

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, which facilitates the resolution of disputes with the operator (energy supplier and/or distributor), 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 481/95](#) 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 energy sector. 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.

- **Who can request to activate the procedure?**

- Customers 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).

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](#)).

- **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. 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 withdraws from the procedure or does not participate in the meeting before Conciliation Service (in case of death of customer, the heir can continue the procedure or activate a new one).

- **How is the procedure activated?**

- The final customer 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 that it is necessary to complete the application within 7 days. If the customer does not complete the application within the indicated period, the possibility of activating the Conciliation Service becomes void. If the domestic final customer, 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 offline mode, via fax or by mail, without prejudice to the online management of the procedure.

[Guide to submitting the application and to managing the procedure \(in Italian\)](#)

- **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, unless the customer does not also require compensation for damage;
 - That the customer 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 pursuant to articles 37,139,140 and 140 bis of the Consumer Code have been promoted.

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

- The procedure is free of charge. If a delegate acts on behalf of the customer, it is the customer who, by choosing the delegate, agrees any economic conditions for services.

- **Does the customer have to personally participate in the procedure or is it possible to delegate someone?**

- The final customer 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, through a delegation to handle and close the dispute itself (delegation to conciliate and settle).

- **Does the operator always participate?**

- Yes.
All operators – electricity and gas suppliers and distributors – are required to participate in the conciliation attempt, except for FUIs (Last Resort Gas Suppliers).
The GSE is required to participate in procedures activated by the prosumer if the dispute regards simplified purchase & resale arrangements or net metering service.

- **Can the distributor also participate with the supplier?**

- Yes.
No later than ten days 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.

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

- The first meeting before the Conciliation Service must be held within 30 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 7 days from the previous date.

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

- The customer 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 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 attaches to the request the formal notice sent by supplier.

- **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 30 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, when is called to conciliation by the supplier, 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's 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 may resort to the court to resolve the dispute. If the customer 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). 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.

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

- To submit the application: PC (desktop or notebook) or a tablet or other mobile device (Windows, Macintosh, IOS and Android). The device in use has been equipped with a writing program, as well as a program to convert files to PDF or image reader.

To use the virtual meeting: PC (desktop or notebook) with at least Intel I5 CPU or equivalent, with Windows or Macintosh operating system, equipped with microphone, audio devices (e.g. video camera and connection ADSL stable, browser recommended Google Chrome).

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