative sanction had been imposed as a result of alleged stealing of electricity or natural gas and an **application** in case of possible breach of rights, implementation of rights, or dispute resolution.

According to the procedural rules of dispute settlement, once an administrative complaint/application is submitted by the interested party to the Commission, it will be registered by the Chancellery Department on the same day, and transferred to the relevant structural unit no later than the following day. The relevant structural unit is responsible for investigating the issue and preparing all the relevant facts and information for the review by the Commission. The Commission reviews the complaint and adopts a decision after oral hearing. The decision should be taken within a month after receiving the application. If more than one month is required for determination of the substantial circumstances surrounding the administrative complaint, the term may be extended by another month or two months, in case of application.

Once the administrative complaint/application is received, the Commission forwards it to the relevant licensee/regulator company, requesting clarifications and a full set of documents regarding the issue in question. The Commission adopts the decision on the administrative complaint/application based on an oral hearing, investigation of the documents and other materials presented by the parties. Interested parties shall be notified about the hearing time, at least seven days ahead. The Commission is authorized to review the administrative complaint in case the party does not attend the hearing and the decision is adopted by majority votes of the Commissioners. Decision made by the Commission is legally binding and the Commission is authorized to request immediate enforcement of the

decision fully or partially. If the decision is not enforced as requested, procedures under the Law of Georgia on Enforcement Proceedings will apply.

In **Jordan**, after the complainant has contacted the regulator, the EMRC checks the information of complaint with the licensee in writing, after which the officer in charge of the regulator gives his opinion and all information of the complaint to his manager, who in turn give his opinion. Based on the above information, EMRC board gives a decision and informs the complainant.

In **Kosovo**, the following procedure applies: (i) the first instance of complain will be Supplier or DSO if the complaint has to do with network connection. After the customer or applicant' complaint is submitted to one of the mentioned licensees than they are obligated to issue the written decision. (ii) The second instance will be Regulator where customer can submit a complaint. Customer Care Office will review and issue a written decision. If customer or License is not pleased with CPD decision than they have a right to submit complain to ERO Board on CPD decision. There are also some complains that are reviewed by CPD but on this cases will not be taken decision by the department but instead will be issued written recommendation to the ERO board.

In **FYR of Macedonia**, a dispute settlement procedure starts with the request from the customer, which will be forwarded to the first instance organ, followed by organizing meeting after the response from the first instance organ arrives at ERC. After the meeting, ERC can either issue a binding decision, or continue the procedure to analyze and gather more evidence from other institutions, or conclude an amicable settlement at the meeting. The complaint handling procedure is similar, but in this case, the procedure can continue directly with issuing a binding decision. Organizing a meeting is not obligatory for the ERC.

In **Malta**, the dispute settlement procedure is carried out via the following steps:

1. Receipt of complaint from consumer, regarding dispute against an authorized provider.
2. Admissible of complaint by Regulator subject to confirmation that the consumer had exhausted all possible avenues of settling dispute with authorized provider.
3. Complaint referred by CEO to Management technical team, as applicable, for review. Notice of complaint received is submitted to an authorized provider, as applicable, and requesting submission of documentation and version of events, and other considerations relevant to dispute. Timeframe for submission of documentation is 1 week unless determined otherwise by Regulator.
4. Initial Review of Documentation. Report and admissibility or otherwise of complaint referred to CEO. Initial Report approved or amended by CEO as necessary and decision on whether to proceed with investigation of complaint or otherwise.
5. Parties advised within 3 weeks of receipt of complaint whether dispute can be considered or otherwise, including reasoned explanation why a complaint cannot be considered further. If dispute cannot be considered by REWS, parties are informed accordingly and case is closed. If dispute is to be considered by REWS, consumer is invited to submit any further clarifications and/or supporting documentation in addition to documentation received from authorized provider.

6. Detailed technical review of complaint by Management Team. Any missing information or clarifications required are requested and any additional documentation and/or clarifications are considered during this stage of the process. Parties to disputes are continuously informed on extension of period for decision, if at any stage decision is not taken within 90 days, an indicative timeframe is given when such decision would be taken.
7. Draft Report referred to consumer and requested to indicate whether he would like to seek formal decision from REWS board on the case or otherwise.
8. (i) Consumer requests Decision from REWS board or (ii) consumer requests that no decision to be issued by REWS and in such case the procedure ends and case will be closed.
9. Report referred to REWS board with recommendations for a binding decision.
10. REWS Board Decision.
11. Decision communicated to Consumer and authorized provider for implementation.
12. Parties have right to appeal from Board Decisions to Administrative Tribunal.
13. Decision and /or appeal decision implemented by service provider.
14. If decision is not implemented, enforcement action is taken by the Regulator.

In **Montenegro**, if a complaint is submitted, it will be sent to the body to which the complaint has to be submitted and the complainant is notified. If the complaint cannot be solved on the basis of the submitted documentation, a request for additional information, additional documentation, or call for oral discussion are made in order to properly resolve the complaint. When all the evidence is collected and all the facts necessary for proper decision-making are made known, the decision on the appeal is submitted for adoption by the Board. After adoption the decision shall be delivered to the complainant and to the energy entity against which the complaint is filed.

In the case of **Portugal**, ERSE after carrying out an analysis of the complaint can adopt one of the following actions: (i) asks consumer and/or supplier/DSO for more information (ii) informs consumer about legal solution (iii) recommends some practices to the supplier/DSO, including for the resolution of the dispute.

In **Serbia**, the procedure for dispute resolution is prescribed by the Energy Law and the Law on Administrative Procedure. According to Energy Law DSO shall decide upon the request for connection of a customer's facility, within 15 days as of the date of receipt of the written request. In case of a request for connection of a producer's facility, within 45 days as of the date of receipt of the written request. The decision of DSO may be appealed to the Agency within 15 days as of the decision issuance date. The Agency should make decision upon appeal within 60 days. The Agency's decision upon an appeal is final in administrative level and following proceedings may be initiated against it before Administrative Court.

In case of complaint related to another issues, procedure is described by Energy law and Law on state administration, which prescribed that complaint must be considered within 30 days as on the date of receipt of written complaint.

In **Turkey**, the regulator receives the complaint, examines it, gets all the related documents from the company in 15 working days and then gives the final decision.

The National Agency for Energy Regulatory of the Republic of **Moldova** (ANRE) is responsible for the examination of disputes, in the term of 30 working days, from the date of registration of the petition. The term of examination may be prolonged for another 30 working days, notifying final consumer, system user or closed distribution system user. The examination of dispute by ANRE is not an obligatory procedure- the customers and the companies have also the possibility to settle the issue directly in the court.

In **Ukraine**, there are separate procedures for complaint handling and dispute resolution, as prescribed by Draft Complaint Handling Rules:

3. Complaint handling: NEURC shall review complaints from consumers within one month, but in case of necessity to carry out the verification of the data specified in claim or obtain additional information from the service provider NEURC can extend the term to maximum 45 days. NEURC informs the consumer and service provider about the results of reviewing the claim in writing in the form of letter with recommendations.
4. Dispute resolution: NEURC shall settle disputes if: a) consumer asks to solve the issue by dispute settlement procedure, b) consumer had appealed to the service provider and got a decision of the service provider not more than a year before addressing NEURC. In process of dispute settlement, NEURC, if necessary, can organize pre-trial hearing with parties or make unplanned inspection of the service provider. Disputes are settled by the NEURC's decision accepted on public meeting. The decision may contain obligation for the service provider to cease the violation or imposing a fine on the service provider or termination of reviewing of consumer appeal for dispute settlement.

2.3 The legal effect of the settlement outcome

When we talk about legal effects of the dispute or complaint outcome, we mean that the decisions taken by out of court responsible bodies are binding to the parties involved. Even in the case the decision is expressed in the form of recommendations, they should constitute settlement proposals, which have to be accepted by the parties.

In reply to the question regarding the legal effect of the settlement outcome, in the case of two MEDREG respondent countries (**Algeria, Portugal**), the regulators have no power to impose a legally binding settlement outcome. In the case of three members (**Egypt, Italy, Malta**), the regulator has the power to impose a legally binding settlement outcome.

The decisions of the regulatory authorities of all **EnC CPs** are binding, except for FYR of Macedonia and Serbia, where the decision on complaint handling are given in the form of recommendation or a notice. The Serbian regulatory authority issues binding decision on dispute settlement only related to connections.

Three member countries did not provide a reply to this question (**Jordan, Palestine, Turkey**). In the case of two respondent countries (**Greece, Spain**), this question was not applicable since their regulatory authorities are not competent for resolving disputes.

2.4 The areas for which NRA is competent for dispute settlement and/or complaint handling of household customers.

From eight MEDREG respondent countries, six listed the areas in which NRA is competent. **Palestine** and **Turkey** did not answer. **Greece** and **Spain** are not considered, since their NRAs are not competent for resolving disputes.

All EnC CP regulators have clearly defined competences to decide on complaints related to the connections and the conditions for connections. The area for which the regulators are competent to decide on complaints and appeals relates to the quality of supply. The regulators in six countries (**Bosnia & Herzegovina, Georgia, Moldova, Montenegro, Serbia, Ukraine**) are competent for deciding on the complaints submitted in relation to the quality of supply.

Consumers in **Bosnia & Herzegovina** (Republika Srpska entity) and **Montenegro** have the right to address the regulators in case of supply interruption.

The regulator in **Georgia** solely resolves the disputes referred to theft of electricity, when a complaint is filed. The following are categories of complaints (non-exhaustive) which may be addressed by the service provider and which may be referred for dispute resolution by the regulator:

- Service connections: Delay to receive an estimate for a non-standard connection, delay to receive an appointment for a standard service, obstacles to connection, time to provide a non-standard service, delay in connection of RES generators.
- Quality and continuity of supply: Frequency level, voltage flickering, low voltage, high voltage, harmonics, continuity of supply (outages).
- Metering: Meter reading, meter functioning, incorrect meter readings, meter switching, unfair commercial practices, pre-contractual information, contractual terms, unfair terms and conditions, changes in contractual terms.
- Activation: Moving in, reconnection after disconnection, disconnection after no or late payment.
- Invoicing issues: Unclear invoice, incorrect invoice, double invoice, Non-issue of invoice or difficult access to invoice of monthly statement, high consumption estimation, and irregular frequency of billing on actual readings.
- Other: Information of price of tariff, price tariff change, social tariff, poor or deficient customer service.

In the case of **Italy**, the conciliation service is competent for any dispute related to the supply of services, except for tax and fiscal related issues.

In the case of **Jordan**, the NRA is competent to hear/accept any complaint from customers.

In the case of **Malta**, the areas covered are the following: service connections, failure to provide electricity to the customer, breaches of the customer contract, disconnection of consumers and billing issues.

The competences of the regulators are wider in the case of **Moldova** and **Ukraine** where by the definition that they are also competent for other issues.

In the case of **Portugal**, the NRA is competent to review and settle the complaints against electricity and natural gas distribution networks connection issues, supply contract issues, metering, billing and supply interruptions.

In the case of **Turkey**, the consumer may refer to the NRA about all issues in the electricity market when there is a legislative remit to do so.

2.5 Other institutions dealing with energy related customer complaints and formal dispute settlement procedures

With the exception of **Algeria, Jordan, Malta** and **Turkey**, all other MEDREG respondent countries have other institutions dealing with energy related customer complaints and/or formal dispute settlement procedures.

Two countries from EnC CPs, **Moldova** and **FYR of Macedonia**, have no other institution responsible for considering complaints and appeals. However, in FYR of Macedonia practice, customers can file a complaint to the Ombudsman, which always forwards the complaint to the Regulator. After receiving a response about the status of the complaint from the ERC, the Ombudsman sends the response to the customer. The ombudsman is a body that has the competence in considering the complaint in three countries of EnC CPs- **Albania, Bosnia & Herzegovina** (both in the Federation and in Republika Srpska) and **Ukraine**, while in **Georgia, Kosovo, Montenegro** and **Serbia** consumers may also contact the court to protect their rights in the field of energy. Mediation is a possible form to protect consumers in Kosovo and Serbia, in case where consumers wish to try to resolve the dispute before going to the court, while the inspectors have the competence in Bosnia & Herzegovina (DERK) and Ukraine (but only for the field of electricity). The arbitration is also an option for dispute solving before a court, and this option is used in Serbia (Arbitrator/Arbitral Tribunal). In Georgia, consumers have the option to submit applications to the Public Defender of Consumers Interests (Public Defender). The Public Defender investigates the complaint and represents the consumers before the Commission, which adopts the decision after a public hearing.

2.6 Ways to inform customers about their right to complain

Information on the right to complaint is part of the principle of transparency and involves information on the authority where to submit the complaint, the procedures and timelines and possibly the costs of the procedure.

Websites, energy bills and leaflets are the most common ways to inform customers. However, conferences used in **Algeria** and interviews in **Palestine** seem to be unique ways to inform customers. The following table summarizes the ways used in the various MEDREG member countries and the EnC CPs to inform customers of their right to submit their complaint to be resolved by means of dispute resolution procedures and to whom to file their complaint.

Within the countries of EnC CPs, Energy Law provides legal basis for informing customers on their rights to complain in case of **Montenegro, FYR of Macedonia, Kosovo, Moldova** and **Serbia**. Furthermore, supply rules include information obligation provisions in **Bosnia & Herzegovina, Georgia, Serbia** and **Ukraine**. Finally, in **FYR of Macedonia** and **Georgia**, the NRAs prescribed rules on dispute resolution also include such provisions.

The legal bases in **Egypt** are the electricity law and its executive regulations, the electricity distribution code and some circulars.

In **Malta**, the legal basis arises from subsidiary legislation issued under the regulator's act refer as the electricity market regulations.

In **Portugal**, Law n. 144/2015 of 8 September, which transposed the European Directive on Consumer ADR, established that Services Providers (suppliers and DSO's) must inform the consumers, namely through their web sites and contracts, about the applicable ADR institutions. Other means can be used for this purpose.

Turkey reports lacuna in the matter of informing the customers about their right to complain, as there is no legal basis for the application of this practice.

For Complaint handling standards for service providers and/or other dispute settlement institutions, all the respondents have complaint handling standards for service providers and other dispute settlement institutions being in place and with a legal basis for doing so.

2.7 Customers' obligation

In **Albania, Bosnia & Herzegovina, FYR of Macedonia, Kosovo, Moldova, Montenegro, Serbia** and **Ukraine** – consumers are obliged to file a complaint to the service provider first. Georgia does not oblige consumers to this order of steps – in this CP the consumer may contact either the service provider or the court, without a limited order.

The information on legal basis for individuals in countries of EnC CPs is provided below:

- **Albania:** Law No 43/2015 "On Power Sector" and in the contract of "General conditions of the universal service of electricity supply to end-use customers.
- **Bosnia & Herzegovina** (Federation BiH): General Conditions for Electricity Supply.
- **Kosovo:** Rule on Resolution of complaints and disputes in energy sector.
- **FYR of Macedonia:** Energy Law, Law of administrative procedures and in the Rulebook on the manner, conditions and the procedure for solving disputes and the level of the justified reimbursements for the costs incurred in the procedure.
- **Montenegro:** Law on administrative procedure.
- **Serbia:** in case of connection issues and TPA, legal base is Law on Administrative procedure, in some other issues related to billing or disconnection, legal base is Energy Law and Law on state administration, concerning deadline.
- **Ukraine:** Draft of Complaint Handling Rules.

In the case of **Algeria, Egypt, Italy, Malta, Palestine** and **Portugal**, the customers are obliged to file their complaint to the service provider before they are entitled to complain to and/or file a formal dispute settlement procedure with the regulator.

- **Algeria:** The complainant must, first of all, contact his distributor to inform him of his dissatisfaction by respecting the following three levels of recourse:
 - 1st level: the commercial agency,
 - 2nd level: the distribution department,

- 3rd level: the general management of the distribution company concerned.

If the complainant is dissatisfied with the treatment/outcome of his request after using all internal distributor's recourses, or if he has not received a response from the distribution company after a maximum time of three (3) months, he may appeal to (CREG) with the necessary supporting documents including copies of all the letters addressed to the distributor and possibly the corresponding replies.

- **Italy:** ADR procedures can be activated by a customer only after a complaint sent to the supplier has not been answered on time (within 50 days from sending the complaint), or if the customer has received an unsatisfactory response by the supplier. The legal basis for this is ARERA Resolution 209/2016/E/com of May 5, 2016 on ADR procedures.
- **Malta:** The legal basis for this is regulation 5(1) (a) of the dispute resolution procedures regulations of 2016, which provides that the regulator may refuse to deal with a given dispute on the grounds that the consumer did not attempt to contact the authorized provider concerned in order to discuss his complaint and seek, as a first step, to resolve the matter directly with the authorized provider.
- **Palestine:** The consumer has:
 - First to submit a complaint by written means in any branch of the DisCos.
 - The DisCos should provide the consumers with the required clarifications, information and guidance on how to submit his complaint.
 - The DisCos, in its role directly responds to the consumer with a written means within maximum 3 days.
 - Then they send a notification for PERC of receiving a complaint.
 - The DisCos has to reply in a written response to the consumer within 14 days.
 - In case the DisCos requires a discussion then the consumers should be informed within 5 days.
- **Portugal:** The consumer has first, to wait for an answer from their service provider (maximum 15 working days) and if there is no answer or the answer is not satisfactory, the consumer can then appeal to the regulator.

In **Greece, Jordan** and **Turkey** customers can file their complaint directly to the regulator without any prerequisites. In case of Spain, consumers can go to the court directly, but it is considered preferable to go in the first place to the service provider and, afterwards to the competent regional authority.

2.8 The regulatory authority's action as a dispute settlement authority

In **Albania, Egypt, Georgia, Jordan, FYR of Macedonia, Malta, Moldova, Montenegro, Portugal** and **Turkey**, the regulatory authority can act as a dispute settlement authority, when other means of resolving the dispute in a timely manner are also available to the parties. However, in **Portugal**, regulatory authority can act after a complaint to the service provider has been made. In **Turkey**, customers can directly apply to the regulator. The specificity of **Montenegro** is that the parties may address the regulator instead of the court through the arbitration proceedings, for which the regulator is competent.

Moreover, in **Algeria**, NRA can act in particular cases. In **Greece**, it can act within the regulatory framework. On the contrary, it cannot act in **Italy**, **Palestine** and **Spain**.

In **Bosnia & Herzegovina**, **Kosovo**, **Serbia** and **Ukraine**, the regulatory authority cannot act as dispute settlement authority, when other means of resolving the dispute in a timely manner are available to the parties. However, in **Serbia**, the regulator is the sole competent body to resolve disputes in case of connection or TPA.

Meanwhile when one of the parties to the dispute has initiated the legal proceedings, in relation to the dispute, we can notice that in **Egypt** and **Turkey**, the regulatory authority can act as a dispute settlement authority carrying out legal proceedings related to the dispute. In **Egypt**, the authority may decide not to act.

In the rest of the MEDREG countries and the countries of **EnC CPs** is found that the regulatory authority cannot act as a dispute settlement authority when legal proceedings related to the dispute have been initiated.

2.9 Ways to submit customer's complaints to the regulator

Letters and emails are the most common ways to submit customer complaints to the regulator. However, utilization of WhatsApp in **Jordan** appears as a unique and modern way to submit customer complaints to the regulator. The following table shows in detail the manner by which customer complaints may be submitted to the regulator:

Ways to submit customer complaints to the regulator							
Country	Letter	Email	Walk-in/direct submission	Online form	Telephone	Fax	WhatsApp
Albania	X	X	X				
Algeria	X	X	X	X		X	
Bosnia & Herzegovina	X	X	X				
Egypt	X	X	X	X	X	X	
Georgia	X	X*	X				
Greece		X		X	X		
Italy	X			X		X	
Jordan	X	X	X	X	X	X	X
Kosovo	X	X	X				
FYR of Macedonia	X	X	X				
Malta	X	X	X		X		
Moldova	X	X	X				
Montenegro	X	X	X				
Palestine							
Portugal	X	X	X			X	
Serbia	X	X	X				
Spain**							
Turkey	X		X	X	X		
Ukraine	X	X	X				
TOTAL	16	15	15	6	5	5	1
*According to the rules, complaints have to be filed by letter or in person, however the NRA responds to all related questions via e-mail.							
**The Spanish regulator has no competence regarding to complain handling and customer's dispute settlement.							

3. Complaint handling and dispute settlement procedures

3.1 Procedures to turn complaint handling into a formal dispute settlement procedure

In **Algeria**, if two parties are unsatisfied with the position of the regulator, they can always bring the dispute to the competent courts. In **Portugal**, consumers should request the action of the regulator in the concrete conflict, usually in writing. Regarding the rest of the respondents, there are no special procedures reported, to turn complaint handling into a formal dispute settlement procedure.

For the countries of **EnC CPs**, it can be concluded from the answers provided that there is no clear procedure prescribing turning complaint handling into a court dispute settlement procedure. There are procedures for filling a lawsuit or request for settling disputes contained in the rules or laws, but they clearly prescribe the procedure for complaints or disputes rather than turning one into another.

3.2 The regulator's access to complaint related data and types of complaints

All the respondent regulators claim that their access to complaint related data is given by law. The most common complaints received by the regulator are connection requests, invoice disputes and voltage drops in **Algeria**; billing issues and metering issues in **Egypt**; electricity theft in **Jordan**; billing issues in **Malta**; default and lighting complaints in **Turkey**. Other countries did not answer the question about most common complaints received by the regulator.

In **Greece**, the complaint related data are provided by consumers or the suppliers/DSOs. According to the article 27 of the law 4001/2011, RAE can ask for any kind of data needed in order to effectively fulfill its competence.

In **Italy**, ARERA monitors the number and subject of complaints received by suppliers, in order to publish a yearly report.

In **Jordan**, the legal basis is article 13 of the "distribution and retail supply license", and in **Palestine**, the legal basis arises from the general electricity law and the license of the supplier.

In **Malta**, the legal basis is founded on article 5(4) of the act on regulator for energy and water services.

In the case of **Portugal**, in terms of the quality of service code, each year, service providers have to send to the regulator the number and the subject of all complaints received. In **Spain**, CNMC has access to statistical information about the number and type of complaints received by the suppliers and DSOs. This data-reporting requirement imposed to the service providers is regulated by circular 2/2016.

During the dispute settlement process or deciding on appeals, all regulators of the countries of **EnC CPs** have the right to require additional information from energy undertakings, and the legal basis is contained in the law (**Ukraine, Serbia, Montenegro, Moldova, Kosovo**,

Bosnia & Herzegovina, Albania) or secondary legislation (**FYR of Macedonia, Kosovo, Georgia, Bosnia & Herzegovina, Albania**).

In this respect, **Georgia** has made an exceptional case of access to information by introducing the “Commercial Quality Program” by the NRA in 2016, which allows for real time monitoring of services provided by undertakings. Where a customer submits a request/application to the service provider, the latter is required to immediately upload to the program the application, as well as the acts undertaken by the service provider. Hence, in many cases, the regulator has the ability to access all the necessary data immediately through direct access to this program.

Complaints addressed to NRAs are most often related to bills for energy supply, electricity quality of supply, unauthorized consumption, correction of calculation and mistakes in metering.

3.3 NRAs deadline to issue a decision after receiving a complaint

All the NRAs have specific periods to review the complaints, analyze the facts and documents and issue a decision. However, in the case of **Spain**, the NRA does not hold any competences to review individual cases of consumers, in case of **Turkey**; the NRA has no time limit to decide.

In **Egypt**, EgyptERA has to issue a decision within 50 days from receiving the complaint, but in some kinds of complaints, it takes more than this period according to the nature of the complaint.

The situation differs in case of complaint handling vs. formal dispute settlement proceedings because the electricity law No.87/2015 and its executive regulations mention in the article (22) that: “If a dispute arises between electricity utility stakeholders with respect to the utility's workflow or regularity, each stakeholder may submit an application to the regulator for review of the dispute and adjudicate thereon. The dispute shall be adjudicated thereon within sixty days from the date of submitting the said application and supporting documents. The lapse of such period without adjudication on the application shall be interpreted as rejection thereof, and the executive regulations shall provide for the procedures of reviewing and adjudicating on dispute.”

In **Italy**, ARERA reports that ADR procedures do not imply a decision, but the reach of an agreement between the parties. Under ARERA resolution 209/2016/E/com of May 5, 2016, which defined the rules for the carrying out of the ADR procedures in the regulated sectors, the maximum duration of ADR procedures is of 90 calendar days. The deadline may be extended by a maximum of 30 days, upon request of the conciliator in case of complex disputes or upon joint and justified request by both parties.

In **Jordan**, according to the distribution code, there are two types of complaints, but in general, the review procedure lasts between 15-20 days, as mentioned in article 21 of the electricity code.

In **Palestine**, the period of time is of 15 days according to PERC's law of complaints.

In **Malta**, the regulator is by law obliged to conclude dispute resolution proceedings expeditiously and within a time-frame of ninety calendar days starting on the date on which the regulator has received the complete complaint file including all relevant documentation

pertaining to that complaint, and ending on the date on which the outcome of the dispute resolution proceeding is made available. The regulator is obliged to notify the parties after receiving all the documents necessary to carry out the dispute resolution proceeding. In certain exceptional cases of a highly complex nature, including where one of the parties is unable, on justified grounds, to take part in the dispute resolution proceeding, the Regulator may extend the timeframe for the purpose of undertaking an examination of the case in question. The regulator is obliged to inform the parties of any such extension, and of the expected approximate length of time that will be needed for the conclusion of the dispute. The legal basis is regulation 4(9) of the dispute resolution (procedures) regulations, 2016.

In **Portugal**, if the complaint reaches ERSE through the online complaint book in the form of a request, the regulator has 15 working days to send an answer to the consumer. For dispute settlement, Law n. 144/2015 of 8 September recommends two months to conclude a procedure of dispute resolution. The directives on electricity and natural gas give three months for such settlement.

In the countries of **EnC CPs**, the deadline prescribed for deciding on complaints is usually 30 days (**Albania, Georgia, FYR of Macedonia, Moldova, Montenegro, Serbia, and Ukraine**). However, such deadline can be extended by 15 days (**Albania, Montenegro, and Ukraine**) or even 30 days (**Georgia, Serbia**). The proceedings can last up to 60 days, with the possibility of extension for another 30 days in the case of **Kosovo**.

For dispute resolution procedures, some of the countries of **EnC CPs** have not defined the specific procedures (**Ukraine**), while in some others this procedure can last 60 days (**Serbia**), with the possibility of extension for another 60 days (**Bosnia & Herzegovina - Federation BiH**), 3 months (**Bosnia & Herzegovina - Republika Srpska**) and up to 6 months (**Montenegro**).

Based on the collected information, as shown in the table below, the average time for a regulator to address the issue is 9 days; to issue a decision is 53 days; to reach an agreement is 90 days. Detailed information about time periods is contained in the following table:

Country	Regulator to			Dispute resolution	Possible time extension	Distributor to reply
	Address	Issue a decision	Reach an agreement			
Albania		30		45		
Algeria	3					15
Bosnia & Herzegovina		30-60		120		
Egypt		50		60	∞	
Georgia		30-60				
Greece		90			90	
Italy			90		30	
Jordan		20				
Kosovo		60			30	
FYR of Macedonia		45				
Malta		90				
Moldova		30			30	
Montenegro		30			15	

Palestine		15				
Portugal	15			90		
Serbia		30-60				
Spain*						
Turkey	∞	∞	∞	∞	∞	∞
Ukraine		30			15	
AVERAGE**	9	45	90	80	35	15
*The regulator has no competence regarding to complain handling and customer's dispute settlement.						
**All the data are in days.						

In **Albania**, the period for resolving the complaint is 30 days and in the formal dispute settlement proceedings it is 45 days.

In **Bosnia & Herzegovina** (Federation BiH) handling of complaints takes on average two months, but the maximum allowed has not been set. In the case of formal dispute settlement, average proceeding length time is 120 days and such timeline it is prescribed by the Rulebook on Public Hearings and Resolution of Requests, Disputes and Complaints. In Republika Srpska, timeline of complaint handling is 30/60 days, depending on the case complexity.

In **Georgia**, on average, it takes 1-2 months for the NRA Commission to issue a decision on a complaint.

The period in **Greece**, depends on the complexity of each case and on the data to be collected.

In **Italy**, ARERA commented that ADR procedures do not imply a decision, but the reach of an agreement between the parties. The average duration of the ADR procedures performed at the conciliation service was of 40 calendar days, in 2017.

According to the distribution code of **Jordan**, there are two types of complaints, but in general, the time taken for their review is between 15-20 days.

According to the Rule on Resolution of complaints and disputes in energy sector of **Kosovo**, upon receipt and registration of the complaint or dispute initiation, the regulator shall review the complaint or dispute and shall issue a decision or a recommendation, within 60 calendar days. However, this period may be extended for 30 days in cases of complexity or where additional information is required. In such cases, customer protection department shall immediately notify all parties and provide an explanation for the extension.

In **FYR of Macedonia**, the regulator usually issues a decision within 45 days from the request. According to the Law on administrative procedures, the regulator must issue a decision in 60 days from receiving the dispute settlement request, and according to the Law on handling complaints and suggestions, the regulator has to issue a response no later than 30 days from the request.

In the case of **Malta**, most complaints are reviewed within the period of ninety calendar days. The legal standard in place for the maximum allowed period is ninety calendar days starting on the date on which the regulator has received the complete complaint file including all relevant documentation pertaining to that complaint, and ending on the date on which the outcome of the dispute resolution proceeding is made available. The situation

does not differ in case of complaint handling vs. formal dispute settlement proceeding. However, the ninety calendar day period is not explicitly set in the law, for the cases of complaint handling.

In **Moldova**, the general term of examination is provided by law - 30 working days. The time limit for reviewing a complaint may be extended by the NRA for up to 30 working days, regardless of the type of complaint.

Normally, it takes about 30 days for the regulator of **Montenegro** to issue a decision after receiving a complaint. The regulator has to issue a decision after receiving a complaint and deliver it to the consumer within 45 days from receiving the complaint, at the latest as per the Law on administrative procedure. In dispute settlement proceedings, the arbitration council has 6 months to deliver a decision as per the Rules for resolving disputes through arbitration.

According to the internal regulations of **Palestine** regulator, the maximum time taken to solve any complaint is 14 working days and the same timeline applies for distribution companies. However, if there is a formal dispute settlement procedure being activated, the case is referred to a legal expert, which prolongs the time taken.

In **Portugal**, ERSE only recommends a solution for the dispute. The processing time is very variable, between a minimum of 15 working days and a maximum of 6 months, depending on the complexity of the dispute and the complainant's insistence. As regards a case of dispute resolution, Law n. 144/2015 of 8 September recommends two months to conclude such procedure.

In **Serbia**, according to the Law on Administrative procedure, decision upon appeal must be taken no longer than 60 days from the day of receiving the appeal. According to the Law on Public Administration, NRA is obliged to issue answer/decision upon complaint, not longer than 30 days, from the day of receiving complaint. Usual time for handling complaint depends on the speed of data collection, but the regulator always observes the legal deadlines.

In **Turkey**, there is no time limit in reviewing a complaint. The time taken to decide depends on the number of complaints and workload of the responsible authority.

The complaints in **Ukraine** are reviewed by NEURC, usually within one month. According to the Law on "appeals of households", NEURC shall review complaints from consumers within one month, but in case of necessity to carry out the verification of the data specified in claim or obtain additional information from the service provider, NEURC can extend the term for a maximum of 45 days.

3.4 Schemes of compensation from the service provider

In **Algeria, Egypt and Jordan**, there are no compensation schemes. However, in **Algeria**, the regulatory provision is mentioned in law (Law 02-01). In **Greece**, it is defined in the network code and its derivative texts that the compensation amount is decided by the NRA.

Bosnia & Herzegovina, Kosovo, FYR of Macedonia⁶ and Serbia do not prescribe redress schemes for compensation by the service provider, while in two cases the obligation for compensation from the service provider is prescribed in the following way:

- In the case of a refund of more collected money for electricity consumed (**Albania, Montenegro**).
- In the case of the incompliance of the quality of supply of electricity and gas with the regulation (**Georgia, Moldova, Ukraine**).

In **Italy**, there are automatic compensation schemes in force, applied in different cases of supplier miss performance, which vary from 25€-75€. ARERA, stated that the automatic compensation in the amount of 25 €, is due to the customer in case of a supplier delay in sending a written, motivated and documented reply to a customers' written complaint, and in the request of billing adjustment or double billing adjustment. The amount of the compensation is increased up to 75 €, when the delay in replying to the customer exceeds specific time limits.

In **Malta**, there are automatic compensation schemes in force as well, which can be in the amount up to 3.500€. REWS specified that the service provider have a redress scheme in place initiated by a "claim for damages application", whereby the service provider investigates a claim and looks into all the facts of the case and any related regulations. If liability for the damages is admitted, an offer for appropriate compensation to the consumer is made. If the consumer does not accept the offer made, a request for review/appeal may be made to a panel called the "advisory board". This board can review cases involving claimed compensation amounts of up to a maximum of €3.500. The legal basis for this is an internal procedure based on administrative practice.

In **Spain**, compensation amount depends on the duration of miss performance by the supplier. **Palestine** and **Turkey** did not reply to this question.

3.5 Customers' obligation on submission fee

In all respondent countries of **MEDREG**, customers are not obliged to pay a charge for submitting a complaint to, or to institute a formal dispute settlement procedure with the regulator. In the case of **Spain**, the NRA does not hold any competences to solve complaints and settle disputes.

In all countries of **EnC CPs**, filling a complaint is free of charge. However, in **Montenegro** and **Serbia** there is an obligation to pay a fee/compensation only for the dispute settlement procedure:

- In **Montenegro**, the customers are obliged to pay a charge as a condition to institute of formal dispute settlement procedure with the regulator, which is in the amount of 200 € as per Rules for resolving disputes through arbitration. Anyway, there is no charge for submitting a complaint to the regulator.

⁶ In FYR of Macedonia, however, a new Rulebook for determining the compensation of damaged caused to the producers and customers of electricity is in final stage of adoption, expected to be adopted in December 2018.

- In **Serbia**, customer is obliged to pay administrative fee determined by the Law on Republic Administrative Fees (amount of less than EUR 5, goes to state budget) for the submission of appeal, while submission of complaints is free of charge.

3.6 Consumer's reimbursement of costs regarding the engagement

In the case of **Malta**, the consumer can be reimbursed of costs including the whole or part of the costs of any party relating to the engagement of a lawyer and, or of a technical adviser in relation to any submissions relating to the dispute. In **Algeria** and **Egypt**, there are no legal provisions about this issue. In **Greece**, only the court can decide the reimbursement. **Jordan** did not answer. Regarding the rest of the countries, the consumer cannot be reimbursed for such costs i.e. each party is responsible for covering its own costs relating to the dispute.

3.7 The regulator's reporting procedures

Most of the respondents prefer to publish their reports annually. However, **Algeria** and **Portugal** publishes semi-annually. In **Portugal**, every six months ERSE confirms with the government department for consumer policy, the number, subjects and companies complained through the complaint book (paper and online form), sent directly by the complaint handling system to the national complaint book database. At least once a year the regulator publishes, namely on the website, the numbers and results of the complaint handling. In **Algeria**, CREG produces six months reports and an annual report of appeals submitted to CREG. The annual report is sent to the Minister of Energy and distribution companies for information.

In **Egypt** case, such reports are published on monthly basis. EgyptERA reports to the Ministry of Electricity about the number and nature of received and resolved complaints, but not for the dispute settlement proceedings. The way of reporting consists in printing reports from regulator' electronic system for recording complaints, in which system can be traced the follow-up of the procedures and can be processed such report monthly.

In **Italy**, ARERA replied that the data on the activity of the conciliation service and of the ADR bodies listed in the ADR register are published by ARERA in a yearly report.

In **Jordan**, the report is used for internal supervision and it is not made public.

In **Malta**, the Regulator reports annually about the number and nature of received and resolved complaints / dispute settlement procedures. The he annual report should be submitted by the regulator to the minister responsible for the regulator and to the minister of finance, within six weeks after the end of each financial year. The minister responsible for the regulator is obliged by law to submit it afterwards to the house of representatives at Maltese Parliament, at the earliest opportunity but anyway not later than eight (8) weeks after he has received a copy of the said report. If at that time the house of representatives is not in session, then the report should be submitted, within eight (8) weeks from the beginning of the upcoming session. The legal basis for this is article 30 of the regulator's act, which applies equally for complaint handling and formal dispute settlement proceedings. Information regarding complaints is submitted to CEER and is used as part of the national indicators submitted every year.

In **Spain**, the regulator has no competence regarding to complain handling and dispute settlement, therefore, there is no report.

In **Turkey**, there is no requirement for an official report that can be published.

All regulatory authorities of the countries of **EnC CPs** are legally obliged to submit annual reports to the Parliament, so that, among other topics, these reports also contain data on the number of complaints filled and settled. In addition to this, regulatory authority of **FYR of Macedonia** is required to submit detailed information to the Ministry of Information Society and Administration about the number, nature and the way of solving received complaints/dispute settlement procedures.

3.8 The regulator's duty on data collection

In the cases of **Algeria, Egypt, Malta** and **Turkey**, the regulator does not collect data on energy related customer complaints / dispute settlement procedures from other institutions. In **Greece**, the regulator collects information from related institutions even though there is no specific provision. In **Jordan**, there is a government complaints management unit for data collection. In **Palestine**, the regulator collects general data regarding the electricity law & license. In **Portugal**, the regulator only collects data from service providers, according to quality of service code. In **Spain**, the regulator collects the number and the nature of received and resolved complaints by DSOs and suppliers.

None of the regulatory authorities of the countries of **EnC CPs** has a prescribed obligation to seek and collect data from other institutions, such as dedicated bodies for consumer affairs or entities providing alternative dispute resolution.

3.9 NRAs interim measures while acting as a dispute settlement authority

This is not applicable for **Algeria, Italy** and **Spain**. In **Greece, Jordan** and **Turkey**, the regulator can issue interim measures directed to the disputing parties and there is a legal basis for this. In **Greece**, RAE replied that according to art. 35 of the law 4001/2015, it may take appropriate interim measures before taking a final decision and may impose a financial penalty. These measures take the form of a regulatory decision and equal legal consequences.

In **Egypt** and **Malta**, the regulator can also issue interim measures to service providers; in **Palestine**, to the Prime Minister's Office. In **Portugal**, the regulator can only issue interim measures in the form of recommendations and suggestions.

When deciding, the regulator can envisage that the request for a temporary measure is justified and that the issuance of the temporary decision will prevent damages that cannot be corrected later. In **Albania, Georgia, Kosovo, Moldova, Montenegro, Ukraine**, the regulator is entitled to decide on such interim measures. On the other side, there are laws in some countries that do not allow regulators to do so as in the case of **Bosnia & Herzegovina, FYR of Macedonia** and **Serbia**.

4. Final decisions procedures

4.1 Possibilities of appealing the NRAs decision

In **Algeria, Greece, Jordan, Malta, Portugal** and **Turkey**, there is a possibility for an appeal the decision of the regulator before a court. In such case the appeal should be sent before a high authority e.g. Athens administrative court of appeal, the high court of justice, administrative review tribunal, administrative courts, and special courts for competition, regulation & supervision. In **Egypt**, it is not possible to appeal the decision of the regulator, which is binding. In cases of **Italy** and **Spain**, it is not applicable.

In **Malta**, REWS answered that there is a possibility for an appeal against the decision of the regulator. The appeal is made to the administrative review tribunal. Such an appeal does not have suspense effect on the decision of the regulator, unless the administrative review tribunal decides for such decision to be suspended pending the final determination of the appeal by the tribunal. The legal basis for this is regulation 4(3) of the dispute resolution (procedures) regulations, 2016 and article 32(5) of the regulator's act. The decision of the administrative tribunal may be further appealed on points of law only to the Maltese court of appeal. The jurisdiction of the administrative review tribunal is established by article 7 of the dispute resolution procedures regulations, 2016.

In **Portugal**, ERSE specified that, when applicable, all the decisions of the regulator might be appealed to the administrative courts or to the specialized court for competition, regulation and supervision.

In **Turkey**, the courts have the ability to take decisions that have a suspense effect on the decision of the regulator's board. The legal basis arises from the administrative law.

In the countries of **EnC CPs**, the decision taken by the regulators is final in administrative level, but all laws provide for judicial review of such decisions. According to the analysis of the responses, the lawsuit on the regulator's decision has a suspense affect in FYR of **Macedonia**, while in **Montenegro** this is not the case, but the decision of the regulator is conducted regardless of the initiated proceedings of the dissatisfied party.

4.2 The regulator obligation to motivate its decisions

In **Jordan** and **Turkey**, the regulators are not obliged to motivate their decisions. In **Italy** and **Spain**, the NRAs do not have any competences to make any decision related to these issues. NRAs of the remaining MEDREG countries are obliged to motivate their decisions. In **Algeria**, in accordance with the CREG decision, any recourse addressed to the CREG shall be reviewed and a reply along with the necessary clarification must be provided to the applicant.

In **Egypt**, EgyptERA is obliged to motivate its decisions. Dispute resolution committee decisions are detailed and reasoned, stating all technical and legal arguments, data and evidence submitted, forthwith DRC's assessment, interpretation, weighting and the grounds of its determination. The legal basis for this is the executive regulations for the electricity law No.87/2015, article No.37- paragraph No.7.

In **Greece**, all RAE decisions have to be motivated according to art. 32 of the law 4001/2011.

In **Malta**, REWS is obliged to motivate its decisions. Maltese administrative law principles generally oblige public entities to motivate their decisions. The legal basis for this is regulation 4(7) of the dispute resolution procedures regulations, 2016, which provides as follows: “(7) In issuing a decision under this regulation the regulator shall state the reasons on which it is based, and shall, subject to such requirements of commercial confidentiality as it may deem appropriate, notify the parties to the dispute with a copy of the decision.”

In **Palestine** the reasoning of NRA decisions, is required by the general electricity law and the license.

In **Portugal**, in addition to its statutes and the framework law of the regulatory authorities, the decisions of ERSE and their processes are submitted to the provisions of the code of administrative procedure.

All regulatory authorities of the countries of are obliged by laws to motivate their decisions.

4.3 NRA notification to the involved parties

In all MEDREG countries, except **Spain**, the parties to the dispute are notified about the decision of the regulator in a written form and by a dated decision. CNMC does not have any competences to make any decision related to these issues.

In **Albania**, the decision is published in the Official Gazette and on the web- site of the regulator.

In **Algeria**, they are notified by means of a written letter.

The regulators of **Bosnia & Herzegovina** inform parties to disputes on their decisions in the following way:

- FERK - Parties to the dispute are notified by written decision. FERK send its decision together with case files to DSO (as the first-instance authority), which shall be required to deliver the decision to the parties within the period of five days from the date of receiving the file.
- RERS - Dated decision sent by mail to the parties to the dispute. Additionally, all decisions are published at the website of the Regulatory Commission.

In **Egypt**, the parties to the dispute are notified about the decision of the regulator after the board of director’s ratification, and then the dispute resolution committee decisions enter into effect. Without delay, the technical secretary of the dispute resolution committee informs the parties by registered letter with acknowledgment of receipt. The legal basis for this is the executive regulations for the electricity law No.87/2015 (article No.36- paragraph No.2).

In **Italy**, the ADR procedure does not imply a decision, but rather the reaching of an agreement between the parties. In that case, they sign a written, dated agreement that is deemed to be enforceable, or can be brought before the competent court in case of non-satisfaction with its contents by the counterpart. If no agreement is reached, the conciliator prepares a written report stating that the conciliation attempt has failed.

In **Jordan** and **Turkey**, this is done by means of a written, dated decision, while in **Malta**, the parties to the dispute are notified about the decision of the regulator by means of the publication of a notice which notice must state where copies of, or information regarding the decision may be obtained. This is established by regulation 4(8) of the dispute resolution procedures regulations, 2016: “(8) *The regulator shall publish notice of a decision given under this regulation and shall state where copies of, or information regarding, the decision may be obtained. The regulator is obliged to provide a copy of the decision to the parties to the dispute.*”

The written decisions of regulatory authority of **Kosovo** will be sent to each party. Usually customers are also notified by phone. Also all decisions taken by NRA board in regard to complains or disputes, besides being sent to all parties, also will be published in the web site.

In **FYR of Macedonia**, the regulator issues a written decision, which is officially delivered by post to both parties and can be also sent by e-mail upon request.

In **Moldova, Serbia** and **Ukraine**, the regulators inform parties by an official letter.

In **Montenegro**, arbitral decision shall be submitted to the parties within three days from the date of adoption.

In **Palestine**, this is done by written means, while in **Portugal**, the parties are notified, in a written form and when the law allows or even determines, the decision is also published, namely on the website of ERSE.

4.4 Timelines for the determination of a dispute by the regulator

In **Algeria, Greece, Italy** and **Malta**, the right of the consumer to request the determination of a dispute by the regulator is subject to being time barred.

In **Malta**, the legal basis for this is regulation 5(1) (d) and (f) of the dispute resolution procedures regulations, 2016. In **Italy**, ARERA replied that the activation of an ADR procedure could not be requested by the customer after 1 year from receiving an unsatisfactory written reply to a written complaint, or from not receiving any reply within the timeline.

In the case of **Greece**, pursuant to article 45 (“dispute resolution”) of the Greek electricity supply code, in connection with any dispute arising between a customer, namely consumer, and an electricity supplier, the consumer may submit a complaint to the Greek ombudsman, or to any other competent authority in accordance with the applicable legislation. In such case, the competent authorities act as out-of-court dispute resolution bodies. The same provision is included in article 44 of the newly enacted gas supply code (ministerial decision no. 174842/2018), which further refers to the parties’ option to resort to mediation for the resolution of consumer disputes. According to article 24 (“consumer protection”) of law no. 4001/2011, RAE examines the complaints of consumers to the extent that they stem from or pertain to issues of regulatory compliance stipulated in the said law or in regulations issued in accordance with its provisions. Disputes of civil or commercial nature do not fall within the scope of RAE’s respective competence. Thus, while the right of a consumer to submit a complaint to RAE is not time barred, such right does not encompass the determination of civil or commercial disputes by the Regulator, being limited only to

regulatory compliance issues. At the same time, RAE may choose not to address the complaint of a consumer, if such complaint is obviously irrational, vague, and incomprehensible or repeated in an abusive manner (code of administrative procedure, article 4). In this connection, excessive or disproportionate time lapse between the occurrence of the dispute and the submission of the complaint to RAE shall be evaluated by the Authority on an ad hoc basis having regard to all relevant considerations.

In the cases of **Egypt** and **Jordan**, such a right is not subject to being time barred.

In **Portugal**, ERSE stated that it has no legal basis for this issue although this can be decisive in dealing with the complaint / dispute. In **Spain**, it is not applicable since the NRA has no competence for this issue. In **Turkey**, there is no right of the consumer for this case. **Palestine** did not answer.

The right of the consumer to request the determination of a dispute by the regulator is subject to time barred in **Bosnia & Herzegovina** (Federation BiH), **Georgia**, **FYR of Macedonia**, **Montenegro**, **Serbia** and **Ukraine**. There is no time barred in **Albania**, **Bosnia & Herzegovina** (Republika Srpska) and **Kosovo**.

4.5 NRAs procedure in case of service providers' delay

The right of the party to complain to the regulators, in case of service providers' delay in complying with NRA decisions, is known for the consumers in **Albania**, **Kosovo**, **FYR of Macedonia**, **Moldova**, **Montenegro** and **Serbia**.

In **Algeria**, there is no other way to force the distributor to deal with the appeal, apart from giving him reminders, each time, specifying the legal provisions.

In **Bosnia & Herzegovina**, there is no prescribed procedure, but the regulator can, upon receiving the information, send urgency request to the service provider.

In the case of **Egypt**, reminders are sent to the service provider (usually not more than two) after that, followed by meetings held with the person responsible for resolving complaints in distribution companies. The procedure used is an internal procedure based on administrative practice.

Georgia has prescribed a very efficient solution so that in the event that service providers do not respond within the prescribed time limit, a lump sum compensation for delay is applied.

In the case of **Greece**, according to the ANNEX III of the "electric energy customers supply code" (G.G. 832/9.04.2013), the providers should respond "quickly and efficiently". The procedure followed entails the following steps: after the delay has been noticed, a new letter is sent to the service provider, where a short deadline is set for the reply. Subsequently, if the provider fails to respond within the specified deadline, the sanctioning procedure provided for by Law 4001/2011 will apply.

In **Italy**, the procedure of automatic compensation applies, whereby an automatic compensation (25 €) is due to the customer. The amount of the compensation is increased (up to 75 €) when the delay in replying to the customer exceeds specific time limits.

In **Jordan**, EMRC envisages the imposition of penalties in such cases, while in **Malta**, reminders are sent to the service provider (usually not more than three). This may be

followed by enforcement action leading to the imposition of an administrative fine. The procedure used is an internal procedure based on administrative practice. In **Palestine**, PERC replied that such cases are dealt with by submitting it to the Prime Minister's Office.

In **Portugal**, dispute settlement is based on the willingness of the parties, but the regulator can demand the sending of information and remind on the given norm that foresees it as a violation that can be sanctioned.

In the case of **Spain**, CNMC can impose sanctions to market agents, which are not complying with the response period defined by law, while in **Turkey** providers pay a fee for each delay, in accordance with the Distribution Regulation.

4.6 The regulator's procedure in case service providers do not apply the regulator's decision related to a complaint / dispute settlement

It emerges from most replies, that it is rare that the service providers do not apply the **regulator's** decision related to a complaint. In all cases, the service provider is obliged to implement the Regulator's decision. Penalties and sanctions may apply depending on the case.

In **Algeria**, CREG replied that there is no other way to force the distributor into complying, apart from giving him reminders, each time, specifying the legal provisions.

In **Egypt**, it is rare that the service providers do not apply the regulator's decision related to a complaint, and in this case, the service provider must provide its opinion based on the legal basis to the regulator, but in all cases, the service provider is obliged to implement the regulator's decision. In the case of dispute resolution, the final decision is taken by the regulator's board of directors and is binding on all related parties.

In **Greece**, RAE replied that according to article 36 of the law 4001/2011, in case of violations of the provisions of the Law or the acts issued under its authority, the regulator, after hearing the interested parties, might impose fines of up to 10% of their annual turnover in the case of non-compliance.

In **Italy**, the ADR procedure does not imply a decision, but rather the reaching of an agreement between the parties. The conciliation agreement is deemed enforceable, and can be directly invoked before the competent court in case of non-satisfaction with its contents by the counterpart.

In **Jordan**, the application of penalties would be carried out, (article 20 - adherence to terms of the license).

In **Malta**, enforcement action is taken by the regulator against the service provider, which may lead to the imposition of an administrative fine. The procedure for imposing an administrative fine is as follows:

- **Step 1:** The Regulator sends an official letter called "judicial letter" through the Court services warning the non-compliant party on the administrative fine that may be imposed by the Regulator, the specific reason why such fine may be imposed, the amount of the fine and also requiring that party to rectify his acts or omissions and, or to make his submissions to the Regulator, within a specified given time.

- **Step 2:** If the party concerned remedies the infringement within the period established by the Regulator and agrees in writing to abide with any conditions that the Regulator may impose, the Regulator shall desist from proceeding any further. If the party concerned, after having been informed in writing as stated above, fails to remedy the infringement within the period established by the Regulator or fails to abide with any conditions agreed to in writing, the Regulator shall impose against such party an administrative penalty for such failure to comply, in addition to the administrative penalty which is imposed for the infringement itself.

The legal basis is article 13 of the Regulator's Act. The situation does not differ in case of complaint handling vs. formal dispute settlement proceedings.

In **Palestine**, the situation is dealt with by submitting it to the Prime Minister's Office and to Government.

In **Portugal**, dispute settlement is based on the willingness of the parties, but the regulator can demand information and reminder on the violation of the norm that foresees it can be sanctioned.

In the case of **Spain**, this is not applicable, since CNMC has no such competences.

In terms of the electricity market law (article 16) of **Turkey**, in cases, the service provider does not apply the decision of the regulator, the latter starts the investigation. There is no difference between complaint handling vs. formal dispute settlement proceedings.

In cases when service providers do not apply the regulator's decision related to a complaint/ dispute settlement, all regulators of the **EnC CPs** countries have a mechanism to punish those who breach legal obligation, in this regard.

The regulators' possibilities are to impose penalties on the service providers (**Albania, Georgia, Kosovo, and Ukraine**) in the form of fine. Regulators from countries of **EnC CPs** may report to another authority or competent inspection on the breach of service provider's obligations (**FYR of Macedonia, Montenegro, and Serbia**).

Moldova has the legal capacity to initiate the proceedings with a competent court and propose a penalty for a violator.

4.7 Relevant information provided by the energy service provider

In cases of all the respondent **MEDREG** countries except **Jordan**, the energy service provider provides consumers with all relevant information concerning price, connection and disconnection rules and fees, terms of bills payment, dispute rules, etc. Similarly, in all countries of **EnC CPs**, consumers are properly informed about the products/services, prices, terms and conditions etc. The most common way to provide information is by the contracts. Official websites are the second most common way for energy service providers to provide information to consumers.

Country	Ways to provide relevant information to consumers							
	Contract	Website	Bills	Branches of DSOs or suppliers	Letter	Leaflet / Brochure	Meetings / Panels	Campaigns
Albania	X							
Algeria		X				X	X	X

Bosnia & Herzegovina	X	X	X	X		X		
Egypt	X	X		X				
Georgia	X							
Greece	X	X						
Italy	X			X				
Jordan	X	X	X	X	X			
Kosovo	X							
FYR of Macedonia	X	X	X					
Malta	X							
Moldova	X							
Montenegro	X	X						
Palestine								
Portugal	X	X	X		X			
Serbia	X	X	X	X				
Spain	X	X	X					
Turkey	X							
Ukraine	X	X	X	X				
TOTAL	17	11	7	6	2	2	1	1

In the case of **Algeria**, the provider uses various communication channels to inform his customers, for instance, his website, leaflets and brochures, meetings and sensitization and information campaigns. This obligation is set by regulation (executive decree 08-114 fixing the terms of allocation and withdrawal of electricity and gas concessions).

In **Egypt**, this information is provided to consumers by the energy service provider by means of the customer contract. The energy service provider is obliged to provide the customer contract as per its license conditions issued by the regulator. In addition, there are instructions and guides containing this information, available at the offices of branches of distribution companies.

In **Greece**, all the information must be mentioned in the energy contract according to Article 18, paragraph two of the “electric energy customers supply code” (ΦΕΚ 832/9.04.2013). It is also obligatory to publish the above-mentioned information in its website.

In **Italy**, under ARERA regulation (code of conduct for electricity and gas supply), all relevant information concerning price, connection and disconnection rules and fees, terms of bills payment, dispute rules, etc. are to be provided in pre-contractual documents and in supply contracts. General information on energy service supply and consumers' rights are offered by the single contact point for consumers established by ARERA.

In **Malta**, the information is provided to consumers by the energy service provider by means of the customer contract. The energy service provider is obliged to provide the customer contract in terms of its license conditions issued by the regulator.

In **Portugal**, the information is given by letter, website, contractual terms and in the bill sent to consumers. This is a result of the national framework laws for electricity and natural gas sectors, as well as of the commercial relations codes.

In **Spain**, the information appears on the consumers' bills and is publicly available on the service providers' webpage.

In **Turkey**, some of the information is given to the customer by means of the retail contract or bilateral agreement. The legal basis is the consumer services regulation.

In cases of all the **MEDREG** respondent countries, except **Jordan**, the consumer receives information related to pricing policy, the appropriate level of customer service, as well as billing, payment options, the procedure of filing of complaints to the energy provider, the possibility of recourse to the regulator as complaint handling / dispute settlement body, and for the opportunity of enlistment of a consumer association in aid of the consumer. The most common way to provide information is by the contracts. Official websites are the second most common way for energy service providers to provide information to consumers.

5. Conclusions

Regardless of the level of customers' protection, it is obviously noticed that the consumers' protection issue is gaining more and more interest. Surveys and reports of this nature serve to provide information on the state of play in different countries of MEDREG and EnC CPs, but also to share the best practices.

All respondent countries have consumer protection policies for their household energy consumers consisting of rules regulations within energy, gas legislation and license conditions or as part of consumer protection and/or administrative legislation. Such regulations provide also for the authorities responsible for complaint handling and dispute settlement, the legal effects of the decisions and recommendations issued by these authorities and other legal opportunities available for customers. The authority responsible for review of the complaints and resolve of disputed in all countries of EnC CPs is the NRA. NRA have the same scope of authority and competence in the majority of MEDREG countries.

In the other cases where the regulatory authority is not competent for resolving disputes, other entities are responsible for handling/resolving disputes. For the future, the role of specific ADR (alternative dispute resolution) entities competent for handling electricity and gas complaints is expected to increase due to the further development of this form of dispute resolution, which in the North shore countries is expected to develop in line with European legislative requirements.

The majority of respondents have a legal basis on which to base their actions vis-à-vis disputes. Where it is thought that the legal basis may be subject to interpretation and subjectivism, it is suggested that this is to be strengthened, preferably through legislative means. On the other hand, in the absence of definitions of the terms "dispute resolution" and/or complaint handling in the particular legal system, these should be defined when problems of legal interpretation have arisen.

It is also evident that the majority of regulatory authorities have clear procedures in place for dispute settlement and/or complaint handling, or that clear procedures exist for the proper handling of household consumer complaint handling/dispute settlement when the regularity authority is not responsible for such functions. The existence of such procedures is highly recommended to ensure legal certainty to the proceedings, and to ensure a structural approach to the handling of household customer complaints and dispute resolution.

The legal effects of the settlement outcome vary between the respondent MEDREG countries, as it is possible for the Regulator to impose a legally binding outcome in only three countries, while there is no such power to do so in another two countries. This variance, of course, depends on the particular national solutions resorted to in each different national context, which difference is probably result of the differing needs. In all applicable cases, the NRA must notify the parties of its decision in writing and by means of a dated decision.

In the majority of cases where the regulatory authority is responsible for dispute resolution and/or complaint handling, the regulators may deal with most customer complaints, with

billing, metering and supply interruption issues being some of those mentioned in the responses received. In general, it is noted that regulatory authorities are able to deal with cases which involving the core functions of a national regulatory authority in the energy sector.

In most respondent cases, only judicial institutions besides the regulator, may deal with energy related customer complaints and, or dispute resolution procedures. While in some cases, this reality has the benefit of ensuring an 'arm's length' approach to the resolving of disputes, this may have the disadvantage, and also depending on the national context, of dispersing the necessary **specialized know-how** to address such cases using the necessary expertise, of which regulatory authorities are an important depositary, but also involving some extra costs.

Contracts are the most common ways to inform customers of their right to complain and Websites and leaflets are the alternative information channel of communicating such rights. However, conferences and interviews are novel ways reported by regulators to inform customers of their right to complain.

The most common legal basis underpinning the right to complain by customers is founded on legislative and regulatory instruments. This is commendable and recommended in those cases when such legislative instruments giving legal force to the NRA to act are absent.

In all cases of the replies received, it has been found that there are complaint handling standards for service providers and other dispute settlement institutions in place and with a legal basis for doing so. This is an important finding, as it is confirmed that a basic requirements ensuring the protection of customer's rights is present and in force.

In a majority of respondent countries, it resulted that the consumer has first to have recourse to the supplier's own mechanisms for complaints handling, before having recourse to the regulator, while in a small minority of cases the customer may have approach directly the regulator.

Various means are available to customers to contact the regulator and to address their complaints. The most innovative way used for such purposes is the use of what's app. The increased use of information technology and social media for such purposes is to be recommended, saving adequate safeguards being in place with regard to privacy and the continued relevance of traditional modes of communication to address customers' complaints and concerns.

In the majority of cases, there are no special procedures in place to turn complaint handling into a formal dispute settlement procedure. This would have the distinct advantage of increasing efficiency the adequate treatment of the customer's complaint.

All the respondent counties reported that the NRA's have access to complaint related data, and that this access is ensured by law. Billing and metering issues were mentioned as the most common type of complaints received.

It is positively noted that all the NRAs are constrained by specific periods to address complaints. This ensures that customers are able to receive redress or a treatment of their complaint by NRAs within a particular timeframe. It is also noted that an extension of the proceedings is mostly only allowed in complex cases, which require more time to be adequately addressed.

The times taken for the regulator to address or conclude an issue are considered to be mostly adequate. Meanwhile compensation schemes from the service provider are present in the several respondent countries. This is a recommendable practice as it ensures direct and adequate means to address complaints/disputes in a timely and inexpensive manner and it was noted positively that in all respondent countries, the customers are not obliged to pay a charge for submitting a complaint.

In almost all cases, the consumer cannot be reimbursed of any costs sustained in the complaints/dispute settlement process. In this regard, if the procedures in place were free of charge/inexpensive and efficient to complete, this would not be a marked in the consumer protection frame. However, if one process involves significant costs for the consumer to advance his demand for redress, the issue of reimbursement of costs should be brought for discussion. Therefore, the regulators report regularly about the number and nature of received and resolved procedures in cases where the regulator is competent for such processes, regardless of the frequency of reporting.

In nearly all cases, even when there is recourse to voluntary ADR procedures, the final settlement determined by the regulator or reached by the parties is binding, and in the case of a regulatory decision, subject to fines and enforcement in the case of non-compliance by the service provider. This is a common and decisive characteristic found in the dispute resolution scenarios surveyed by the questionnaire, as the lack of a binding character in the final determination made at the end of the review procedure, would render the whole process ineffective.

A very positive finding gleaned from the questionnaire, is that in almost all the respondent countries the energy service provider informs the customers with all relevant information concerning price, connection and disconnection rules and fees, terms of bill payments, dispute rules, etc. It also noticed that a variety of means are used to reach customers, varying from information provided in the customers' contracts, to information being put on the service provider's website and on the bills sent to consumers.

6. Next steps

This round of survey has shed light on some very important aspects related to household customers' protection policies, applied in different countries of MEDREG and EnC CPs. Foremost, the responsiveness of the involved countries and the quality of information provided made possible a comprehensive comparative analysis on the different consumer protection aspects applied in different countries. Even-though this report introduces different scenarios of consumer protection schemes, which go better with national legal and institutional framework, the aim behind this overview is to bring out the best experiences, which can be easily embraced by other countries.

That being said, it is necessary to discuss the findings of this report with NRAs and other stakeholders thus bringing the understanding the issue of customers' rights protection at a higher level and ensuring more accountable responses from the authorities.

It is also important to have follow-up surveys on complaint handling and dispute settlement procedures available to household customers in order to monitor the improvement of situation towards more efficient practices and higher standards of customer/consumer protection. Since, in almost all cases, change of policies and procedures require legislative changes is recommended that the periodic reporting to take place bi-annually.

Annex – List of abbreviations

Term	Definition
ADR	Alternative Dispute Resolution
ANRE	Agenția Națională pentru Reglementare în Energetică (Moldova)
ARERA	Autorità di Regolazione per Energia Reti e Ambiente (Italy)
BiH	Bosnia & Herzegovina
CCHP	Customer Complaint Handling Procedure
CEO	Chief Executive Officer
CNMC	Comisión Nacional de los Mercados y la Competencia (Spain)
CPD	Continuing Professional Development (Kosovo)
CREG	Electricity & Gas Regulation Commission (Algeria)
DERK	State Electricity Regulatory Commission (Bosnia & Herzegovina)
DisCos	Distribution Companies
DSO	Distribution System Operator
DSP	Dispute Settlement Procedure
ECRB	Energy Community Regulatory Board
EgyptERA	Egyptian Electric Utility & Consumer Protection Regulatory Agency (Egypt)
EMRA	Energy Market Regulatory Authority (Turkey)
EMRC	Energy & Minerals Regulatory Commission (Jordan)
EnC CPs	Energy Community Contracting Parties
ERC	Energy Regulatory Commission (FYR of Macedonia)
ERE	Enti Rregullator i Energjisë (Albania)
ERO	Energy Regulatory Office (Kosovo)
ERRA	Energy Regulators Regional Association
ERSE	Entidade Reguladora dos Serviços Energéticos (Portugal)
FERK	Regulatory Commission for Energy in Federation (Bosnia & Herzegovina)
FYR	Former Yugoslav Republic
GNERC	Georgian National Energy & Water Supply Regulatory Commission (Georgia)
MEDREG	Mediterranean Energy Regulators
NEURC	National Energy & Utilities Regulatory Commission (Ukraine)
NRA	National Regulatory Authority
PERC	Palestinian Electricity Regulator Council (Palestine)
QoS	Quality of Supply
RAE	Regulatory Authority for Energy (Greece)
RERS	Regulatory Commission for Energy of Republika Srpska (Bosnia & Herzegovina)
RES	Renewable Energy Sources
REWS	Regulator for Energy & Water Services (Malta)
TPA	Third Party Access
TSO	Transmission System Operator
WG	Working Group