

What is the Conciliation Service?

The Authority's Conciliation Service is a free tool for the protection of final customers and end users of the ARERA regulated sectors, which facilitates the resolution of disputes with the energy (supplier and/or distributor), SII, municipal waste or district heating operators, by allowing the parties to meet online or in a conference call in the presence of a conciliator acting as a facilitator of the agreement.

Before the Conciliation Service it is possible to make a mandatory attempt at conciliation that is necessary in order to access the ordinary justice system, that is to attempt to amicably resolve the dispute before going to the courts, as established by resolution 209/2016/E/com (Integrated Text on Conciliation - TICO), which implements article 2, paragraph 24, letter b) of Italian Law 481/1995 and article 141, paragraph 6, letter c) of the Consumer Code. The attempt at conciliation is mandatory for all regulated sectors except for the municipal waste sector, according to ARERA temporary regulation (for the municipal waste sector, end user can alternatively send a complaint to Sportello).

Who can request to activate the procedure?

Customers/end users who are entitled to apply to the Conciliation Service are:

- for the electricity sector: all domestic and non-domestic customers connected to low voltage (LV) and medium voltage (MV);
- for the gas sector: all domestic and non-domestic customers connected to low pressure (LP);
- for the water sector: the end user, i.e. the natural or legal person who has stipulated or intends to stipulate a supply contract for his own use of one or more SII service (the set of public aqueduct, sewerage and purification services, or each of the aforementioned individual services);
- for the district heating sector: the end user, i.e. the natural or legal person who has stipulated or intends to stipulate a contract for the supply for his own use of one or more district heating services (the service relating to any of the activities of distribution, measurement and sale of thermal energy via networks, or even relating to more than one of these activities), with the exclusion of users with a contracted or conventional power greater than 350 kW or those requesting a connection with power greater than the same value;
- for the municipal waste sector: the end user i.e. the natural or legal person who is or will be the holder of the payment document.

End users who signed or want to sign a contract for the Integrated Water Service or district heating service (household, SMEs, condominium).

In the case of dual fuel customers (joint supply of electricity and gas), it is sufficient to fall within one of the categories indicated above for the energy sectors.

The Conciliation Service cannot be activated by multi-site customers for the energy sectors with at least one POD/PDR non-connected to LV, MV, LP.

When can the procedure be activated?

It is possible to submit a request for conciliation to the Conciliation Service after having submitted a written complaint to the operator and having received a written response considered to be unsatisfactory or after 40 days from sending the complaint (50 days for the Integrated Water Service, 60 days for the municipal waste sector). It is also possible to submit a request for conciliation because

of an order by the Court. It is not possible to submit a conciliation request when, for the same dispute:
o a conciliation attempt has already been started or completed; or
o a customer/end user withdraws from the procedure or does not participate in the meeting before Conciliation Service (in case of death of customer/end user, the heir can continue the procedure or activate a new one);

for the municipal waste sector, end user has already sent a complaint to the Sportello.

Can the Conciliation Service be used for all disputes?

Yes, except for disputes:

- only relevant to tax and fiscal matters;
- subject to SMART Help procedures or regarding social tariff for the Integrated Water Service or municipal waste sector, unless the customer/end user does not also require compensation for damage;
- that the customer/end user could not present to the courts because it is time-barred;
- for which injunctions, class actions and other actions to protect the collective interests of the consumers and users promoted by Consumer Associations have been promoted;
- regarding water quality.

Does the operator always participate?

All electricity and gas operators (sellers and distributors), integrated water service providers, and district heating operators are required to participate in the conciliation process.

The GSE is required to participate in the procedures for matters regulated by the Authority.

Municipal waste operators, according to ARERA temporary regulation, can decide to take part in the procedure or not, communicating it to the Conciliation Service within 5 days before the meeting.

What are the outcomes of the procedure?

If the parties find a solution for the dispute, they sign a statement of agreement that is deemed to be enforceable or can be invoked by the parties before the competent court in case of non-compliance with its contents. The distributor or the water service operator for sewerage and the wastewater treatment, when is called to conciliation by the supplier or by the water service operator for the distribution of water, can also sign the agreement. In the municipal waste sector, according to ARERA temporary regulation, if the parties find a solution for the dispute, they sign a statement of agreement that is deemed to be enforceable as any contract.

If no agreement is reached, or if the operator, although obliged, does not participate in the meeting, the conciliator prepares a report in which it is indicated that the attempt has failed. In these cases, the conciliation attempt, as a condition of eligibility for judicial action, is exhausted and the customer/end user may resort to the court to resolve the dispute. If the customer/end user does not appear at the meeting, the procedure ends and the attempt is not considered to have been made.