

TECHNICAL SHEET

REGULATION FOR THE IMPLEMENTATION OF ACTIVITIES IN POOLING BY THE SINGLE BUYER AS PER ARTICLE 7, PARAGRAPH 6 AND ARTICLE 44, PARAGRAPH 4 OF ITALIAN LEGISLATIVE DECREE 93/11

383/2016/E/com (*)

With resolution 383/2016/E/com, the Italian Regulatory Authority for Electricity, Gas and Water adopts the *Regulation* with which the pooling¹ of the Single Buyer (AU) for the efficient management of *complaints* and conciliation procedures is modified, implementing the reform of the current structure of second instance complaints or disputes management (the so-called second resolution level) as envisaged by DCO 614/2015/E/com and 225/2016/E/com.

The reform and the actions for efficiency concerning the first level of handling of complaints were implemented with deliberation 413/2016/E/com, while the establishment of a third level² will undergo further consultation.

In particular, the *Regulation* lists and regulates the functions entrusted in pooling to the Single Buyer (AU) from 01 January 2017:

- a) to *ensure the activity* of the Conciliation Service;
- b) to *inform consumers* on: their rights; services available referred to in points a), c), d) and e); the characteristics of the sector of competence of the Regulatory Authority;
- c) to provide detailed information to individual consumers on particular cases in order to make the handling of a complaint quicker or to prevent the emergence of litigations (*special information procedures*);
- d) to manage specific disputes concerning predefined cases notwithstanding the general principle of exclusive recourse to the Conciliation Service (*special decision procedures*);
- e) to collect the reports of customers or consumers for transmission to the Regulatory Authority;
- f) to *report to the Authority the cases of non-fulfilment* by the operators emerging from the performance of functions in pooling;
- g) to *monitor* the results of the procedures referred to in points c and d) and of the reports referred to in point e), for their transmission to the Regulatory Authority, as well as other cases identified by the Regulatory Authority's measures to protect customers or consumers;
- h) to *provide the Help Desk service at the relevant desks* of consumer associations and trade associations, previously qualified;
- i) to collaborate in the processing – for the purposes of monitoring – of the data transmitted by the operators to the Regulatory Authority in implementation of TIQV;
- j) to provide support to the competent Regulatory Authority's directorates in implementing any *checks or inspections* provided for by the Regulatory Authority following critical issues emerged in the management of special procedures, reports and in help desk activities.

With regard to the operation of the Conciliation Service, the *Regulation* refers to what has been already regulated by Consolidated Conciliation Text (TICO) (approved with resolution 209/2016/E/com), while providing the details the arrangements for access by end users and of the Single Buyers' management of special procedures, reports and requests for information.

¹ Italian Leg.ve Decree 93/11, art. 7 paragraph 6 and art. 44 paragraph 4.

² It is intended for:

- first level the stage at which the complaint of the consumer is managed by the supplier/distributor;
- second level the phase in which a litigation is managed (i.e. a claim that has not been answered by the supplier within the time established by sale quality regulations or the answer that the customer deemed unsatisfactory) through the attempt at mandatory reconciliation (at the Conciliation Service or other authorised conciliatory body) or, only where expressly provided, through a special resolution procedure at the Single Buyer;
- third level the stage at which the Regulatory Authority intervenes in specific litigations where the attempt at conciliation has failed.

In particular, the AU will make special procedures, featuring resolving nature, available to consumers by way of derogation from the mandatory attempt of conciliation for disputes relating to:

- 1) *social bonus* for: failure to validate the applications that have been already accepted by the Municipalities by the distributor; failure or delay in the payment of the bonus by the distributor/supplier; contestation of recovery procedures begun pursuant to the Electric and Gas Bonus Recovery Regulations;
- 2) *a double billing* after the *switching*;
- 3) failure to provide an *automatic due indemnity* within the maximum time limits provided for by the Regulations;
- 4) errors in the charging of the C_{mor} amount by the incoming supplier; of the requests of C_{mor} charges in the absence of the requirements provided in the Regulations; failure to cancel the C_{mor} charge after payment of the entire debt position;
- 5) discards of the complaints by suppliers (pursuant to resolution 153/2012/R/com, art. 6).

The *Regulation* also provides for other functions besides those of managing disputes that may be carried out by the AU so as to strengthen the protection of final customers such as:

- to ensure access to information on regulated services and the operation of the electricity and gas markets, through a call center or the reply to written requests for information;
- to allow the final customer to receive, in a timely manner, information that is not easily available or found through the supplier in cases of:
 - requests for *information on the identity of the supplier*;
 - requests intended to *identify the supplier party* of the contract of which the customer intends to request the transfer in the case the identity of the previous customer is not known (deliberations 398/2014/R/eel for the electricity sector and 102/2016/R/com for the gas sector);
 - requests on the *application of the C_{mor} amount relating to past arrears* in the electricity sector (pursuant to resolution 99/2012/R/eel);
- to monitor claims of consumers and associations representing domestic and non-domestic customers on individual operators or on critical issues for the implementation of the regulation for the purposes of transmitting any appeals of competence to the Regulatory Authority;
- to monitor the conciliation procedures and any specific cases identified through Regulatory Authority's decisions;
- to provide a counselling service through a specific *help desk available to qualified consumer help-desks of the associations representing domestic and non-domestic customers*.

The latter service is particularly innovative because it allows easy access to the "help desk operators" of the associations that represent domestic and non-domestic customers, to qualified AU' personnel in order to get clarifications on specific aspects of the regulatory activity so as to effectively manage the relationship with the customer or supplier in the management of a complaint or dispute.

The *Regulation* also provides that the AU establishes a *Single Portal*, which shall be the true interface through which customers and the associations representing customers will be able to forward requests for conciliation and those for special resolution procedures and access all other services available. Through the *Single Portal*, registered customers will also be able to check the progress of their paperwork at any time.

For all functions performed in pooling, the AU shall comply with precise service levels which will be redefined at the end of the first year of implementation.

(*) This sheet is for disclosure purposes only; it is not a measure.