

TECHNICAL SHEET

NEW SERVICE QUALITY CODE FOR THE REGULATION OF THE COMMERCIAL QUALITY OF SALE SERVICES AND AMENDMENTS TO THE REGULATION OF COMMERCIAL QUALITY OF ELECTRICITY AND NATURAL GAS DISTRIBUTION SYSTEM, AND TO THE CODE OF BUSINESS CONDUCT AND THE BILL 2.0

413/2016/R/com (*)

With resolution 413/2016/R/com, the Italian Regulatory Authority for Electricity, Gas and Water significantly reformed: the *Service Quality Code* (TIQV), some parts of the *Consolidated texts on electricity and gas distribution quality* (TIQE and RQDG) related to the exchange of data between suppliers and distributors for the purpose of responding to complaints of final customers, the *Code of Business Conduct* in the part concerning disclosure obligations of suppliers therefore intervening to streamline the handling of first level¹ complaints.

The measure is part of the process of rationalisation of the system of consumer protections with regard to the handling of complaints and extra-judicial resolution of disputes: the following are the two consultation documents Nos. 614/2015/E/com and 225/2015/E/com, as well as resolutions Nos. 209/2016/E/com² and 383/2016/E/com³.

In short, resolution 413/2016/R/com:

- 1) reforms the TIQV
 - a. establishing 4 types of performance, three of which are subject to specific standards and automatic compensation (response time to written complaints, billing correction time and double billing correction time) and a general standard (response time to written requests for information);
 - b. expecting to increase the compensation payable in cases of violation of the specific standard from 20 to 25 Euros. In case the supplier fails to comply with both the standard of reasoned response to complaints and the standard for performing billing corrections, the customer will receive a total base compensation of 50 Euros. It also reduces the time limit for the payment of compensation from 8 to 6 months (with the exception for customers with 4-monthly billing in order to reduce the cases in which providing direct compensation payment is required);
 - c. providing for two general voluntary standards to better monitor the response times to complaints according to the expected updating of the specific standard (from 40 to 30 calendar days for written complaints and from 90 to 60 calendar days to billing

¹ It is intended for:

- first level the stage at which the complaint of the consumer is handled by the supplier/distributor;
- second level the phase in which a dispute is managed (i.e. a claim that has not been answered by the supplier within the time established by purchase quality regulations or the answer that the customer deemed unsatisfactory) through the mandatory attempt of conciliation (at the Conciliation Service or other authorised conciliatory body) or, only where expressly provided, through a special resolution procedure at the AU (Single Buyer);
- third level the stage at which the Regulatory Authority intervenes in a specific dispute where the attempt of conciliation has failed.

² Approval of the "Code for the resolution of extra-judicial disputes between customers or consumer sand operators, in regulated sectors - (TICO)".

³ Regulation of the mandatory attempt of conciliation through the Single Buyer and related "Regulations".

corrections with an exception for customers with 4-monthly billing, in order to reduce cases in which direct refund payment is required);

- d. requiring that *data* should be disclosed by the suppliers to the Regulatory Authority with reference to the types taken into account annually, in analogy to what happens to commercial quality data of the distribution. Furthermore, the data disclosed concerning the complaints and requests for information starting from 2018 must be classified by topic and sub-topic (both for suppliers and distributors);
- e. providing for the annual *Complaints and Disputes Report* that collects:
 - i. the data transmitted by the suppliers and distributors on written complaints and requests for information,
 - ii. the results of the customer satisfaction survey of the Regulatory Authority on the responses to complaints,
 - iii. the results of the specific monitoring on the completeness of responses of complaints processed by qualified help-desks of consumers or trade Associations;
 - iv. information on the progress of conciliation procedures,
 - v. the results of the monitoring of complaints and special procedures;
- f. providing that the supplier should always provide also an electronic or e-mail channel to forward complaints;
- g. confirming the rules of the recently reformed⁴ *telephone quality* and *data verification* and their scope;
- h. updating some definitions and formulations in order to adapt to the new regulation.

2) changes the TIQE and the RQDG,

- a. by reviewing rules governing the *time of provision of the technical data requested by the supplier*, including the extension of the possibility for suppliers to request data to distributors in the event of *telephone complaints* (providing for a general standard borne by the distributors), *and requests for joint conciliation*. There is a plan of reducing the timing similar to that laid down for suppliers;
- b. increasing compensation and unifying the compensation for electricity and gas, to be paid by the distributor to the supplier, to 30 Euros;
- c. reducing the time limit for the payment of compensation due in the event of non-compliance with specific standards on the provision of technical data to 6 months.

3) strengthens the regulation on *disclosure requirements for suppliers*, providing that information is always given to all customers, both through the *website* and in *contracts*, involving the possibility of accessing the Conciliation Service and, where appropriate, other bodies for the experiment of mandatory conciliation attempt with free access, to which procedures the latter commit to participate. Reference to the list of approved bodies shall also be present for domestic customers.

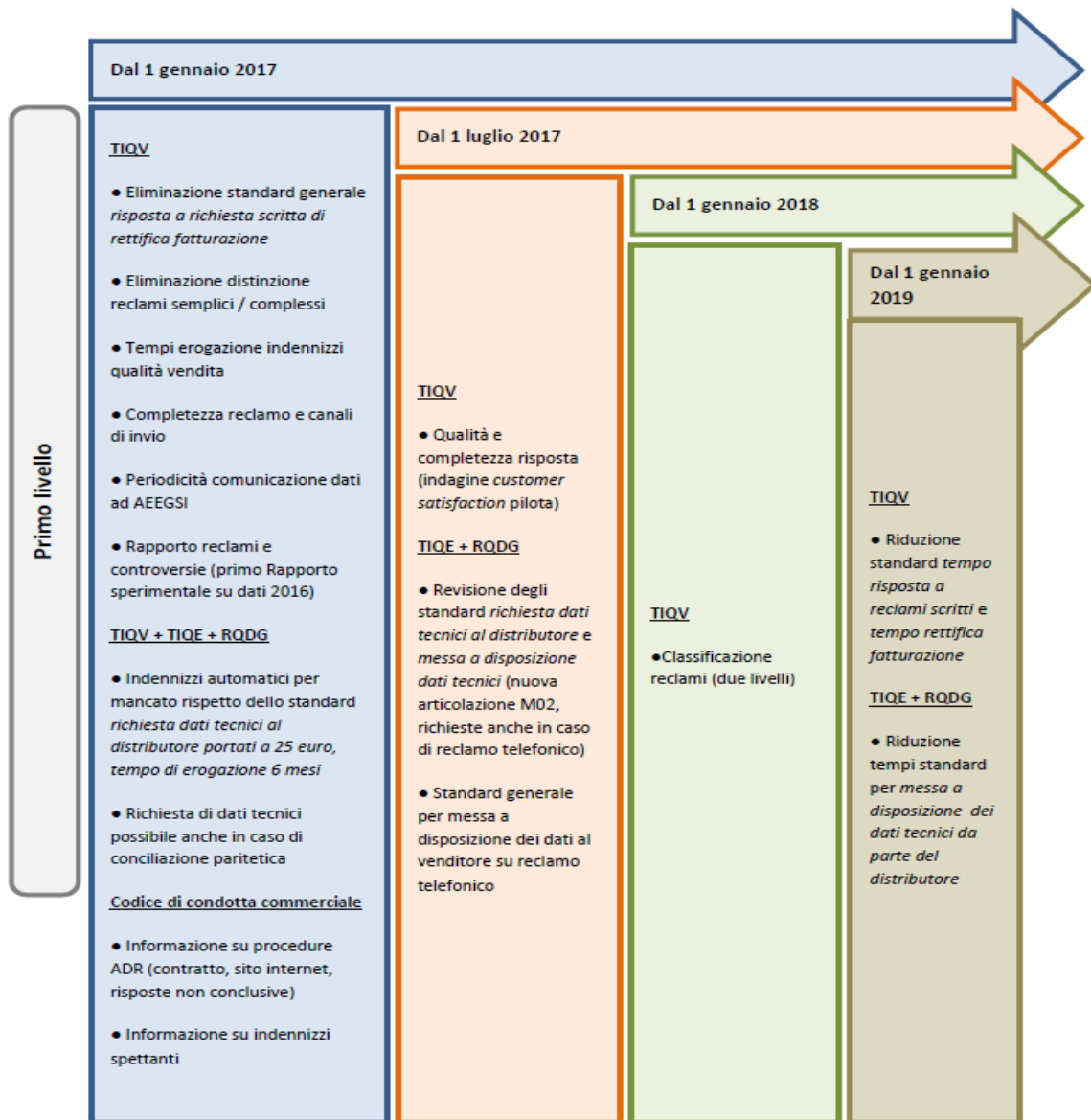
The same disclosure should be included only in *response to complaints that are unresolved*.

These provisions comply with the *Consumer Code* and apply partially for Small Medium Enterprises.

Furthermore, the responses to complaints should include information concerning any automatic compensation due to the customer, if the preconditions are present, with the amount and the time limit within which it must be paid.

⁴ Resolution 383/2016/E/com

The amendments introduced by resolution 413/2016/R/com will be effective from 1 January 2017, gradually and as displayed in the following graph:



Primo livello	First level
Dal 1 gennaio 2017	From 1 January 2017
Eliminazione standard generale risposta e richiesta scritta di rettifica fatturazione	Elimination of the standard reply and written request for billing correction
Eliminazione distinzione reclami semplici/complessi	Elimination of the distinction between simple and complex complaints
Tempi erogazione indennizzi qualità vendita	Sales quality compensation payment timing
Completezza reclamo e canali di invio	Completeness of the complaint and submission channels
Periodicità comunicazione dati a AEEGSI	Frequency of data communication to the Italian Regulatory Authority for Electricity Gas and Water (AEEGSI)
Rapporto reclami e controversie (primo Rapporto sperimentale su dati 2016)	Complaints and disputes report (first Experimental Report on 2016 data)

Indennizzi automatici per mancato rispetto dello standard richiesta dati tecnici al distributore portati a 25 euro, tempo di erogazione 6 mesi	Automatic indemnities for breach of the standard technical data request to the distributor brought to 25 Euros, dispensing time 6 months
Richiesta dati tecnici possibile anche in caso di conciliazione paritetica	Possibility of requesting technical data even in the event of joint conciliation procedure
Codice di condotta commerciale	Business conduct code
Informazione su procedure ADR (contratto, sito internet, risposte non conclusive)	Information on ADR procedures (contract, website, non-conclusive responses)
Informazione su indennizzi spettanti	Information on due compensation

Dal 1 luglio 2017	From 1 July 2017
Qualità e completezza risposta (indagine customer satisfaction pilota)	Quality and completeness of responses (pilot customer satisfaction survey)
Revisione degli standard richiesta dati tecnici al distributore e messa a disposizione dati tecnici (nuova articolazione M02, richieste anche in caso di reclamo telefonico)	Review of the requirements when requesting technical data and provision of technical data (new M02 articulation, requested even in the case of telephone complaints)
Standard generale per messa a disposizione dei dati al venditore su reclamo telefonico	General standards for the provision of data to the supplier upon telephone complaints

Dal 1 gennaio 2018	From 1 January 2018
Classificazione reclami (due livelli)	Complaint classification (two levels)

Dal 1 gennaio 2019	From 1 January 2019
Riduzione standard tempo risposta a reclami scritti e tempo rettifica fatturazione	Standard response time reduction to written complaints and billing correction time
Riduzione tempi standard per messa a disposizione dei dati tecnici da parte del distributore	Standard time reduction for providing technical data by part of the distributor

(*) This sheet is for disclosure purposes only; it is not a measure.