

CEER

**Council of European
Energy Regulators**



Fostering energy markets, empowering **consumers**.

**Report on National Models of
Cooperation among Different Sectoral
Regulators in the Context of Consumer
Law Enforcement**

**Regulatory Benchmarking
Work Stream**

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INFORMATION PAGE

Abstract

This document (C19-RBM-19-05) reports on whether cooperation models are put in place between NRAs and relevant entities/organisations in order to better ensure consumer protection, as foreseen in the Consumer Protection Cooperation (CPC) Regulation (EU) 2017/2394.

Target Audience

European Commission, regulatory authorities, consumer representative groups, Member States, academics and other interested parties.

Keywords

Consumer, Protection, Consumer Protection Cooperation Regulation, NRAs, energy regulators

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Table of Contents

EXECUTIVE SUMMARY	4
1 COMPETENCIES TO PROTECT CONSUMER RIGHTS	6
2 COOPERATION BETWEEN SECTORS WITH RESPECT TO CONSUMER RIGHTS..	21
3 COOPERATION AT A NATIONAL/REGIONAL LEVEL WITH RESPECT TO CONSUMER RIGHTS	25
4 RELEVANCE OF THE CONSUMER PROTECTION COOPERATION (CPC) REGULATION FOR NRAS.....	33
ANNEX 1 – LIST OF ABBREVIATIONS	35
ANNEX 2 - ABOUT CEER.....	36

EXECUTIVE SUMMARY

As of 17 January 2020, the Regulation (EU) 2017/2394 of the European Parliament and of the Council on the Cooperation between national authorities responsible for the enforcement of consumer protection laws (henceforth “the CPC Regulation”) repeals and replaces the Regulation (EC) No 2006/2004. The new regulation lays down a cooperation framework to allow national authorities from all countries in the European Economic Area to jointly address breaches of consumer rules when the trader and the consumer are established in different countries. The content of the regulation is to establish a common approach at Union level to protect consumer interests and collective interests. It defines the conditions under which the competent authorities work together, between themselves and with the European Commission.

This paper reports on whether **cooperation models are put in place between National Regulatory Authorities (NRAs) and entities/organisations to better ensure consumer protection**. As a first step CEER looked at NRAs’ competencies in terms of protecting consumer rights. As a second step CEER reports on if and how cooperation between national entities ensures the protection of consumer rights. This report is based on answers provided by 24 NRAs.

In the light of the NRAs competencies it is clear that there are different ways to ensure the protection of consumer rights.–While some NRAs provide a single point of contact for consumers (e.g. E-Control from Austria) others employ effective tools to protect consumers’ rights (e.g. CREG from Belgium designed the CREG Scan for consumers’ contracts).

When it comes to the cooperation between sectors, CEER found that 16 out of 24 responding NRAs are multi-sector regulators; most of them reported that no formalised system has been put in place internally or externally to cooperate with entities active in the protection of consumer rights. Most NRAs have no formalised process for cooperation with other authorities, but many have an ongoing relationship and exchange of information with consumer organisations and/or entities.

The question of whether the CPC Regulation interacts with NRAs tasks and/or powers has been answered negatively. So far, most of the responding NRAs consider that as this regulation is not creating tasks for NRAs, its measures are not to be enforceable by them. Nevertheless, assessment is still ongoing within some NRAs.

Main findings from the performed survey:

- The NRAs have different powers in protecting consumer rights. Some NRAs function as a single point of contact for consumers (e.g. E-Control, REWS), almost all NRAs monitor the consumer market and others develop tools (e.g. CREG, DUR, CNMC) that protect consumers. Most of the NRAs are involved in addressing and resolving complaints.
- The multi-sector regulators (16 of the 24 responding NRAs) generally have no formalised process for cooperation in this respect, but they are similar across regulated sectors (e.g. at CRU, REWS). On the other side, some NRAs have their own Division of Consumer Protection (e.g. HEA, NERC), which cooperates with the other departments responsible for each area. Regarding complaints treatment and Alternative Dispute Resolution (ADR), ARERA has established a cross-sectorial and multilevel customer protection system and a Single Point of Contact (“Sportello” which operates on behalf of ARERA).
- The majority of NRAs do not work with other authorities in a formal way. Nevertheless, there is continuous contact with other entities/organisations that helps to create a relationship and facilitates the exchange of information. Additionally, in most countries there are legal obligations to cooperate with other entities. Some have a MoU with organisations (e.g. HEA with their general consumer protection authority) or with other authorities (e.g. Ofgem and the Competition and Markets Authority). Most NRAs are members of different associations and actively participate in their work (e.g. CRU from Ireland and ARERA from Italy are members of NEON – the European association of independent energy ombudsmen and regulators). In some NRAs (e.g. E-Control, RAE) establishing the relevance of CPC-Regulation is still ongoing but so far, most of the responding NRAs consider that this regulation is not creating tasks for NRAs and must not be enforceable by them. ERSE noted the importance of the CPC Regulation and that consumer protection must be seen as a cross-cutting concern.

1 Competencies to protect consumer rights

The responding NRAs have the following competencies in terms of protecting consumer rights:

Country/NRA	Competencies
Austria (E-Control)	<ul style="list-style-type: none"> • The basis for E-Control's activities is the E-Control Act. In section 4, it defines the goals of the regulator and among them are contributions to consumer protection (para. 7), contribution to high standards regarding universal service and protection of vulnerable consumers (para. 8). One of the central tenets of the work is to serve as single point of contact for energy consumers. This involves continually providing them with information about their rights alongside the applicable law and the available dispute settlement procedures (section 22(6)). • E-Control has a particular duty to settle disputes between all market participants, including consumers. They are also a certified alternative dispute resolution body and they must endeavour to find an amicable solution to disputes within six weeks; the market players must cooperate with E-Control in this endeavour. (section 26 E-Control Act) • In the annual report, E-Control must detail the effectiveness of consumer protection measures (in particular those for the protection of vulnerable consumers), consumer disconnections and the number of consumers who use a universal service. (section 28(2) E-Control Act)
Belgium (CREG)	<p>CREG has cross-cutting expertise/competence in this area. Indeed, article 23,§1 of the Electricity Law states that "the commission shall take all reasonable measures to achieve the following objectives in the context of its tasks listed in Article 23, § 2, in close concertation, where appropriate, with the other federal authorities concerned, including the Belgian competition authority, and without prejudice to their powers:</p> <p>To ensure that customers benefit from the efficient functioning of the market and to promote effective competition as well as to contribute to the protection of consumers".</p> <p>CREG carries out all its legal missions taking into account the interests of consumers. As part of its work, and as non-exhaustive examples, CREG has notably invested in:</p> <ul style="list-style-type: none"> • Conception and the launch, in February 2017, of the CREG Scan for individuals, SMEs and self-employed with a maximum consumption of 50,000 kWh/year for electricity and/or 100,000 kWh/year for natural gas. This online tool is a first for Europe. Thanks to CREG Scan, the Belgian consumer can check whether the contract that has

Country/NRA	Competencies
	<p>been signed in the past is an active or dormant (inactive) contract and where it is relative to the cheapest product and the most expensive currently on the market. CREG Scan is easy to use and complementary to the price comparison sites, which only compare active electricity and natural gas products. The tool is aimed at ensuring that consumers make informed decisions and, especially, that they have full information.</p> <ul style="list-style-type: none"> • Revision of the consumer agreement. As part of the revision of the consumer agreement, CREG issued a new opinion in February 2017 on a proposal for a resolution to amend the agreement. In it, CREG provides a series of clarifications and improvements on terminology and describes a number of problems (tacit renewal of contracts, separate invoicing of additional services, comparability of contracts, specific problems of SMEs, etc.) encountered by electricity and gas consumers. A new agreement entitled "The consumer in the liberalised market of electricity and gas" was finally signed on June 28, 2017 by the Minister of the Economy and Consumers and Suppliers of energy. Most of the provisions of this new agreement entered into force on 1 January 2018. • Simplification of the energy invoices. In 2017, CREG participated as an expert in a consultation exercise organised by the King Baudouin Foundation around the possibilities of simplification of invoices for electricity and natural gas. As part of this project, the following themes were addressed, particularly in the form of workshops: <ul style="list-style-type: none"> • the identification of best practices for electricity and natural gas bills; • the proposal for simplified invoices which were then tested with consumers, to finally reach a series of specific recommendations aimed at simplifying the bill. <p>Work on simplifying the energy bill launched by the King Baudouin Foundation continued in 2018. On 19 October 2018, the Ministers of Energy and the Minister of Consumers announced that they would work together to develop a simplified energy bill. In this context, CREG actively participated in the working group set up in 2018 by the cabinet of the Minister of Consumers.</p> <ul style="list-style-type: none"> • Follow up of the Charter of Good Practices for price comparison websites. As part of its mission of protecting consumers, CREG continued until June 2018 to monitor compliance with the provisions of the Charter of Good Practices for price comparison websites and to act in the case where it found that price comparison websites were illegitimately using references to the CREG Charter. • Consumer information: in 2018, CREG continued to inform the consumer, in particular about prices and their evolution, notably through:

Country/NRA	Competencies
	<ul style="list-style-type: none"> • the annual study on the evolution of the components of the price of electricity and natural gas; • the monitoring of energy market prices for households and small professional consumers; • the infographics and monthly dashboards for electricity and natural gas; and • the processing of enquiries and complaints received from consumers.
Croatia (HERA)	<p>HERA actively participates in consumer protection in a number of ways:</p> <ul style="list-style-type: none"> • Supervising energy entities and the quality of their services and by collecting and processing data related to energy entities' activities in the field of consumer protection. This is pursuant to the provisions of the Energy Act and the laws governing the performance of particular energy-related activities. HERA cooperates with ministries and relevant inspectorates pursuant to the provisions of relevant laws • Resolving particular consumer complaints by virtue of the public authority vested in HERA pursuant to the Energy-Related Activities Regulatory Act and other laws and regulations governing particular energy markets. <p>In order to protect their rights, energy consumers may submit complaints and other petitions to HERA concerning the activities of energy entities in the fields of electricity, district heating, natural gas, and oil.</p>
Czech Republic (ERÚ)	<p>The competencies of protecting consumer rights in the energy sectors are defined for the NRA by the Energy Act and the Consumer Protection Act.</p> <p>A) The NRA resolves disputes (in electricity, gas and heat sectors) arising from contractual relations between a licence holder and a consumer (according to the Energy Act – section 17 paragraph 7 article e) of the Energy Act and according to section 20e paragraph c) of the Consumer Protection Act).</p> <p>B) The NRA supervises of compliance with the above-mentioned laws concerning:</p> <ol style="list-style-type: none"> 1) unfair, aggressive and deceptive trade practices; 2) deceptive omissions; 3) discrimination of certain groups of consumers; and 4) violation of information duty on extrajudicial resolution of consumer disputes (sections 4, 5, 5a and 5b of the Consumer Protection Act).

Country/NRA	Competencies
	<p>C) The NRA cooperates with citizen associations and other legal persons founded to protect the rights of energy consumers (section 17 paragraph 7 article q) of the Energy Act).</p>
<p>Cyprus (CERA)</p>	<p>CERA contributes to the achievement of high standards of universal and public service in the supply of electricity and takes appropriate measures for the protection of consumers and in particular ensures that:</p> <ul style="list-style-type: none"> • Transparency on contractual terms and conditions in addition to the provision of general information and dispute resolution mechanisms. • Information provided by suppliers to their customers is reliable in a clearly comparable manner. • Consumers can actually change supplier easily. • Rights and obligations associated with vulnerable consumers are respected and may impose sanctions in the event of breach of these obligations. <p>CERA can also:</p> <ul style="list-style-type: none"> • takes measures to protect consumers in remote areas. • ensures that consumers have all the necessary information about their rights, current legislation and the means of redress available in case of a dispute. • decides on the appropriate level of tariffs or other charges, taking into account consumer protection against monopoly prices. • issues Regulations for the protection of electricity consumers by which the suppliers and the DSO propose and determine consumer complaint procedures that allow consumers to submit complaints and determine the way the suppliers and the DSO respond to them.
<p>Denmark (DUR)</p>	<p>DUR has the following competencies in terms of consumer rights:</p> <ul style="list-style-type: none"> • DUR monitors suppliers' compliance with the requirements concerning billing information contained in an executive order on electricity billing information issued by DUR pursuant the Danish Electricity Supply Act. • DUR monitors suppliers' compliance with the supply obligation. This includes monitoring the number of disconnections due to consumers' non-payment of security for the continued supply of electricity.

Country/NRA	Competencies
	<ul style="list-style-type: none"> • In Denmark, all electricity suppliers are obligated to provide electricity to household customers (within the grid area where the supplier operates) upon request and payment by the customer. Furthermore, suppliers cannot disconnect household customers due to non-payment of consumed electricity. If the supplier has justified reasons to expect non-payment, the supplier can require security for the continued supply of electricity. In case of non-payment of the required security, the supplier can initiate the disconnection procedure. The procedure is regulated in detail and requires that the supplier notifies the consumer properly. • DUR is responsible for operating the electricity comparison tool (CT) Elpris.dk. On Elpris.dk, consumers have access, free of charge, to compare the service offering (prices, etc.) of all electricity products offered by suppliers to consumers with an annual consumption up to 100,000 kWh. DUR monitors that up-to-date prices and other relevant product information are available on the supplier's own website and reported to Elpris.dk. DUR is responsible for issuing the executive order that specifies the suppliers' obligation to report to Elpris.dk.
Estonia (ECA)	<p>Pursuant to the Electricity Market Act the protection of household consumer rights is shared between the Estonian Competition Authority and the Consumer Protection and Technical Regulatory Authority. The Act provides that supervision over the provision of network services, offer or sales of electricity or making electricity available in the market in another manner shall be exercised by the Consumer Protection and Technical Regulatory Authority to the extent of the authority granted to it by the Consumer Protection Act. In the case of a dispute which has arisen in relation to a connection contract, network contract or electricity contract and which the parties have been unable to settle, the consumer is entitled to file a complaint with the Consumer Disputes Commission or another person or body or court which deals with similar complaints. The Estonian Competition Authority shall resolve complaints made by one market participant about the activity or inactivity of another market participant which contradicts the Electricity Market Act or other legislation enacted on its basis. Both the contract and the invoices shall include information on consumer rights and resettlement of disputes.</p>
Finland (EV)	<p>EV monitors the compliance with the electricity and natural gas market legislation. In terms of consumer protection, it especially monitors the supply obligation and the compliance of peremptory provisions regulating billing and contracts between consumers and distribution system operators and suppliers.</p>

Country/NRA	Competencies
	<p>The Competition and Consumer Authority and the Consumer Ombudsman have responsibility to supervise that obligations towards consumers set out in the Consumer Protection Act as well as in the energy legislation are observed. The consumer authorities and EV have a partly concurrent jurisdiction over energy-related matters.</p> <p>The decisions of the EV set obligations only for energy companies and do not create rights for individual customers or solve individual contractual disputes. EV has no competence to solve individual contractual disputes.</p> <p>EV guides consumers with contractual disputes to contact the national Consumer Advisory Service and the Consumer Disputes Board and advises consumers on available legal remedies. EV also maintains the electricity price comparison tool (www.sahkonhinta.fi) for consumers and other small-scale end-users.</p>
France (CRE)	<p>CRE contributes to the proper functioning of the energy and natural gas markets and helps in ensuring the real effectiveness of the consumer protection measures.</p> <p>CRE ensures the conditions of access to the transmission and distribution networks of electricity and natural gas do not hinder the development of competition. It ensures the network, the operators of transmission and distribution networks of electricity and natural gas and the companies operating in the sectors of the autonomy and the gases, obligations which incumbent on them.</p> <p>CRE monitors, for electricity and for natural gas, transactions between suppliers, traders and producers and transactions in organised markets and border exchanges. It monitors the consistency of tenders, including capacity guarantees, made by producers, traders and suppliers, in particular to final consumers, with their economic and technical constraints, where appropriate their supply conditions through regulated access to the historical nuclear electricity. It may formulate opinions and propose any measures favouring the smooth functioning and the transparency, particularly in terms of prices, of the retail market (Article L 131-2 of the French Energy Code). To this end, the CRE has powers of sanction, investigation and control.</p> <p>A CRE commissioner was also appointed by decree “because of its legal, economic and technical qualifications in the areas of the protection of energy consumers and the fight against fuel poverty” from 2013 to 2019 in accordance with the mandate of the Board members, for a period of 6 years non-renewable (Article L 132-2 of the French Energy Code).</p>

Country/NRA	Competencies
	<p>CRE does not establish consumer standards.</p> <p>In the event of a dispute with its supplier or distributor of energy (electricity, natural gas, liquefied petroleum gas in bottles or tanks, fuel oil, wood and heat networks), the consumer or his representative (consumer association, lawyer, etc.) can refer a claim to the National Energy Ombudsman for free in order to help resolve the dispute. Depending on the party concerned, they can also bring the dispute before the CoRDIS (dispute settlement committee of CRE).</p>
Germany (BNetzA)	<p>The German Energy Industry Act provides for competencies for BNetzA to conduct supervisory proceedings against companies that violate provisions of the energy legislation.</p> <p>Besides that, BNetzA offers information services for consumers via its website as well as through the BNetzA energy consumer service which can be contacted via post, telephone, e-mail or BNetzA's website.</p>
Greece (RAE)	<p>Pursuant to Article 22 (Monitoring and supervision of the energy market) of the Greek Energy Law (Law 4001/2011): “As part of its remit, RAE shall monitor and supervise the operation of the energy market, prepare studies, draft, publish and submit reports, make recommendations, issue decisions or propose that the competent bodies take the necessary measures, including issuing regulatory acts and individual notices, especially for the purpose of compliance with competition rules and the regulatory obligations imposed under the present law, consumer protection, fulfilment of their obligations by general interest service providers, environmental protection, security of supply and the development of the EU internal energy market. The RAE shall therefore monitor and supervise, in particular: [...] (b) prices to household customers, including prepay systems, the percentage of change of supplier, the percentage of supplies cut off, the provision of maintenance services and related charges and customer complaints [...].”</p> <p>Pursuant to Article 24 (Consumer protection) of the Greek Energy Law: “1. RAE shall supervise the application of consumer protection measures, in accordance with the provisions of Part Two [Art. 46- 54 attached]. 2. RAE may issue a decision requiring energy transmission system and distribution system operators to provide customer consumption data in electronic format free of charge. 3. RAE shall only examine customer complaints inasmuch as they derive from or relate to matters of regulatory supervision provided for under the present law and specified in the regulatory decisions issued pursuant hereto. RAE shall not examine matters relating to disputes of a civil or commercial nature.”</p>

Country/NRA	Competencies
Hungary (HEA)	<p>The jurisdiction of HEA is set by the sectorial legislation, so there can be differences in each sector. The most important, direct jurisdiction regarding consumer protection belong to the following areas:</p> <ul style="list-style-type: none"> • HEA monitors the compliance of the licensees with EU and national legislation, with decisions issues by HEA, and with the commercial codes; • HEA approves the commercial codes and their amendments issued by the licensees; • In cases prescribed by law HEA modifies or repeals those commercial codes; • HEA sets the minimum requirements for the licensed activities in regard to quality of service and customer service decisions; • HEA issues decisions about individual complaints against licensees; and • HEA performs surveys on the satisfaction of consumers, expected level of service and the quality of service on the service area of the licensees.
Ireland (CRU)	<ul style="list-style-type: none"> • CRU provides alternative dispute resolution services to consumers with an unresolved dispute with their energy supplier or network company; • CRU acts as a single point of contact for the provision of information regarding rights and obligations for energy customers; • CRU conducts an annual survey to monitor consumer satisfaction in electricity and natural gas markets; and • CRU sets the minimum service requirements that licensed energy suppliers are required to adhere to in their dealings with energy customers which is checked through annual audits and spot checks.
Italy (ARERA)	<p>According to the article 1 of its founding law, the ARERA primary objective is to guarantee the promotion of competition and efficiency in the regulated sectors, as well as to assure adequate levels of quality in the services also promoting the interests of users and consumers. ARERA consumer protection and empowerment rules regard, inter alia: information on energy market and consumers' duties and rights, billing and contracts regulation, quality of service, dispute settlement mechanisms (ADR – Alternative Dispute Resolution), complaints handling procedures and low-income customer assistance.</p>

Country/NRA	Competencies
Lithuania (NERC)	<p>As defined in the Law on Energy (Art. 34, 34 (1)), Law on Drinking Water Supply and Waste Water Management (Art. 9, para 1, p.9), Law on Consumer Protection (Art. 29) and NERC regulations, approved by the Government of the Republic of Lithuania, NERC:</p> <ul style="list-style-type: none"> • performs the state supervision of protection of the consumers' rights and their legitimate interests; • ensures that customers are provided with all of the necessary information about their rights, the valid legal acts and the available methods of solving disputes; • shall consider an out-of-court basis regarding the disputes between customers and energy undertakings over actions or omissions of energy undertakings in the supply, distribution, transmission and storage of energy; connection; payments for energy consumption or services; application of state-regulated prices and/or tariffs; balancing of the flows of supply of energy and energy sources (Art. 34 of Law on Energy), as well the disputes among the water and wastewater services providers' and customers regarding the prices and tariffs of drinking water and waste water management, connection/disconnection prices to water supply networks (Art. 9 of Law on Drinking Water); • shall consider, within the remit set in Law on Energy and the laws governing individual energy sectors, customers' complaints regarding the supply, distribution, transmission, storage of energy by energy undertakings, failure to grant the right to use networks and or/systems by energy undertakings, and compliance with other statutory requirements set for the regulated energy activities.
Luxembourg (ILR)	<p>ILR has the following missions and powers:</p> <ul style="list-style-type: none"> • Consumer information about their rights; • Monitoring compliance with the consumer protection rules; • Enforcement powers (i.e. request of information, issue of administrative penalties); and • Out-of-court settlement of disputes between consumers and sector professionals (i.e. suppliers or system operators).

Country/NRA	Competencies
Malta (REWS)	<p>REWS was established specifically to provide a greater focus on consumer issues. The Regulator has a statutory responsibility for the regulation of energy and water services and resources to ensure greater focus on and increased consumer protection (article 4(a) of the REWS Act. This is ensured via:</p> <ul style="list-style-type: none"> • efficient treatment of consumer complaints; • dispute resolution function; • public consultations; and • face-to-face meetings. <p>The Regulator acts as a single point of contact to provide consumers with all necessary information concerning their rights, current legislation and the means of dispute settlement available to them in the event of a dispute. The Regulator cooperates with the other relevant national authorities with regard to consumer protection measures.</p>
Netherlands (ACM)	<p>ACM is responsible for the enforcement of the general consumer protection laws protecting the economic interests of consumers in the non-financial sectors. Furthermore, ACM enforces sector specific laws in the areas of telecom and energy. Examples are the legislation on e-commerce, unfair contract terms, unfair commercial practices, distance selling, package travel, consumer protection provisions in the telecom and energy act.</p> <p>To enforce the law, ACM has investigative as well as intervention powers. The powers are embedded in an administrative system. ACM is able to enforce the law by administrative sanctions, like issuing fines and giving orders under penalty payments. The maximum fine for infringements of the consumer protection legislation is €900,000 for every infringement or in some cases up to 10% of the annual global turnover of a company.</p>
Norway (NVE-RME)	<p>NVE-RME has been authorised to monitor compliance with and take decisions according to the Energy Act and regulations laid down in accordance with the Act. NVE-RME handles complaints and disputes regarding network regulation and tariffs, quality of supply, metering and settlement, billing, supplier switching, DSO neutrality and non-discrimination, system operation and the obligations and powers of the TSO.</p> <p>General consumer protection legislation is under the competence of the Consumer Protection Authority.</p>
Poland (ERO)	<p>Pursuant to Article 8(1) of the Energy Law Act, the President of the ERO, upon a request of a party, shall settle disputes concerning the refusal to conclude a network connection agreement, sales agreement, contract for the</p>

Country/NRA	Competencies
	<p>provision of transmission or distribution services of fuels or energy, agreement for the provision of transport services of natural gas, agreement for the provision of natural gas storage services, agreement for the provision of liquefaction services of natural gas, agreement for making available of a part of gas storage installation to the gas transmission operator for remuneration, common service agreement, as well as unjustified stoppage in the supply of gaseous fuels or electricity.</p> <p>The President of the ERO carries out his tasks in the scope of dispute settlement provided for in Article 37 (1) of Directive 2009/72/EC and Article 41 (11) of Directive 2009/73/EC pursuant to Article 8 (1) of the Energy Law Act. It should also be reminded that the President of the ERO lacks competence to settle disputes concerning the already concluded agreements. Nevertheless, a significant number of disputes between customers or producers and energy undertakings arise with regard to the agreements concluded between these entities. In such a situation a general court is the competent authority to resolve a dispute.</p> <p>In 2016 works were completed on the Act on Alternative Dispute Resolution, which implements Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR), and Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR).</p> <p>The Act on Alternative Dispute Resolution introduced a tool allowing consumers to file a request for resolution of disputes with undertakings to entities offering independent, impartial, transparent, efficient and fast methods of their alternative resolution. The above reference Act also amended the Energy Law Act, by establishing that the President of the ERO creates a position of Coordinator for Negotiations whose tasks include conducting proceedings on out of court resolution of disputes between consumers of gaseous fuels, electricity or heat in households and energy undertakings, or between prosumers that are consumers and energy undertakings, arisen under agreements:</p> <ol style="list-style-type: none"> 1) on connection to the electricity, gas or heat grid, including connection of a micro-installation, 2) on provision of services of transmission or distribution of electricity or natural gas, 3) on provision of services of transmission and distribution of heat, 4) on sales,

Country/NRA	Competencies
	<p>5) common service agreements.</p> <p>The Act on Alternative Dispute Resolution entered into force on 10 January 2017, until then household consumers had had an option to apply for amicable settlement of a dispute to amicable settlement consumer courts operating at the Commercial Inspection. Until 9 January 2017 permanent amicable settlement consumer courts operating at the Commercial Inspection reviewed disputes that had arisen from sales agreements, agreements on provision of transmission or distribution services and agreements on connection to the grid, concluded between an energy undertaking and a household consumer of gaseous fuels or electricity.</p> <p>Notwithstanding the above, it should be noted that the tasks of the President of the ERO also include carrying out information activities relevant to electricity and gas consumers, including publishing on the ERO website information about recurring or significant problems leading to disputes between energy enterprises and customers of gaseous fuels or electricity in the household, as well as customer complaints about energy companies regarding these problems., Information is provided to energy and gaseous fuels customers via an info-line to inform and promote the right to switch suppliers. In order to fulfil these tasks, there is the Information Point for Fuel and Energy Customers within the structure of the ERO, where customers can obtain information and advice regarding their rights (by phone, in writing, as well as electronically). Detailed information on the activity of the Point as well as contact data are posted on the ERO website.</p> <p>In addition, the President of the ERO in cooperation with the President of the Office for Competition and Consumer Protection (OCCP) prepared a set of energy consumer rights based on the guidelines of the European Commission. The document contains practical information on the rights of electricity and gaseous fuels consumer. Pursuant to the obligation imposed by the Energy Law Act, suppliers of gaseous fuels or electricity shall provide household consumers with copies of the Set of Energy Consumer Rights and ensure public access to this document. The President of ERO also provides an updated list on the ERO website.</p> <p>The President of the ERO also cooperates with town and municipal ombudsmen of consumer rights by organising dedicated trainings. The authority also publishes announcements on its website in which it emphasises that consumers need to be particularly prudent when signing and terminating agreements. A guide dedicated to consumers was published that elaborates on their rights that arise from participating in the energy market in Poland. Upon its publication, energy and gas suppliers are obliged to provide household consumers with this guide.</p>

Country/NRA	Competencies
<p>Portugal (ERSE)</p>	<p>One of the main competencies from ERSE is consumers' protection. This is enshrined in ERSE's by-laws. Some of the aims of ERSE's activities are: to protect the interests of consumers, in particular the vulnerable customers, especially regarding prices, quality of service and access to information.</p> <p>ERSE published the Electricity and Natural Gas sectors national Regulation and always has consumer protection in mind when the sectorial regulation is reviewed. On their website, ERSE developed a specific area for consumers, where it included all the important information about contracts, service connection and invoices in plain language.</p> <p>ERSE also analyses and recommends contractual terms and conditions presented by the suppliers to the consumers. It responds to the information requests that are directly sent by the consumers.</p> <p>It also promotes both alternative dispute resolution (ADR) between consumers and suppliers/DSO and voluntary mediation with the aim to resolve conflicts of a commercial or contractual nature. ERSE can recommend a solution (mediation) to the conflict or propose that the parties seek, together, to find a solution (conciliation). In addition, it has a dedicated telephone line for energy consumers.</p> <p>Whenever ERSE identifies frequent non-compliances it publishes detailed recommendations that companies shall follow. It also instigates administrative procedures if companies don't fulfil their public obligations to their customers.</p> <p>ERSE publishes brochures with important information for consumers and shares them with many national entities. ERSE also has a training program (ERSEForma) through which they present and share information with other entities like consumers associations and municipal consumers departments. ERSE gives presentations at ERSE headquarters and also in other cities when invited to be part of these training sessions.</p>
<p>Spain (CNMC)</p>	<p>In the energy field, the CNMC has different competencies related to the protection of both electricity and natural gas consumers. Nevertheless, the NRA has no direct competencies to solve individual claims of customers against energy companies, except for switching suppliers without individual consent. Instead, it can only adopt regulatory measures of a general scope or impose penalties on the companies for the breach of consumer rights.</p> <p>In terms of supervision, CNMC has the competence to ensure compliance with the regulation and procedures regarding the change of supplier; to supervise the adaptation of prices and conditions of supply to the provisions of the energy Laws; to supervise the degree and effectiveness of the aperture of the market and the competition; and to manage price comparison tools (art. 7 Law 3/2013, which established the CNMC). Also, regarding Law 54/1997</p>

Country/NRA	Competencies
	<p>(previous Electricity Law, subsistent in this point) the CNMC must ensure the protection of customers, especially the vulnerable ones. When receiving complaints from customers, the CNMC may impose penalties on companies due to the infringement of consumer rights (Law 24/2013: electricity; and Law 34/1998: gas). The most common sanctioning procedures are due to the lack of formalisation of contracts or the lack of consent from the customers to supply electricity or gas. In some cases, the CNMC may approve binding decisions to ensure rights of the customers (for example, a binding decision to gas companies regarding the information to provide to customers regarding the different options for the gas supply; or a binding decision in the electricity sector aimed at avoiding confusion in the brand image of suppliers). The CNMC may also issue recommendations to companies and consumers regarding the terms of the supply contracts, or make proposals for the amendment of the regulation.</p>
<p>Sweden (Ei)</p>	<p>The Swedish Energy Markets Inspectorate (Ei) is a supervisory authority for the energy markets, which means that they are working on having safe and efficient access to electricity, natural gas and district heating in Sweden. It supervises compliance with laws and regulations in the energy markets sector. The laws that govern the operations are among others the Electricity Act, the Natural Gas Act and the District Heating Act.</p> <p>There are, for example, several legal provisions in the Electricity act and Natural Gas Act that aim to protect the consumers', among others, rights to contract information, consumer information and complaint handling. Ei also assists customers to become more aware of their rights, possibilities and responsibilities. Ei informs the customer about matters such as:</p> <ul style="list-style-type: none"> • How to change electricity supplier, • How to compare prices and contracts for all electricity suppliers via Elpriskollen.se (a state-owned independent price comparison site), • The costs of connecting to the electricity network, • How to report your electricity supplier or DSO, • What to do if you experience a power failure, • Telephone support for consumers (via Konsumentkontakt).

Country/NRA	Competencies
Great Britain (Ofgem)	<p>Ofgem is the Office of Gas and Electricity Markets and it carries out the Gas and Electricity Markets Authority's day-to-day work and investigates matters on its behalf. The Authority's principal objective when carrying out its functions is to protect the interests of existing and future electricity and gas consumers.</p> <p>Ofgem has a range of powers under energy-sector legislation which form the basis of most of its enforcement work. It also has powers to take civil enforcement action to protect consumers, for example:</p> <ul style="list-style-type: none"> • to ensure compliance with consumer protection provisions under Part 8 of the Enterprise Act 2002. The Part 8 mechanism enables it to enforce a wide range of consumer regulations such as the Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Contracts Regulations 2013. • to address unfair terms in consumer contracts and notices under the Consumer Rights Act 2015; and • to deal with misleading marketing under the Business Protection from Misleading Marketing Regulations 2008.

NRAs have different powers in protecting consumer rights. Some NRAs function as a single point of contact for consumers (e.g. E-Control, REWS), almost all NRAs monitor the consumer market and others develop tools (e.g. CREG, DUR, CNMC) with respect to consumer protections. Most of the NRAs are involved in complaint issues.

2 Cooperation between sectors with respect to consumer rights

The responding NRAs has the following cooperation models between the regulated sectors.

Country/NRA	Multi-sector Regulator	Cooperation
Austria (E-Control)	No	
Belgium (CREG)	No	
Croatia (HERA)	No	
Cyprus (CERA)	No	
Czech Republic (ERÚ)	Yes (Electricity, Gas, District Heating)	The Czech NRA regulates electricity, gas and heat sectors. Within these sectors NRA cooperates especially with Ministry of Industry and Trade, The Office for Personal Data Protection, and the Czech Trade Inspection Authority (CTIA).
Denmark (DUR)	No	
Estonia (ECA)	Yes (Electricity, Gas, District Heating, Water, Sewage, Postal, Railway and Competition)	Estonian Competition Authority has a regulatory division and a competition division. The regulator cooperates with the competition division when there is a suspicion that competition law is violated (abuse of dominant position). <ul style="list-style-type: none"> •directly or indirectly establishing or applying unfair purchase or selling prices or other unfair trading conditions; •limit production, service, goods markets, technical development or investment; •offering or applying dissimilar conditions to equivalent agreements with other trading parties, thereby placing some of them at a competitive disadvantage; and •making the entry into agreements subject to acceptance by the other parties of supplementary obligations which have no connection with the subject of such agreements.
Finland (EV)	Yes (Electricity and Gas)	The same units of the EV handle consumer-related issues regardless of whether it concerns electricity or gas.
France (CRE)	No	
Germany (BNetzA)	Yes (Electricity, Gas, Telecoms, Postal, Railway and Grid expansion)	BNetzA has no consumer-related responsibilities in the railway sector. The other responsibilities are very different and direct cooperation is limited. Each regulated sector offers informational services for consumers, which are compiled on BNetzA's website.
Greece (RAE)	No	

Country/NRA	Multi-sector Regulator	Cooperation
Hungary (HEA)	Yes (Electricity, Gas, District Heating, Water and Waste Management)	HEA is the only regulatory authority in Hungary that has – on different levels – jurisdiction for consumer protection for electricity, natural gas, district heating, water public utilities and waste management. HEA ensures the enforcement of consumers’ rights mainly through its dedicated department (Department of Consumer Protection), which cooperates with the other departments responsible for each area.
Ireland (CRU)	Yes (Electricity, Gas and Water)	CRU is a multi-sectoral regulator. Formal co-operation across energy and water sectors regarding the provision of ADR services to consumers is not required at this time, as these services are not bundled. However, the same processes and procedures are used across both sectors when providing ADR services.
Italy (ARERA)	Yes (Gas, Electricity, Waste, District heating and Water)	Regarding complaints treatment and ADR, ARERA established a cross-sectorial and multilevel customer protection system and a Single Point of Contact (“Sportello” which operates on behalf of ARERA).
Lithuania (NERC)	Yes (Electricity, Gas, District Heating, Telecoms, Water, Railway and Transportation)	<p>Within its structure NERC has a separate division responsible for protecting consumers’ rights. The tasks of the Consumer Protection Division of NERC are as follows:</p> <ul style="list-style-type: none"> • Provide information to consumers and deal with their requests and complaints; • Within the competence of the NERC, deal with disputes between consumers and energy companies, and disputes arising between drinking water and wastewater services providers and consumers in the framework of out-of-court settlement of disputes; • Prepare educational programmes and implement measures to raise awareness on regulation among consumers and businesses; and • Provide methodological support in terms of implementing consumers ‘right protection. <p>The information related with consumers ‘right protection is gained and shared between the departments and divisions of NERC according to their competence.</p>

Country/NRA	Multi-sector Regulator	Cooperation
Luxembourg (ILR)	Yes (Electricity, Natural gas, Telecoms, Postal services, Railway, Airport charges, Radio frequencies and Networks Information Systems' Security (NISS))	ILR has no cooperation in place between ILR's supervised sectors regarding the protection of consumers' rights. ILR offers a cross-sectoral service for out-of-court dispute settlements (alternative dispute resolution - ADR) between a consumer and a sector professional in the sectors: electricity, natural gas, postal services and electronic communications services (telecoms).
Malta (REWS)	Yes (Electricity, Gas, Water, Sewage and Petroleum)	Although the REWS is a cross-sectoral regulator, as it regulates energy (mainly electricity and gas), fuels and water and sewage services, the Regulator adopts a unitary approach in dealing with consumer issues.
Netherlands (ACM)	Yes (Electricity, Gas, District Heating, Telecoms, Postal, Railway, Competition and Healthcare)	ACM is a multifunctional as well as a multi-sectoral authority. It combines consumer protection in the non-financial sectors, with competition oversight in all sectors and regulation in the telecom, post, water and energy sectors. ACM also cooperates with many other national and international authorities in so far as it is relevant for carrying out its legal duties. In most cases the level of cooperation is based on protocols. Examples are available on the website https://www.acm.nl/en/about-acm/collaboration
Norway (NVE-RME)	Yes (Electricity, Gas and District Heating)	NVE-RME is the national regulatory authority for gas and district heating in addition to electricity. The same unit handles consumer issues on electricity, gas and district heating. General consumer protection law is under the competence of the Consumer Protection Authority.
Poland (ERO)	Yes (Electricity, Gas, District Heating and liquid fuels)	The President of the ERO is obliged to cooperate with the President of the OCCP. Such an obligation arises from Art. 23 Section 14 of the Energy Law.
Portugal (ERSE)	Yes (Electricity, Gas, liquefied petroleum, gas and fuels)	ERSE regulates electricity, natural gas, liquefied petroleum gas and fuels. There is specific consumer protection legislation which is applied in all energy sector and they try to harmonise Regulation in all these sectors.
Sweden (Ei)	Yes (Electricity, Gas and District Heating)	

Country/NRA	Multi-sector Regulator	Cooperation
Spain (CNMC)	Yes (Electricity, Gas, Telecoms, Postal, Railway, Airport and Audio-visual)	Some of the competencies in the sectors may directly or indirectly affect consumers, as it happens in the postal services (guarantee the existence of a universal postal service) or audio-visual communications (give effect to the rights of minors, or limits to commercial audio-visual communications). Nevertheless, as in the energy sector, the CNMC has no competence to solve individual claims against providers (for example, a request for the refund of the price of a bill).
Great Britain (Ofgem)	No (see answer on p.20)	

The multi-sector regulators (16 of the 24 responded NRAs) has generally no formalised cooperation in this respect, but often the processes each regulated sectors are nearly the same (e.g. at CRU, REWS). On the other side, some NRAs have an own Division of Consumer Protection (e.g. HEA, NERC), which cooperates with the other departments responsible for each area. Regarding complaints treatment and ADR, ARERA established a cross-sectorial and multilevel customer protection system and a Single Point of Contact (“Sportello” which operates on behalf of ARERA).

3 Cooperation at a national/regional level with respect to consumer rights

The responses of NRAs in cooperating at a national or regional level in support of consumer rights are recorded below.

Country/NRA	Cooperation
Austria (E-Control)	<p>E-Control do not really have formalised cooperation mechanisms with other entities. Maybe the following aspects of E-Control's work might still be of interest in this context:</p> <ul style="list-style-type: none"> • The E-Control Act establishes three consultative bodies that are involved in E-Control's activities by law, all of which are part of E-Control's organisational structure. <ul style="list-style-type: none"> → The regulatory advisory council is involved in setting grid charges, issuing system access rules and working on consumer protection. Representatives of the ministry for consumer protection and of the Austrian consumer information body are part of this council. → The energy advisory council is part of discussions about financial support for renewable energy etc. and of our participation in public consultations issued by the ministry of economy. A representative of the consumer protection ministry is part of this council. → The consumer task force is involved in general consumer protection issues and in drawing up the consumer-related sections of our annual report (s. above). Among the participants are representatives of the consumer protection ministry.
Belgium (CREG)	<p>CREG cooperates with the Federal Energy Mediation Service (FEMS), the three regional energy regulators (BRUGEL, CwaPE and VREG) and the Federal Public Service of Economy, SMEs, the Self-employed and Energy (Directorate-General for Economic Inspection and Directorate-General for Energy). This cooperation is the result of an agreement signed in 2011 in which the services involved agreed on the procedure for the handling of complaints and questions that do not fall under the competence of the service that receives the complaint or question. In addition, and as described under question 1, CREG is also involved in different specific collaborations. Through meetings organised at regular intervals by the FEMS, the above-mentioned services and CREG share their experiences, provide their expertise and exchange their points of view on the problems encountered. They also transfer to the service concerned any question or complaint received that does not come under their direct competence. Lastly, at the request of the Federal Energy Mediation Service, and in order to report to the European Commission, CREG sends its complaint statistics for the past year.</p>
Croatia (HERA)	<p>HERA does not have a defined cooperation model on national or regional level, but there is an exchange of information when needed.</p> <p>HERA is also a member of the National Council for Regulatory Affairs and Consumer Protection that has been established according to the Consumer Protection Law.</p>

Country/NRA	Cooperation
Czech Republic (ERO)	Cooperation with other national entities is generally based on common will not on a legal document. NRA participates on Roundtables and Working Groups within Ministry of Industry and Trade and ADR interdepartmental groups. The close cooperation between NRA and CTIA is realised on actual needs.
Cyprus (CERA)	No
Denmark (DUR)	No
Estonia (ECA)	No
Finland (EV)	The Energy Authority does not have specific formal cooperation models. However, the Energy Authority and the Finnish Competition and Consumer Authority (FCCA) meet annually to discuss matters related to energy companies' compliance with the energy legislation and consumer rights in the energy market. The authorities also meet and communicate otherwise to discuss specific topical matters when deemed necessary. The Energy Authority also informs FCCA about matters that belong to its competence and vice versa, for instance based on the received consumer contacts. According to the Act on the Supervision of the Electricity and Natural Gas Market the Energy Authority shall promote cooperation with other national authorities in the field of energy. The Energy Authority also has the right, within its competence, to do supervisory cooperation with the Finnish Competition and Consumer Authority and the Consumer Ombudsman and provide them with the requested assistance when carrying out their electricity or natural gas company related surveillance or inspection tasks.
France (CRE)	The Competition Authority (Autorité de la concurrence) may communicate to CRE any referral falling within the scope of its powers. It may also refer to CRE, for its opinion, any question relating to the electricity or natural gas sectors. CRE and the Financial Market Authority (Autorité des Marchés Financiers) cooperate with each other (Article L134-17 of the French Energy Code). They communicate to each other information useful for the accomplishment of their respective missions. CRE refers the Financial Market Authority to possible breaches of obligations resulting from laws or regulations or professional rules relating to insider dealing, price manipulation and spreading of false information, or any other failure likely to affect the proper functioning of the transaction market for greenhouse gas emission allowances. CRE also works with the Directorate General for Competition, Consumption and Fraud Control (DGCCRF), administration within the Ministry of the Economy. The DGCCRF ensures the proper functioning of markets, for the benefit of consumers and businesses. CRE request them when it identifies practices that concern its field of expertise (fraud and consumer protection).
Germany (BNetzA)	The Federal Network Agency comes into contact with other authorities, ministries as well as non-governmental associations and institutions nationwide and nationally, depending on the occasion and topic. Some

Country/NRA	Cooperation
	of the consultations have a formal nature whereas others are rather informal.
Greece (RAE)	RAE does not have any formal cooperation mechanism in this regard. However, RAE duly communicates and cooperates, when needed, with other competent bodies. In terms of complaints handling, for instance, the consumers Ombudsman (ADR) notifies any energy related case to RAE for possibly further investigation (within the remit of RAE's distinct competence, i.e. in as much as they derive from or relate to matters of regulatory supervision).
Hungary (HEA)	<p>In order to protect consumer rights of energy consumers, HEA and the general consumer protection authority signed a memorandum of understanding (agreement on cooperation) in September 2015 which is still in force. After the restructuring of the general consumer protection authority, a new memorandum of understanding is under development.</p> <p>The memorandum of understanding is based on a series of legislative acts for electricity, natural gas, water public utilities and waste management in order to efficiently coordinate tasks. The aim of the memorandum of understanding is to ensure the close and efficient cooperation of the two authorities in order to carry out the tasks set out in law and for the more efficient enforcement of their measures. This memorandum of understanding provides the framework which enables the signing parties to assist each other in areas of consumer protection, in increasing the efficiency of regulation, and in the coherent application of law. In order to reach these goals and to deepen the cooperation among the colleagues of the authorities there are ad-hoc and regular meetings and verbal consultations. Communication on a high level happens in writing, noting the topics, while communication on expert or administrator level happens with direct contact or via e-mail communication. The signing parties inform each other ad hoc or in significant matters regularly without special request about their experiences of application of law and share their information in order to make each other able for a better performance regarding their own task related to consumer protection in electricity, natural gas, water public utilities or waste management. Communication happens usually in written form, via post or e-mail.</p>
Ireland (CRU)	CRU is a member of NEON – the European association of independent energy ombudsmen and regulators, which exchanges information and best practice in relation to energy consumer rights. CRU is a member of an informal network of Irish Economic Regulators with consumer protection functions (e.g. telecoms, aviation etc.). This network exchanges information and best practice. The CRU work closely with other national consumer protection organisations such as the Competition and Consumer Protection Commission and the Commission for Communications Regulation. Furthermore, the CRU holds a Consumer Stakeholder group which has representatives from consumer interest groups such as: Energy Action, Age Action Ireland, Citizens Information, the Money Advice and Budgeting Service, the National Adult Literacy Agency and The Society of St. Vincent de Paul. Both the NEON

Country/NRA	Cooperation
Italy (ARERA)	<p>network and the informal network are currently based on exchange of information and best practice information</p> <p>ARERA, usually on the basis of a MoU, cooperates with other Italian NRAs, such as the Communications Authority (AGCOM) for technical aspects of specific matters (e.g. smart metering, billing, etc.), the Antitrust Authority (AGCM) in the field of unfair commercial practices and the Data Protection Authority for the implementation of GDPR. According to the MoU between ARERA and the Italian Antitrust Authority (AGCM), in force since 2012, ARERA provides information on its regulation involved in AGCM proceedings on unfair commercial practices. The AGCM final decision takes into account the ARERA opinion. AGCM is obliged to submit to ARERA those cases which are related to a potential violation of the sectorial regulation and vice versa ARERA submits to AGCM those complaints which could be regarded as unfair commercial practices by an operator acting in the regulated sectors. The MoU also established a working group, made up of members of both Authorities, with specific tasks, such as monitoring the implementation of the MoU and sharing information and best practices. ARERA is a member of NEON – the European association of independent energy ombudsmen and regulators, which exchanges information and best practice in relation to energy consumer rights.</p>
Lithuania (NERC)	<p>NERC does not have any specific cooperation models (MoU, contract or other form of agreement). However, the general cooperation principles with other national entities are foreseen in Energy and Consumer Protection laws of the Republic of Lithuania. NERC manages the protection of consumers' rights and protects their legitimate interests. (I.e. as set in the Art. 26 para 1 of the Law on Energy, NERC, in performing the functions delegated to it, shall consult and closely cooperate with the Ministry of Energy, the Competition Council, other state and/or municipal institutions, enterprises, agencies and organisations). The Law on Energy also sets that, in preparing information on the issues of consumers' rights, NERC shall cooperate with the State Consumer Rights Protection Authority. The remit of each of the consumers' rights protecting authority and cooperation models between them are foreseen in the Law on Consumer Protection of the Republic of Lithuania (Art. 29(2), 29(4)). According to the Article 29(4) of the Law on Consumer Protection, the bodies for out-of-court settlement of consumers' disputes exchange the information and cooperate, in implementing Regulation 2006/2004, according to the Rules set by the Ministry of Justice. It is worth mentioning, that according to the Article 29(2) of the Law on Consumer Protection, the Ministry of Justice shall draw up and manage a list of bodies for out-of-court settlement of consumers' disputes. The list of bodies for out-of-court settlement of consumers' disputes shall be public and announced in the website of the Ministry of Justice. NERC accordingly is defined as one of the bodies for out-of-court settlement of consumers' disputes (Art. 22 of the Law on Consumer Protection) together with Communications Regulatory Authority of the Republic of Lithuania, Bank of Lithuania, State Energy</p>

Country/NRA	Cooperation
	<p>Inspectorate under the Ministry of Energy, Council of the Lithuanian Bar Association or a body established by the Council and State Consumer Rights Protection Authority. The cooperation model is not set separately, it is ensured according to the general rules for the exchange of information between the responsible authorities in public sector as set by the laws, i.e. the Law on Consumer Protection, the Law on Energy. The following examples could be provided: According to the Art. 22(4) of the Law on Consumer Protection, the Bodies for out-of-court settlement of consumers 'disputes shall clearly and intelligibly publish the information in their websites as set by the law and specified by the Ministry of Justice on disputes' settlement procedures and statistics.</p> <p>According to the Article 29(2) of the Law on Consumer Protection, the bodies for out-of-court settlement of consumers' disputes shall provide their reports biannually to the Ministry of Justice on their activities related with the out-of-court settlement of consumers' disputes. NERC is in charge for publishing and providing that information as well. In addition, the coordination of the consumer protection programmes is under the Ministry of Justice, involving many institutions to the implementation of various measures for consumers' protection. NERC is also involved in the implementation in the policy programmes for consumers' protection. It is worth noting, that the National Consumers 'Protection Programme for 2019-2027 is under preparation. Following the provisions for cooperation set by the Law of Energy, the cooperation involves the provision of methodological support/conclusions in the process of dealing with consumers' complaints/disputes. For example, if NERC, dealing with consumer complaint/dispute, needs the relevant information that according to the competencies could be provided by another institution, NERC refers to that institution and gains the required information.</p>
Luxembourg (ILR)	No, there is no cooperation model currently in place with other national entities.
Malta (REWS)	No
Netherlands (ACM)	<p>ACM is a multifunctional authority where protection of energy consumer rights is combined with enforcement of general consumer protection laws. For instance, in 2013, ACM issued guidance on clear prices in the energy sector https://www.acm.nl/en/publications/publication/12004/Energy-suppliers-must-make-energy-prices-clearer. In November 2014 ACM followed up with an elaborate guidance document that should help businesses that sell energy contracts, possibly with related services and/or products, to understand the rules with regard to consumer protection https://www.acm.nl/en/publications/publication/15991/Provision-of-information-in-the-consumer-energy-market.</p> <p>After publication of the guidance document, enforcement was needed in a few cases. See for example, four orders under penalty payments to energy providers about giving potential customers unclear and misleading information on prices and expected costs through their websites. The orders forced these providers to end the violations and to</p>

Country/NRA	Cooperation
	<p>comply with the rules on consumer information (more info: https://www.acm.nl/en/publications/publication/14602/ACM-forces-energy-providers-to-adjust-their-information-online).</p> <p>With respect to the protection of the consumer rights of energy consumers cooperation is embedded in the organisational structure and methods of operation of ACM as a multifunctional and multi-sectoral authority. Cooperation on case to case basis with other authorities, like the data protection agency, is done based the collaboration protocols mentioned above (https://www.acm.nl/en/about-acm/collaboration).</p>
Norway (NVE-RME)	<p>NVE-RME cooperates with the Consumer Protection Authority to coordinate monitoring of the electricity retail market to ensure companies comply with regulation under the competencies of both authorities. Furthermore, the authorities have competencies that are closely related like marketing law and regulation on billing of electricity products. The authorities share information and coordinate the handling of complaints from consumers when relevant.</p>
Poland (ERO)	<p>There is no dedicated regulation provided for in the applicable energy laws. The President of the ERO is entitled to freely cooperate with industry and consumer organisations. No specific model functions in Poland. However, in case the President of the ERO obtains certain information that may be attributed to the scope of competence of the President of the OCCP, the President of the ERO hands the relevant documents over to the President of the OCCP so that the latter may take actions within its competence. Apart from this, the President of the ERO initiates explanatory proceedings, which in many cases result in clarifying the matter and withdrawing from the agreements concluded in the aforementioned manner. Appropriate explanations are addressed to the complainants, and some cases are referred to the OCCP in connection with the suspicion of practices that infringe collective consumer interests.</p>
Portugal (ERSE)	<p>ERSE has contacts with other national entities in order to exchange information about emerging and/or frequently asked matters by consumers. ERSE also cooperates with other national bodies, providing training at ERSE headquarters and also for other entities all over the country, whenever invited to participate in these kinds of actions. They developed a specific program for this intervention, called ERSEForma. Besides that, ERSE signed cooperation protocols with entities that also have competencies in the energy sector, like with the Nacional Entity for Energy Sector (ENSE) and with the Safety Alimentary and Economic Authority (ASAE), in order to coordinate competencies in some special matters like the Complaints Book or the distant contract legislation, which sometimes have overlapping jurisdictional issues. Both the Nacional Entity for Energy Sector and ERSE have competencies in the energy sector and sometimes ERSE identifies some overlapping jurisdictional issues. Therefore, they share their cooperation model with the Nacional Entity for Energy Sector (ENSE): Whenever ERSE receives a complaint from fuel filling stations, it is analysed to verify if the service provider complied with the legal provisions that ERSE must verify. Other legislation also provides ENSE's competencies to verify the fulfilment of</p>

Country/NRA	Cooperation
	<p>some companies' obligations. In this case ERSE agreed with ENSE, through a formal protocol, to exchange the received complaints according to each entity competencies. This protocol was signed in 5 December 2018 and helped ERSE, to articulate competencies, improving our actions and consumers support. The protocol was clarified through an official statement on 17 July 2019, regarding the new electronic complaints book legislation.</p>
<p>Sweden (Ei)</p>	<p>The Swedish Consumer Agency (Consumer Agency) is a government agency whose task is to safeguard consumer interests. The Consumer Agency is appointed competent authority according to the CPC regulation. Ei cooperate with the Consumer Agency in relevant areas concerning activities in the electricity market. It is about exchange of experience, review of supervision to address consumer problems in the electricity market and joint information to the industry.</p> <p>Hallå konsument/Hello consumer is a national information service coordinated by the Swedish Consumer Agency that gives independent guidance to consumers in all consumer markets, not only the energy markets, for example how to buy goods and services, contract terms and conditions, filing a complaint etc. Ei and other authorities are appointed in a regulation to give information regarding consumer support via Hallå Konsument. There is also a written agreement to support this cooperation. The Swedish Consumer Energy Markets Bureau (Consumer Bureau) is an independent bureau which provides advice and guidance to consumers. All information and guidance are free of charge. The principals are the Swedish Consumer Agency, the Swedish Energy Agency and Ei together with the industry organisations Swedenergy and the Swedish Gas Association. Between Ei and the Consumer Bureau there is an agreement that appoints the Consumer bureau as a national contact point for the electricity and national gas market in accordance with EU's electricity and gas market directives. The guidance is primarily for consumers or for someone representing consumers. The consumers can turn to the Consumer Bureau in questions concerning the electricity- or gas market. The Swedish Energy Agency is the managing authority for questions about the use and supply of energy. The Swedish Energy Agency is responsible for altering Sweden's energy systems to become economically and environmentally sustainable. The Swedish Energy Agency manages Solelportalen. Solelportalen gives information and guidance on solar and is aimed at homeowners and business owners, such as farmers and tenant-owner associations. Ei participates in the authority's council for the portal and provides the Agency with information on rights and responsibilities according to the Electricity Act.</p>
<p>Spain (CNMC)</p>	<p>As mentioned before, the competencies of the CNMC regarding customer protection consist of general regulatory or sanctioning measures. The sanctions imposed by the CNMC are deposited in the Public Treasury. The binding decisions only affect the companies, and are not suitable to satisfy private interests, such as compensations. In Spain, the Autonomous Communities (regional authorities) have general competencies in cross-sectorial consumer protection rights, and</p>

Country/NRA	Cooperation
	<p>therefore are the responsible authorities for the resolution of individual claims such as requests for monetary compensations. In the case of the telecommunications market, the competence to solve individual claims to consumers belongs to the central Administration. In that respect, in attention to the NRA sanctioning powers, some Autonomous Communities provide the CNMC with information regarding the infringement of the energy consumer rights by certain companies. Those sanctioning powers may coexist with the corresponding proceedings followed in the terms of the consumer protection legislation. At the same time, the NRA can provide information to the Autonomous Communities obtained from the exercise of its supervision powers in the energy sector.</p> <p>Said exchange of information between the NRA and the autonomous communities results from general legal provisions regarding cooperation between public authorities. As just explained, the cooperation between the NRA and other authorities results from a general obligation legally provided rather than from a certain formal or informal agreement.</p>
Great Britain (Ofgem)	<p>There are coordination mechanisms set out in the legislation mentioned under chapter 1 above. These require Ofgem to notify the coordinating authority, the Competition and Markets Authority (CMA), of action they are taking in certain circumstances. Ofgem has also entered into a Memorandum of Understanding (MoU) with the CMA. The MoU sets out working arrangements between the CMA and Ofgem in relation to their concurrent powers under consumer protection legislation as regards the sectors for which Ofgem is responsible. It records a commitment to sharing of expertise, information, ideas and experience and to doing this efficiently and with a mutual regard to each authority's statutory position and objectives. Ofgem also takes part in the Consumer Concurrence and Enforcement Group meetings coordinated by the CMA. These enable consumer law regulators to engage with each other and share information on matters of mutual interest.</p>

The majority of NRAs do not work together with other authorities in a formal way. Nevertheless, there is continuous contact with other entities/organisations to exchange information. Additionally, in most countries there are legal obligations to cooperate with other entities. Some have a MoU with organisations (e.g. HEA with their general consumer protection authority) or with their Competition and Markets Authority (Ofgem). Most NRAs are members of different associations and actively participate in their work (e.g. CRU from Ireland and ARERA from Italy are members of NEON – the European association of independent energy ombudsmen and regulators).

4 Relevance of the Consumer Protection Cooperation (CPC) Regulation for NRAs

Country/NRA	Issues with relevance for NRAs in the CPC Regulation
Austria (E-Control)	Not yet
Belgium (CREG)	Not yet
Croatia (HERA)	HERA has not identified issues with relevance for NRAs in the CPC Regulation.
Cyprus (CERA)	No
Czech Republic (ERÚ)	Not yet
Denmark (DUR)	No
Estonia (ECA)	No
Finland (EV)	The Energy Authority has not evaluated the provisions of the CPC Regulation and thus has not identified possible relevant issues.
France (CRE)	These issues are more relevant to the national energy ombudsman. CRE is rather concerned with matters upstream to ensure competition on the markets in the interest of the consumer. For CRE, such topics are further regulated by the Clean Energy Package (e.g. the issue of the transparency of tariff offers, cancellation fees or information provided to consumers). The CPC Regulation remains very wide.
Germany (BNetzA)	No finalised position by BNetzA.
Greece (RAE)	RAE's investigation is still ongoing on this topic.
Hungary (HEA)	<p>The annex of the EU/2017/2394 Regulation (hereinafter: CPC Regulation) describes those EU legislative acts which fall under the jurisdiction of the CPC Regulation. The listed legislative acts do not concern primarily the activities of HEA, nor belong to the jurisdiction of HEA, whose elements are listed in the following question.</p> <p>The closest relation to the scope of the CPC Regulation is the jurisdiction of HEA to approve and modify the commercial codes of the licensees. The 93/13/EEC Directive (which was transposed by the Hungarian Civil Code) aims to prevent the use of unfair contractual conditions in consumer contracts. The regulations of the directive are obligatory for commercial codes used in the sectors supervised by HEA, and for blanket contracts. The acts on electricity and natural gas give the HEA the legal basis to oblige the licensees to modify their commercial codes if the interests of the consumers, or other legal obligations require that. Based on this HEA has powerful tools to ensure that fair contract terms be applied in the supervised sectors.</p>

Country/NRA	Issues with relevance for NRAs in the CPC Regulation
Ireland (CRU)	No
Italy (ARERA)	According to the article 27 of the Italian Consumer Code, the competent authority in Italy for the implementation of the CPC Regulation is the AGCM (Antitrust Authority). The same article establishes, inter alia, that NRAs can regulate their cooperation in the field of unfair commercial practices by means a MoU (like the one subscribed by ARERA and AGCM), considering their specific competencies.
Lithuania (NERC)	The ongoing implementation of the CPC is organised by the Ministry of Justice of the Republic of Lithuania. Energy NRA (NERC) is not listed among the bodies involved in the implementation.
Luxembourg (ILR)	No
Malta (REWS)	No
Netherlands (ACM)	CPC focuses mainly on cross border cases. Although similar consumer problems in the energy sector may occur in more EU countries at the same time, so far only national companies are involved in the various cases.
Norway (NVE)	NVE has done an internal assessment on the proposed changes in the “New Deal” for consumers to identify issues where a follow up is needed.
Poland (ERO)	The President of the ERO (i.e. Polish NRA) is not a body responsible for identifying issues in the CPC Regulation. The President of the OCCP is a competent authority in this regard.
Portugal (ERSE)	Yes. It is important to have the possibility of charging the service providers at European level, although, up to now, powers have been only exercised at national level. Consumers’ protection shall be a cross-cutting concern, in order to keep markets confidence, so, ERSE finds the cooperation between national entities crucial to achieve consumers’ protection and, of course, NRAs aims.
Spain (CNMC)	CNMC has not identified issues with relevance to that matter in the CPC Regulation.
Sweden (EI)	No
Great Britain (Ofgem)	Not yet. Wider co-operation mechanisms exist under the oversight of the Competition and Markets Authority.

In some NRAs (e.g. E-Control, RAE) the investigation of the regulation’s relevance is still ongoing. But most NRAs answered the question negatively. So far, most of the responding NRAs consider that this regulation is not creating tasks for NRAs and must not be applicable by them. ERSE noted the importance of the CPC Regulation and that consumer protection must be seen as a cross-cutting concern.

Annex 1 – List of Abbreviations

Term	Definition
CEER	Council of European Energy Regulators
CPC Regulation	Consumer Protection Cooperation Regulation
ADR	Alternative Dispute Resolution
NRAs	National Regulatory Authorities
E-Control/Austria	Energie-Control Austria
CREG/Belgium	Commission de Régulation de l'Electricité et du Gaz (CREG)
HERA/Croatia	Hrvatska energetska regulatorna agencija
CERA/Cyprus	Cyprus Energy Regulatory Authority
ERÚ/Czech Republic	Energetický Regulační Úřad (ERÚ)
DUR/Denmark	Forsyningstilsynet - Danish Utility Regulator
ECA/Estonia	Konkurentsiamet - Estonian Competition Authority - Energy Regulatory Dept
EV/Finland	Energiavirasto - The Energy Authority
CRE/France	Commission de Régulation de l'Energie
BNetzA /Germany	Federal Network Agency for Electricity, Gas, Telecommunications, Posts and Railway (Bundesnetzagentur)
RAE/Greece	Regulatory Authority for Energy (PAE)
MEKH/Hungary	Magyar Energetikai és Közmű-szabályozási Hivatal / Hungarian Energy and Public Utility Regulatory Authority
CRU/Ireland	Commission for Regulation of Utilities
ARERA/Italy	Autorità di Regolazione per Energia Reti e Ambiente
VERT/Lithuania	Valstybinė energetikos reguliavimo taryba/National Energy Regulatory Council
ILR/Luxembourg	Institut Luxembourgeois de Régulation
REWS/Malta	Regulator for Energy and Water Services
ACM/The Netherlands	Authority for Consumers and Markets
NVE-RME/Norway	The Norwegian Energy Regulatory Authority
URE/Poland	Urząd Regulacji Energetyki
ERSE/Portugal	Entidade Reguladora dos Serviços Energéticos/Energy Services Regulatory Authority
CNMC/Spain	Comisión Nacional de los Mercados y la Competencia / National Commission for Energy and Prices
Ei/Sweden	Energimarknadsinspektionen / Energy Markets Inspectorate
Ofgem/GB	Office for Gas and Electricity Markets

Annex 2 - About CEER

The Council of European Energy Regulators (CEER) is the voice of Europe's national energy regulators. CEER's members and observers comprise 39 national energy regulatory authorities (NRAs) from across Europe.

CEER is legally established as a not-for-profit association under Belgian law, with a Secretariat based in Brussels to assist the organisation.

CEER supports its NRA members/observers in their responsibilities, sharing experience and developing regulatory capacity and best practices. It does so by facilitating expert working group meetings, hosting workshops and events, supporting the development and publication of regulatory papers, and through an in-house Training Academy. Through CEER, European NRAs cooperate and develop common position papers, advice and forward-thinking recommendations to improve the electricity and gas markets for the benefit of consumers and businesses.

In terms of policy, CEER actively promotes an investment friendly, harmonised regulatory environment and the consistent application of existing EU legislation. A key objective of CEER is to facilitate the creation of a single, competitive, efficient and sustainable Internal Energy Market in Europe that works in the consumer interest.

Specifically, CEER deals with a range of energy regulatory issues including wholesale and retail markets; consumer issues; distribution networks; smart grids; flexibility; sustainability; and international cooperation.

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More information is available at www.ceer.eu.