

ADR IN THE ENERGY SECTOR IN EUROPE

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Executive summary

This report provides an overview of energy ADR bodies in Europe. NEON commissioned this report to get a better understanding of the existence of independent energy ADR bodies / ombudsmen schemes in the EU/EFTA Member States. Further, to get some information about the implementation of the Third energy package (Directives 2009/72/EC and 2009/73/EC), which requires that “*Member States shall ensure that an independent mechanism such as an energy ombudsman or a consumer body is in place in order to ensure efficient treatment of complaints and out-of-court dispute settlements.*” Closely related to this is the implementation of the consumer ADR directive (2013/11/EU) in July this year. Case studies highlight some of the challenges to implementation.

Information was gathered by means of sending out the NEON membership survey and accompanying desk research. The survey (see Appendix A) is aimed to obtain information about the energy sector of each of the Member States.

Key findings

The research reveals that although Member States have a body that is responsible for dealing with energy complaints, there are great variations in the set-up of these bodies. Energy ADR schemes in EU and EFTA Member States: **5 independent energy ADR bodies** (just for energy and not part of a NRA or government body); 14 ADR bodies within the NRA; 11 ADR schemes as part of a body with a larger ADR remit (e.g. complaint boards).

The landscape is varied and Member States are at different stages of the implementation of the Third Energy Package and the consumer ADR directive. Poland, Latvia and Germany serve as case studies to demonstrate that despite implementation of the Third Energy package into national legislation there are differences in performance and functions of energy ADR bodies in Member States. This will affect the implementation of the consumer ADR directive later this year.

This report concludes with following recommendations:

- Every Member State should establish access to a single Energy Ombudsman, which is seen to have independence from the regulator.
- EU Member States, or members of the European Free Trade area /energy providers, should avoid fragmentation of Consumer ADR into multiple sectoral schemes, it is suggested they either consolidate sectoral ombudsmen or outsource regulated areas to pan-cross-border expert ombudsmen.
- Ombudsmen inform the regulatory system: so links between Energy Ombudsmen and Energy Regulators will be critical.
- In line with Article 16 of the consumer ADR directive, NEON should grow as the network of energy ADR providers: sharing best practice, feeding back on complaints, encouraging improvements in the sector, providing relevant data in a coherent way and developing a common language.
- NEON has a significant role to play in fostering the relationship between the energy sector and its customers; helping rebalance the relationship between consumers and the market and empowering consumers.

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1. Aims of the consultation

1.1. Background and members of NEON

About NEON



National Energy Ombudsmen Network

NEON is an independent, not for profit Europe-wide network made up of ombudsmen and mediation services in the energy sector, recognized as an independent provider of Alternative Dispute Resolution in their respective countries, consistent with EU directives 2009/72 and 73 ("Third Energy Package") and Directive 2013/11 on alternative dispute resolution for consumer disputes and Regulation (EC) No 524/2013 on online dispute resolution for consumer disputes.

NEON's objectives are:

1. To promote ADR in Europe in compliance with the recommendations of the Commission and EU Directives;
2. To encourage the protection and empowerment of energy consumers;
3. To represent its members at European level and to link up with European counterparts in the fields of energy and consumption;
4. To facilitate the exchange of information, experience and good practices between members.

1.1.2. NEON's activities

NEON representatives attend European Commission meetings, conferences and workshops, organized by SG SANCO - Health & Consumers (Working group on e-billing and data management; consumers as energy market actors); and DG ENERGY (Working group on vulnerable consumers).

In particular, NEON members contributed to the Working Group Report on Alternative Dispute Resolution in the Energy Sector - Report prepared for the 4th Citizens' Energy Forum – October 2011.

NEON is also represented at the annual London Citizens' Energy Forum.

NEON fully supports the 2020 Vision for Europe's energy customers developed by CEER (regulators) and BEUC (consumers).

This vision can be characterized by five principles governing the relationship between the energy sector and its variety of customers: reliability, affordability, simplicity, protection and empowerment.

On a daily basis, NEON members collaborate with authorities and regulators in terms of improving and reinforcing consumer protection within the liberalized energy market.

1.1.3. Current NEON members



Service de médiation de l'énergie/Ombudsdienst voor Energie (Belgium)

<http://www.mediateurenergie.be>



Ombudsman Services (Great Britain)

<http://www.ombudsman-services.org/energy.html>



El defensor de les persones (Catalonia, Spain)

<http://www.sindic.cat>



Médiateur national de l'énergie (France)

<http://www.energie-mediateur.fr>

1.2. Objectives of the report

NEON is a new and growing network that is looking to expand and join up energy ADR bodies in EU and EFTA Member States to provide a platform for sharing expertise and best practice in the energy sector.

Alongside NEON's objectives this report seeks to get a better understanding of the status quo of energy ADR bodies and to raise awareness of the network's potential to facilitate the exchange of information, experience and good practices between its members.

1.3. Method

To achieve the objectives, a survey was set out to 75 identified ADR bodies, regulators, energy companies, and government departments. Unfortunately, as expected with an online survey, the response rate was low: only 6 (non-member) responses. The response rate did not pick up after a reminder. However, as one of the objectives is to raise awareness of NEON, this has surely been achieved through a wide distribution of the survey. The survey was supplemented by desk research and interviews.

The *limitations* are two-fold. Firstly, some identified energy related websites either had no English translation or were under construction, so they remained inaccessible (e.g. Croatia, Cyprus, Malta, Poland and Romania). Secondly, it became apparent throughout the research that some survey recipients were not comfortable enough with the English language, which prevented them from responding. Here, follow-up phone interviews provided valuable information for the case studies.

The following three reports provided an interesting source of background information for this project. The 2011 *Working Group Report on Alternative Dispute Resolution in the Energy Sector*¹; the Council of European energy regulators (CEER) Status Review of Customer and Retail Market Provisions from the 3rd Package as of 1 January 2012²; and the ACER/CEER Annual Report on the results of monitoring the internal electricity and natural gas markets in 2013.³

¹ http://ec.europa.eu/consumers/archive/citizen/my_rights/docs/energy_adr_report_en.pdf

² http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Customers/Tab3/C12-CEM-55-04_SR-3rd-Pack-customers_7-Nov-2012.pdf

³ http://www.ceer.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/NATIONAL_REPORTS/National%20Reportin%202014/ACER%20Market%20Monitoring%20Report%202014.pdf

2. List of EU / EFTA countries: energy ADR schemes and regulators

EU member state	Energy ADR body	Energy regulator
AUSTRIA	Energie-Control Austria (E-Control)	
BELGIUM	Service de Médiation de l'énergie Ombudsdienst voor energie	Commission pour la Régulation de l'Electricité et du Gaz (CREG)
Bulgaria	Energy Ombudsman (Енергиен Омбудсман) Ombudsman of the Republic of Bulgaria (Омбудсман на Република България) the in-house Energy Ombudsman of CEZ (Енергиен Омбудсман ЧЕЗ)	State Energy & Water Regulatory Commission (SEWRC)
CROATIA	Office of the Croatian People's Ombudsman	Hrvatska energetska regulatorna agencija / Croatian energy regulatory agency (HERA)
CYPRUS	Competition and Consumer Protection Service [Ministry of Energy, Commerce Industry and Tourism.]	Cyprus Energy Regulatory Authority (CERA)
CZECH REPUBLIC	The State Energy Inspection (SEI) The Energy Regulatory Office (ERU) Consumer Advisor (non-profit, independent organisation) In-house Customer Ombudsman E-ON	Energetický Regulační Úřad (ERÚ) - Energy Regulatory Office (ERO)
DENMARK	Energy Supplies Complaint Board (Ankenævnet på Energiområdet)	Energitilsynet - Danish Energy Regulatory Authority (DERA)
ESTONIA	Estonia Consumer Complaints Committee	Konkurentsiamet - Estonian Competition Authority - Energy Regulatory Dept (ECA)
FINLAND	The Consumer Disputes Board (Kuluttajariitalautakunta)	Energiavirasto - The Energy Authority (EV)
FRANCE	French Energy Ombudsman (Médiateur National de l'Énergie) Customer (in-house) ombudsmen (Mediateur de GDF SUEZ & Mediateur d'EDF)	Commission de Régulation de l'Energie (CRE)

GERMANY	Schlichtungsstelle Energie	Federal Network Agency for Electricity, Gas, Telecommunications, Posts and Railway (Bundesnetzagentur - BNetzA)
GREECE	Hellenic Consumers' Ombudsman	Ρυθμιστική Αρχή Ενέργειας / Regulatory Authority for Energy (PAE / RAE)
HUNGARY	Hungarian Energy Office Magyar Energetikai és Közmű-szabályozási Hivatal / Hungarian Energy and Public Utility Regulatory Authority (MEKH)	
IRELAND	Energy Customers Team Commission for Energy Regulation (CER)	
ITALY	AEEG Autorita per l'energia elettrica il gas ed il sistema idrico (AEEGSI) Servizio Conciliazione Acquirente Unico	
LATVIA	Consumer Rights Protection Centre (CRPC)	Sabiedrisko pakalpojumu regulēšanas komisija / Public Utilities Commission (PUC)
LITHUANIA	Consumer rights Protection Centre	Valstybinė kainų ir energetikos kontrolės komisija / National Control Commission for Prices and Energy (NCC)
LUXEMBOURG	Institut Luxembourgeois de Régulation (ILR)	
MALTA	Malta Resources Authority (MRA) [regulator]	
The NETHERLANDS	Stichting Geschillencommissie	Authority for Consumers and Markets (ACM)
POLAND	Urząd Regulacji Energetyki / The Energy Regulatory Office of Poland (URE / ERO)	
PORTUGAL [Portuguese and online form only]	Independent client ombudsman	Entidade Reguladora dos Serviços Energéticos / Energy Services Regulatory Authority (ERSE)
ROMANIA	Autoritatea Nationala de Reglementare in domeniul Energiei/Romanian Energy Regulatory	

	Authority (ANRE)	
SLOVAKIA	Úrad pre reguláciu sieťových odvetví (URSO) / Regulatory Office for Network Industries (RONI)	
SLOVENIA	European Centre for Dispute Resolution (ECDR)	Agencija za energijo / Energy Agency
SPAIN	<p>Consumer Arbitration System: Consumer Arbitration Boards Consultative bodies: Commission of the Consumer Arbitration Boards, and General Council of Consumer Arbitration System</p> <p>El defensor de les persones (Catalan Ombudsman)</p>	Comisión Nacional de los Mercados y la Competencia / National Commission for Markets and Competition (CNMC)
SWEDEN	<p>The Swedish NRA The Energy Markets Inspectorate (EI) The National Board for Consumer Disputes ARN</p>	Energimarknadsinspektionen / Energy Markets Inspectorate(EI)
UNITED KINGDOM	Ombudsman Services	Office of Gas and Electricity Markets (Ofgem)
EFTA member state	Energy ADR body	Energy regulator
NORWAY	<p>Norwegian Electricity Industry association (NorgesEnergi AS) Consumer Council The electricity appeal board</p>	<p>Norges vassdrags- og energidirektorat / Norwegian Water Resources and Energy Directorate (NVE)</p>
SWITZERLAND	<p>Within the Federal Administration: Swiss Federal Office of Energy (SFOE), steering committee</p>	Federal Electricity Commission (ElCom)
ICELAND	<p>Orkustofnun / National Energy Authority Orkugardi</p> <p>Energy Agency Iceland, EAI Orkusetur</p>	

3. Findings

This part presents the current diversity of energy ADR bodies in the Member States, and then discusses the regulator vs. ombudsman energy ADR model.

3.1. Diversity of energy ADR bodies in the Member States

- ❖ An **independent** (just for energy, not part of regulator or government) ADR body for energy complaints can be found in:
 - Belgium
 - Bulgaria
 - France
 - Germany
 - United Kingdom

- ❖ In the following countries, **energy ADR is provided by the regulator or government body**:
 - Austria
 - Hungary
 - Italy
 - Lithuania
 - Luxembourg
 - Malta
 - Poland
 - Romania
 - Slovakia
 - Slovenia
 - Norway
 - Switzerland
 - Iceland
 - Ireland

- ❖ These countries have an energy **ADR scheme as part of a body with a larger ADR remit** (e.g. complaint boards):
 - Cyprus
 - Czech Republic
 - Denmark
 - Estonia
 - Finland
 - Greece
 - Latvia
 - The Netherlands
 - Portugal
 - Spain
 - Sweden

There is a **diversity** of approaches how the energy ADR schemes are:

- **set up** (Parliament/ government / Regulator / Consumer association/ Energy sector / companies);
- **created**;
- **amount of disputes dealt with each year**;
- **funded**;
- **free to access for consumers**;
- **reporting to** (parliament / government, regulator, university, company, other).

It is typically free for the consumer to access and use energy ADR schemes. Some schemes are located within the national energy regulator, others are separate. The existing ADR bodies vary in size and the amount of complaints they deal with per year.

Some energy ADR provisions are located within national energy regulatory bodies. This raises questions (for the implementation of the consumer ADR directive) of independence. The following will highlight different models and accompanying consumer perceptions.

3.2 Regulator vs. Ombudsman model for energy ADR

As seen above there are currently a number of Member States that have their energy ADR body within the NRA. This is done to keep energy matters close to experts in one physical space. Research undertaken by the Oxford team in the Member States⁴ found that despite the fact that the ADR bodies, within regulators, typically have their separate group of professionals, it might raise some issues of independence; not only for the consumer but also for the implementation of the consumer ADR directive.

Arguably, any specific national context, however, might lend itself to a model of energy ADR within the NRA and is seen as sufficiently independent by its users. The German example, tells a different story.

⁴ Hodges, C. Benoehr, I & Creutzfeldt-Banda, N Consumer ADR in Europe, Hart Publishing 2012.
Creutzfeldt, Naomi. 'Transformations in Public and Private Enforcement' (with Hodges, C) in The Transformation of Enforcement: European Economic Law in Global Perspective. Hans-W. Mickitz/Andrea Wechsler (eds), (forthcoming: Hart Publishing 2015.
Policy brief on the consumer ADR implementation: [Reforming the EU Consumer ADR Landscape: Implementation and its Issues](http://www.fljs.org/content/reforming-eu-consumer-adr-landscape-implementation-and-its-issues) <http://www.fljs.org/content/reforming-eu-consumer-adr-landscape-implementation-and-its-issues>

The German *Bundesnetzagentur* (*Federal Network Agency*) provides a good example. Before the Conciliation Body for Energy was created in Germany, the *Bundesnetzagentur* dealt with complaints about the energy sector. Their remit was hugely restricted so that they could only help a limited amount of consumers and had to send most of them away. At that time there was no alternative for consumers to go to. This created a high level of consumer dissatisfaction and frustration. Research has shown that consumers feel more confident to approach an ADR body that is clearly separate from both the company complained about and from the regulator. An example of an independent body that provides specialized help for consumers complaining about the energy sector is an ombudsman.

The ombudsman model has been successfully transplanted from the public sector in many countries to the private sector. Some Member States have chosen the ombudsmen model for helping consumers with their energy complaints. This model is successful and clearly independent from energy company and energy regulator, also to the eye of the consumer. Despite the differences in structures, funding, procedures, cases dealt with and national specificities of energy ombudsmen, the ombudsman model has proven to be a reliable and dependable institution. It seems crucial in times of change and various steps of energy / ADR implementation that a consistent institution can be built and developed.

Some examples follow to highlight the diversity in the architecture of national energy ADR bodies.

4. The example of Poland, Germany and Latvia

As the response rate to the survey was low, more attention was drawn to possible reasons for this uneven national level of implementation of the Third Energy Package and the various arrangements of energy ADR. Three countries are looked at to understand the national context and the possible hurdles of implementation.

4.1 Poland

In Poland ADR in the energy sector came into force in 2013 through the amendment to the Trade Inspection Act. The amendment of the energy law introduced the institution of the trade inspection arbitration court.

The main purpose of the amendment was to adjust Polish law to the Directives of the EU's Third Energy Package, i.e. 2009/72/EC, 2009/73/EC and Directive 2009/28/EC related to the promotion of RESs (i.e. renewable energy sources), as well as the liberalization of the internal electric and gas energy markets. The Polish government was supposed to implement the first two directives into the national law by the 3rd March 2011 and the third directive by the 5th December 2010. Faced by fines of €133,228.80 per each day of delay in implementation, the Polish government had to act fast. A legal framework was created for

determining the degree of implementation and the planned national measures necessary to achieve the mandatory national overall target for the year 2020. In August 2013 the Polish president signed the 'little energy three-Pack'⁵, it came into force almost three years after the transposition deadline.⁶

The ADR body has the power to deal with household disputes concerning electricity, gas and heat regarding sales, distribution and grid connections. Polish consumers can also choose to go to the non-public arbitration court (The Energy Arbitration Court in Warsaw) to resolve their complaints.

4.2 Germany

The *Schlichtungsstelle Energie e.V.* (Conciliation Body for Energy) was created as a response to the Third Energy Package, in 2011. It deals with disputes between energy providers and their consumers. It was recognized by the Federal Ministry of Economy and Energy and the Federal Ministry of Consumer Protection with the law (§111b EnWG). The energy ADR body is supported by energy associations and the *Verbraucherzentrale Bundesverband e. V.* (Consumer centre).

Before the *Schlichtungsstelle Energie e.V.* was created, energy consumers could approach the *Bundesnetzagentur* (regulator). They, however, restricted by their rules, only dealt with a very narrow area of complaints (change of supplier) and let all the other complainants know that they could not help them.

Today energy consumers have the choice to approach the *Schlichtungsstelle Energie e.V.*; *Verbraucherzentralen* (consumer centres); or the *online-Schlichter*⁷ (an online conciliation body) regarding energy complaints.

The online-Schlichter is an online dispute resolution (ODR) body and was created by the Centre for Consumer Protection in Europe⁸ in June 2009. The project is financed by several government bodies.⁹ This ODR body is the competent body for handling eCommerce disputes, i.e. disputes concerning contracts which were concluded online. Since the project is financed by the ministry of three federal states, the ODR body is responsible for complaints of consumers from EU Member States against a trader living in Baden-Württemberg, Bavaria, Berlin, Hessen or Rheinland-Pfalz as well as for complaints of consumers from Baden-Württemberg, Bavaria, Berlin, Hessen or

⁵ The little energy three-Pack entered into force. Articles 20b, 20c, 20d, 20e and 20f were added to the Energy Law Act of 10 April 1997 (Journal of Laws of the Republic of Poland, No 0, item 1059, as amended).

⁶ Black Paper. Implementation of EU Climate and Energy Law in Poland. 2013: <http://www.clientearth.org/reports/061113-climate-and-energy-black-paper.pdf>

⁷ <https://www.online-schlichter.de/herzlich-willkommen-auf-dem-schlichtungsportal-fuer-elektronischen-geschaeftsverkehr>

⁸ <http://www.ccc-zev.eu/landingpage/>

⁹ The Ministry of Rural Affairs and Consumer Protection of the German federal state of Baden-Württemberg, the Bavarian State Ministry of the Environment and Consumer Protection, the Senate Administration for Justice and Consumer Protection Berlin, the *Bundesverband Direktvertrieb Deutschland e.V.*, the DEVK, the Ministry for Environment, Climate Protection, Agriculture and Consumers of the German Federal State of Hessen, Regierungspräsidium Gießen, the Ministry for Justice and Consumer Protection Rhineland-Palatinate, the Ministry of Economic Affairs, Employment, Transport and Technology Schleswig-Holstein and the trust mark "Trusted Shops".

Rheinland-Pfalz against a trader located in Germany. The procedure is free of charge.

4.3 Latvia

According to the Law on Regulators of Public Utilities, the Public Utilities Commission of Latvia (PUC) provides a preliminary out-of-court dispute settlement procedure in cases concerning disputes on provision of public utilities and other disputes concerning matters falling within the competence of PUC. It does not deal with disputes regarding the non-payment of services (i.e., collection of debts from customers); they are examined by a court. The dispute settlement procedure is not mandatory and a customer or a service provider can choose to resolve a dispute before PUC and in such case PUC's decision is final and cannot be challenged, or they can opt to take their dispute before a court. However, in case a person (a customer or a service provider) has brought an issue before PUC and eventually is not satisfied with PUC's decision, they can still take the case to the court of general jurisdiction.

The draft law on a new procedure of ADR is in the approval process. In line with this draft law, the Consumer Rights Protection Centre (CRPC) will be the body, responsible for updating lists, being part of committees of ADR. Further, CRPC will be the official contact point for ADR in Latvia.

The matter of national specificities... case studies summed up

As the latest Market Monitoring Report from October 2014 finds 'consumers are yet to yield the benefits of the internal energy market'.¹⁰ The main objectives of the Third Energy Package of 2009 were to create an efficient, secure, sustainable internal market in electricity and gas, and to provide choice for consumers in selecting their electricity and gas supplier. Further, for them to benefit from energy prices that reflect costs and are non-discriminatory.

The three short case studies show the noticeable variations in national implementation. The national context plays a key role in both the institutional implementation process as well as the process of consumer protection and awareness.

The diversity in energy ADR bodies reflects the general varied set-up of ADR bodies across Europe. These are public or private bodies or ombudsmen. There is no single model for ADR bodies in Europe, but a range of bodies, many of

¹⁰ ACER 2014: Citizens' Summary ACER-CEER Market Monitoring Report on EU Electricity and Gas Markets in 2013 <http://www.acer.europa.eu/Media/Citizens%20summaries/ACER-CS-02-14.pdf>

which are highly effective and more attractive to consumers than court alternatives.¹¹

A successful implementation requires communication, collaboration and transparency amongst all participants. These dialogues need to be held at a national level as well as across borders. Then, they have to be translated into a language that all consumers will understand. Here, NEON can play a crucial role, to bring the energy sector together, across Europe.

5. Some food for thought

This part provides an outline for NEON as a single hub for energy ADR providers queries and complaints throughout Europe. This can be seen in line with Article 16 *Cooperation and exchanges of experience between ADR entities* of the consumer ADR directive (2013/11/EU), which states:

- 1. Member States shall ensure that ADR entities cooperate in the resolution of cross-border disputes and conduct regular exchanges of best practices as regards the settlement of both cross-border and domestic disputes.*
- 2. The Commission shall support and facilitate the networking of national ADR entities and the exchange and dissemination of their best practices and experiences.*
- 3. Where a network of ADR entities facilitating the resolution of cross-border disputes exists in a sector-specific area within the Union, Member States shall encourage ADR entities that deal with disputes in that area to become a member of that network.*

The following points clarify the benefits of a network that promotes visibility and access for an energy ADR framework for consumers and energy providers in the EU Member states / the European Free Trade area.

Benefits for the energy consumers:

- Transparency through regular communication;
- Avoid consumer confusion by having a reduced amount of signposting and one common language;
- Raise awareness through targeted information to consumers;
- Boost consumer trust.

Benefits for the participating companies:

- Developing a joint model of best-practice;
- Exchange and communication;
- Option of sharing expertise (complaints and feedback);

¹¹ For an overview see: *Consumer ADR in Europe* Hodges, C, Benoehr, I & Creutzfeldt-Banda. N (Hart Publishing 2012). Implementing the consumer ADR directive 2014:
http://www.fljs.org/sites/www.fljs.org/files/publications/Hodges-Creutzfeldt_0.pdf

- Possibility to outsource energy ADR to a scheme operating in another Member State.
- Create a structure for joint complaint data collection;
 - For learning and improvement.

Echoing this vision, following recommendations came out of a conference, organized by NEON, on ‘strengthening ADR in the Energy Sector’ held at the European Parliament on the 27 January 2015.¹²

Prof. C. Hodges, University of Oxford:

- a) Every Member State should establish access to a single Energy Ombudsman, not arbitration ADR, or multiple ADRs.
- b) EU Member States or a part of it, or members of the European Free Trade area /energy providers should avoid fragmentation of Consumer ADR into multiple sectoral schemes, it is suggested they either consolidate sectoral ombudsmen or outsource regulated areas to pan-cross-border expert ombudsmen.
- c) Ombudsmen should be part of the regulatory system: so links between Energy Ombudsmen and Energy Regulators will be critical.

This approach will provide a clear and visible framework for consumers in the EU Member States or of the European Free Trade area. It will allow them to engage in the market if they feel safe enough, if they know that they are well protected. In the future, stakeholders will need even more alternative dispute resolution mechanisms to improve the market, build trust and empower consumers.

5.1 A common language for consumer protection

Being respectful and conscious of the diversity within the Member States it is important to focus on the similarities. We are all consumers and need to know who we can turn to when something goes wrong. If this point of contact can communicate a clear message in a language understood by all that would assist implementation and consumer acceptance and trust of energy ADR schemes.

NEON could be the organization to create and develop this common language in the relationship between the energy sector and its customers; and thereby helping rebalance the relationship between consumers and the market and empowering consumers in the energy sector.

¹² <http://www.neon-ombudsman.org/2014/12/conference-on-strengthening-adr-in.html>

APPENDIX A – NEON Questionnaire

NEON, the National Energy Ombudsmen Network, is an **independent, not for profit Europe-wide network** made up of **ombudsmen and mediation services** in the **energy sector**, recognised as an independent provider of **Alternative Dispute Resolution** in their respective countries, consistent with EU directives 2009/72 and 73 ("**Third Energy Package**") and Directive 2013/11 on **alternative dispute resolution** for consumer disputes and Regulation (EC) No 534/2013 on online dispute resolution for consumer disputes.

NEON's goals are the following:

1. To **promote ADR** in Europe in compliance with the recommendations of the Commission and EU Directives;
2. To **encourage the protection and empowerment** of energy consumers;
3. To **represent** its members at European level and to link up with European counterparts in the fields of energy and consumption;
4. To **facilitate the exchange of information, experience and good practices** between members.

For more information, please visit: www.neon-ombudsman.org

Note: All of your responses will be kept strictly confidential. You may skip any questions that you do not wish to answer.

1) Please identify yourself (Your information will NOT be shared with anyone, unless specified)

Your name:

Your position:

Name of your organisation:

Type of organisation:

Address:

Website:

Your phone number:

Your e-mail address:

Click here if you would like to register to our mailing list:

How did you hear about NEON?

2) The Third Energy package and the ADR directive

The Third energy package (Directives 2009/72/EC and 2009/73/EC) requires that *"Member States shall ensure that an independent mechanism such as an energy ombudsman or a consumer body is in place in order to ensure efficient treatment of complaints and out-of-court dispute settlements."*

The Directive 2013/11 on alternative dispute resolution for consumer disputes ensures that *"consumers can, on a voluntary basis, submit complaints against traders to entities offering independent, impartial, transparent, effective, fast and fair alternative dispute resolution procedures"*.

Is there an independent ADR body for energy-related subjects in your country/region?

Yes No

3) If there is an independent ADR body for energy-related subjects in your country/region

3.1. If yes, this body:

- Has been appointed by the Parliament/Government
Has been appointed by the Regulator
Belongs to a consumer association
Belongs to a University
Was created by the energy sector/companies
Other (please specify)

3.2. When was this ADR body created?

3.3. How many disputes the body dealt with last year?

- < 5,000
5,000 – 10,000
>10,000

3.4. How is this ADR body funded?

- By public financing
By the energy sector/companies
Other (please specify)

3.5. Is the access to the ADR body free of charge?

Yes No

3.6. To whom is the ADR body reporting its findings, recommendations and reports?

- To the parliament/government
To the regulator
To a University
To a Company
Other (please specify)

4) Membership

Article 5 of the Statutes defines NEON's Membership conditions as follows:

An ombudsman must fulfil the following criteria in order to become a member of NEON:

*5.1. An ombudsman is an **autonomous and independent authority**, or belongs to an independent authority, whose **jurisdiction is within a Member State or a part of it of the European Union or the European Free Trade area and who is put in place by federal, national, regional or local authorities**;*

*5.2 The ombudsman is an **external appeal body towards energy companies and public bodies over which it has jurisdiction**;*

*5.3 The ombudsman **deals with disputes by taking into account any current legislation and regulations and respecting principles of fairness**;*

5.4 The ombudsman has **powers of investigation and formulates opinions and recommendations**;

5.5 The ombudsman publishes a **report at least once a year**, and this is available to the public.

If you fill the conditions, would you be interested in becoming a Member?

Yes No

5) What would be your primary reason(s) for joining NEON? (If you have several, please list by number, 1 being the most important, 6 the least)

- Promoting ADR
- Consumer protection and empowerment
- Representation at EU level
- Networking
- The exchange of information, experience and good practices among members
- Other (please specify)

6) Are you a Member of other professional organisations? Please specify.

.....
.....

7) Would you recommend NEON to your network?

Yes No

If so, should you write here the names of people and organisations we could contact on your behalf:

Name:	Name:
Position:	Position:
Name of the organisation:	Name of the organisation:
.....
Type of organisation:	Type of organisation:
Address:	Address:
.....
Website:	Website:
Phone number:	Phone number:
E-mail address:	E-mail address:

Thanks for taking the time to complete this questionnaire!

Please return to: survey.admin@csls.ox.ac.uk

This report was written by Naomi Creutzfeldt, she is an ESRC Research Fellow at the Center for Socio-Legal Studies at the University of Oxford. She works together with Prof Chris Hodges on European Civil Justice Systems, with a special focus on Alternative Dispute Resolution. They have been researching European ADR models for the past five years and have published widely in this area. They are frequently asked, as independent experts, to advise governments and the EU on consumer ADR and its implementation process. Naomi has received a three-year grant from the Economic and Social Research Council in the UK for her project on 'impact and legitimacy of Ombudsmen in Europe'. (<http://www.law.ox.ac.uk/projects/Ombudsmen>).

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