

# CONSUMERS SHOULD ALWAYS HAVE ACCESS TO ALTERNATIVE DISPUTE RESOLUTION IN ENERGY: BUT DO THEY?

Some concrete examples to show the hurdles consumers face

Alternative Dispute Resolution (ADR) gives consumers and traders the possibility to resolve disputes out-of-court via a third-party and through a process which should be simple, fast and inexpensive. However, in the energy sector, consumers often do not have access to ADR.

1. Provisions in the Electricity, Gas and Energy Efficiency Directives only require some categories of traders to partake in such processes.
2. Provisions in the Electricity Directive have sometimes been transposed too narrowly, leaving some traders who are covered by EU legislation outside of the scope of national measures.
3. Energy Ombudsmen are understaffed and only have capacity to assist consumers if they have controversies with big suppliers.

The upcoming reform of the ADR Directive should require all traders to take part in ADR processes when requested and to comply with the outcomes of ADR procedures, to give consumers access to affordable dispute resolution options.

Similar requirements should apply to all traders active in the energy sector in the upcoming revision of the Electricity Directive.

## CONVENTIONAL ENERGY SUPPLY ARRANGEMENTS

Situation	Can I access an ADR body?	Is there a requirement in legislation?
I have a dispute with my electricity supplier	✓	Electricity Directive
I have a dispute with my gas supplier	✓	It will be covered by the new Gas Directive. (In practice, it is already mandatory in 23 Member States)
I have a dispute with my wood, oil or LPG supplier	✗	Not covered in EU legislation
I have a dispute with my district heating supplier	?	It will be covered by the new Energy Efficiency Directive. Protections already existing in some countries (e.g. in Italy for some suppliers: details <a href="#">here</a> )
I have a dispute with my electricity or gas supplier regarding their pre-contractual obligations (e.g. regarding failure to provide information)	✗	Electricity Directive. In practice, protections are often missing due to too narrow implementation of EU provisions (e.g. not covered by <a href="#">French national ombudsman</a> or by the ombudsman managed by the <a href="#">Italian NRA</a> )
I have a dispute with a price comparison tool that I used to find a better offer	?	Electricity Directive. In practice, protections are often missing due to too narrow implementation of EU provisions (e.g. not covered by the Ombudsman managed by the <a href="#">Italian NRA</a> ).

## RENEWABLE ELECTRICITY AND DEMAND RESPONSE

Situation	Can I access an ADR body?	Is there a requirement in legislation?
I have a dispute with my aggregator	?	Electricity Directive. In practice, protections are often missing due to too narrow implementation of EU provisions (e.g. not covered by <a href="#">French national ombudsman</a> ).
I have a dispute with an energy community supplying me with electricity	?	In principle covered in Electricity Directive. However, in practice, protections are often missing due to too narrow implementation of EU provisions (e.g. <a href="#">Italy</a> , France)
I am leaving an energy community and I am having trouble getting back the money that I invested to become a member	✗	Not covered
I am buying electricity from my neighbour through an energy sharing scheme and I have a dispute with them	✗	Not covered
I have a dispute with my electricity supplier for the excess electricity that I produce with my solar panel and sell to the grid	?	Not covered. However, consumers may have access to ADR as suppliers must take part for their electricity supply activities (e.g. covered by the Ombudsman managed by the <a href="#">Italian NRA</a> )

## MULTI-UNIT BUILDINGS

Situation	Can I access an ADR body?	Is there a requirement in legislation?
I live in an apartment building with a communal heating appliance, and I have a dispute with the co-owners regarding my heat supply	?	It will be covered by the new Energy Efficiency Directive.
I live in temporary accommodation (e.g. student housing), I don't have a contract and I have a dispute with the building owners regarding my electricity supply	✗	Currently not covered, although it may be covered in the new Energy Efficiency Directive if Member States implement the measure broadly.
I live in an apartment building with shared electric vehicle charging points, and I have a dispute with the co-owners regarding what share of the charging bill I need to pay	✗	Not covered

## ENERGY EFFICIENT OR RENEWABLE ENERGY PRODUCTS

Situation	Can I access an ADR body?	Is there a requirement in legislation?
I have a dispute with a company that installed a solar panel in my home	✗	Not covered
I have a problem with a smart thermostat	✗	Not covered in energy legislation. Unclear if it's in the remit of energy or digital legislation.
I have a dispute with a company that installed a heating or cooling appliance in my home	✗	Not covered
I have a dispute with a company that installed energy efficient windows in my home	✗	Not covered
I have a dispute with my electricity supplier for the excess electricity that I produce with my solar panel and sell to the grid	✗	Not covered. However, consumers may have access to ADR as suppliers must take part for their electricity supply activities (e.g. covered by the Ombudsman managed by the Italian NRA)

