

Forbrukerrådet (N) shares the to main criticisms BEUC points out.

- 1. We find the Charter's structure academically sound, but too complicated for consumers to use as an overview of their rights. At the same time, the Charter lists the problems consumers are still faced with when changing supplier or trying to get information. Especially the layer dealing with the supplementary rights on Member States level and with what needs to be done through self-regulation lists some important rights consumers do not enjoy yet. However, a number of the rights listed as supplementary and falling under self regulation would deserve to be addressed through binding measures. In our view, stating the rights consumers are already entitled too jointly with possible rights risks confusing consumers. To us, the aim of this Charter should be made clearer.*
- 2. We are very much interested in your view as to how the Charter can be used as a tool to communicate to consumers their applicable rights and how the Charter could be used to raise attention to the rights consumers still lack in order to benefit from the opening of the energy markets. The success of the Charter fully depends on "interested parties" signing up to its principles. This is rather weak. In our view, the Charter is a good starting point to reflect on the rights consumers should be entitled to. But, the rights of energy consumers need to be enforceable. This could be done through a legally binding instrument.*

We are sorry to say that the charter in our opinion neither is suitable for strengthening the rights of energy consumers, nor making consumers more aware of their possibilities and rights in the energy market.

The draft Charter does not bring anything new to energy consumer's rights, since the content only aims at reiterating existing European legislation. Nor does it strengthen existing rights, since the elements of how to achieve/implement existing rights are voluntary and more like "suggestions" to stakeholders. Any level of regulation, except rights addressed through binding measures, in our opinion is insufficient. Our experience from the Nordic market is that regulations necessary to stimulate market functions, must be binding in order to be efficient and make a difference.

The problem-areas/obstacles identified throughout Europe related to the opening of energy markets, must in our opinion be properly addressed. Internal guidelines might be a suitable instrument. We do however expect that internal guidelines of how to implement existing European energy consumer rights, in the first place reflect best practise, and urge the Commission to look to the markets that ESA have found rather well functioning. The guidelines can by far be improved, in order to contribute to establishing market balance and competitiveness (despite what level).

Furthermore the Charters form and content is in our opinion not suitable used as an awareness-raising campaign. Publicity stunts raising awareness amongst energy consumers, must be relatable and simplified – and of course providing applicable tools for the individual consumer. Promising words, and vague recommendations, is not suitable to improve the market situation.

Accordingly this draft Charter is a poor and meaningless attempt "ensuring that energy consumers' interests are taken into account". A Charter on energy consumer rights deserves



FORBRUKERRÅDET

to be raised to a level where the content is efficiently applicable for the consumers in their Member States.

The Commission should in our opinion prioritise giving the three following issues obligatory status. The issues are in our view essential when providing consumers with a safety net – making energy consumers secure enough to make rational choices in the market. These issues need to be addressed with binding measures! When this is established – an awareness-campaign high lightening these rights is appropriate.

- **Max time limit for effectuating a supplier switch**  
When the energy consumer requests switching to another power supplier, it should maximum take 3 weeks before the switch is effectuated. This way, the consumer is ensured an effective progress, and the supplier is forced to make the necessary arrangements rather effectively. If this regulation lacks, we'll continue to experience malfunctioning markets. The present supplier can in that case stall the switching process, and prevent consumer movement in the market.
- **Alternative dispute board – balanced and free of charge**  
If there is a dispute between the consumer and the supplier, the consumer should have the right to a balanced dispute settlement free of charge. If consumers are not secured access to a free and balanced ADR system, they might be left with expensive, unbalanced, insufficient solutions that they don't rely on. For instance, in Norway the right to a dispute board is regulated by national legislation and established in cooperation between the consumer organisation (Forbrukerrådet) and the electricity trader's organisations. The board is set with two representatives from each "side" in addition to one neutral person with judicial competence. The energy companies furthermore finance it. This way the consumer is secured access to a reliable settlement.
- **Social tariffs**  
In order to prevent energy poverty, vulnerable consumers must be handled explicitly through a system with social tariffs. The governments in Member States must address this responsibility, but the Commission should in our opinion outline binding measures to secure vulnerable consumers energy.

