

The Authority's Conciliation Service | Frequently asked Questions

The Authority's Conciliation Service

• What is the Conciliation Service?

• The Authority's Conciliation Service is a free tool for the protection of final electricity and gas customers or Integrated Water Service (SII) and district heating end users, which facilitates the resolution of disputes with the energy (supplier and/or distributor), SII 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.

• What can the conciliator do?

• The conciliator, provided by the Conciliation Service, is an expert on mediation and is specifically trained on the regulated sectors. The conciliator, who does not decide on the outcome of the dispute, helps the parties to come to an agreement to resolve the dispute. If the parties so request, the conciliator can also formulate a proposed solution that the parties are free to accept or refuse. Furthermore, if the parties identify the existence of serious and irreparable damages, upon joint request of the same parties, the conciliator may suggest the best measures to guarantee the immediate protection of the final customer/end user.

• 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);
- 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.

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

• Can prosumers activate the procedure?

• Yes. Prosumers (parties that are simultaneously consumers and producers of electricity) can activate the Conciliation Service for disputes with the electricity supplier or distributor or the GSE.

The provisions of the TICO that are valid for final customers are applied to the procedures activated by prosumers. It is therefore possible to consult the answers present in this "Frequently asked questions" section.

Before the Conciliation Service it is also possible for the prosumer to make a mandatory attempt at conciliation that is necessary in order to access the ordinary justice system, as established by resolution 209/2016/E/com (Integrated Text on Conciliation – TICO).

Furthermore, prosumer can activate the judicial complaint procedure through the Authority for disputes pertaining to production against the network operator (resolution 188/2012/E/com).

• Can Collective Self-Consumption entities activate the procedure?

• Yes. CSC entities, that self-consume electricity on a widespread basis, such as condominiums and energy communities, both citizens and renewable energy, can also activate the Conciliation Service. The procedure can be activated for typical disputes of these entities and relating to self-consumption against distributors and the GSE.

The provisions of the TICO valid for end customers apply to the procedures activated by the CSC entities, except as specified below. It is therefore possible to consult the FAQs in this "Questions and answers" section.

For disputes involving CSC entities, the obligatory attempt at conciliation is not operational and the statement of agreement has settlement effect pursuant to Article 1965 of the Civil Code.

• When can the conciliation 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). 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:

- a conciliation attempt has already been started or completed; or
- 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).

• **How is the procedure activated?**

• The final customer/end user activates the Conciliation Service procedure by registering for the online platform, filling in the form and attaching the required documents. If not all documents are attached, the Secretariat of the Conciliation Service communicates to the final customer/end user that it is necessary to complete the application within 7 days. If the Customer/end user does not complete the application within the indicated period, the possibility of activating the Conciliation Service becomes void. If the domestic final customer/end user, acting on behalf of themselves, does not use the electronic method, even by means of the aid of an Association or another delegate, can present the application in another way, by mail or e-mail, without prejudice to the online management of the procedure.

• **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, 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.

• **How much does it cost to activate the procedure?**

• The procedure is free of charge. If a delegate acts on behalf of the customer/end user, the customer/end user, by choosing the delegate, agrees any economic conditions for services.

• **Does the customer/end user have to personally participate in the procedure or is it possible to delegate someone?**

• The final customer/end user can participate directly in the conciliation or can be represented by a delegate, including one belonging to a Consumer Association or a trade association, who can sign the agreement defining the dispute on behalf of the customer/end user, through a delegation to handle and close the dispute itself (delegation to conciliate and settle).

• **Does the operator always participate?**

• Yes.

All operators are required to participate in the conciliation attempt.

The GSE is required to participate in procedures if the dispute regards matters regulated by ARERA.

• **Can other operators also participate with the operator called to conciliation by the customer/end user?**

• Yes.

For energy sectors, no later than ten days (5 days in the case of disconnection) before or during the first conciliation meeting, the supplier can request that the distributor be called to conciliation when the discussion concerns technical data and if it is necessary and indispensable for the purposes of the correct and effective handling of the dispute. In these cases, the Authority has established that the distributor is obliged to participate in the procedure.

The GSE, just like the supplier, can also request the intervention of the distributor.

The same mechanism is established for the Integrated Water Service if the distribution of water, the sewerage and the wastewater treatment are managed by different operators.

• **When is the first valid meeting held for the conciliation attempt?**

• The first meeting before the Conciliation Service must be held within 40 days from the submission of the complete application, but not before 10 days from the communication to the parties of procedure activation. Each party and the distributor, when is called to conciliation by the supplier, can only request one postponement of the meeting, by presenting a justified and documented request to the Conciliation within 2 days before the date of the first meeting, with a simultaneous communication of a subsequent available date no later than 10 days from the previous date.

• **Is it possible to withdraw from the procedure?**

• The customer/end user can decide to withdraw from the procedure at any stage, by promptly sending a communication to the Conciliation Service.

• **What happens if the supply is disconnected?**

• If the final customer/end user demonstrates a disconnected supply, due to a bill promptly contested with the complaint, in the application for conciliation, the meeting for attempting conciliation must be held within 15 days from the submission of the completed application, but not before 5 days from the communication to the parties of procedure activation (halved time). In these cases, it is not possible to request postponement of the first

meeting. These procedural conditions are also applied when customer/end user attaches to the request the formal notice sent by operator.

- **How long can the procedure last?**

- The procedure ends within a maximum period of 90 calendar days from submission of the completed application for conciliation. The Conciliation Service may be extended by a maximum of 60 days, including upon request of the conciliator in cases of complex disputes or upon joint and justified request by both parties.

- **What is the average length of the procedure through the Conciliation Service?**

- On average procedures last a month and a half (from the submission of the application).

- **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.

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.

- **How are the meetings held?**

- The meetings between the parties and conciliator are held in “virtual rooms” (chat rooms or video-conference) on either PC or mobile devices. If the parties and the conciliator consider worthwhile, the meetings can be held via conference call, or using a telephone (landline or mobile). The agreement is signed by using an electronic signature, also provided by the Conciliation Service. During the procedure all information will be considered confidential and will not be disclosed to anyone or recorded.

- **Which tools are required to activate the Conciliation Service procedure?**

- To submit the application: PC (desktop or notebook) or mobile device (Windows, Mac OS, iOS and Android) also available from the APP “Servizio Conciliazione”.

The device in use has been equipped with a writing program, as well as a program to convert files to PDF or image reader. You also need a scanner (alternatively, a mobile device with a camera) and a printer.

To use the virtual meeting: PC (desktop or notebook) with at least Intel I5 CPU or equivalent, with Windows or Mac OS operating system, equipped with microphone, audio devices (e.g. video camera and connection ADSL stable, browser recommended Google Chrome). Mobile device: Android (browser recommended Google Chrome ≥ v.85- 86) or iOS (Safari ≥ v.13.1.2 – 14.0) with a connection ADSL stable.

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