

CEER
**Council of European
Energy Regulators**



Fostering energy markets, empowering **consumers**.

Guidelines of Good Practice for Future- proof Comparison Tools for the Energy Sector

**Public Consultation
Evaluation of Responses**

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INFORMATION PAGE

Abstract

This document (C22-CEM-147-03a) presents an evaluation of responses received from external stakeholders to the CEER Public Consultation on Guidelines of Good Practice on Future-proof Comparison Tools, running from 23 December 2021 to 25 February 2022.

The results of the public consultation were carefully analysed by the Customer Empowerment Work Stream of the Customers and Retail Markets Working Group, feeding into the CEER Guidelines of Good Practice for Future-proof Comparison Tools for the Energy Sector (2022).

Target audience

National regulatory authorities (NRAs), European Commission, Member States (MS), gas/electricity consumers, consumer representative groups, academics and other interested parties.

Keywords

Price comparison tools; comparison tools; consumer empowerment and protection; Clean Energy Package; retail energy markets; supplier switching; energy offers; vulnerable consumers.

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Table of contents

1 INTRODUCTION	4
2 QUESTIONS TO THE STAKEHOLDERS	4
ANNEX 1 – LIST OF ABBREVIATIONS	20
ANNEX 2 – ABOUT CEER.....	21

List of tables

<i>Table 1 - Number of public consultation responses received and CEER response</i>	<i>7</i>
<i>Table 2 - Summary of public consultation responses and CEER response</i>	<i>19</i>

1 Introduction

Comparison tools are an important aspect of the energy markets. They can empower energy consumers, to the extent that they deliver a clear and trusted service that provides additional and relevant information to consumers, so that they can choose the best offer to fit their needs. In this regard, CEER sought feedback on the update of its GGP on CTs.

The draft GGP on CTs was open to public consultation from December 2021 until February 2022. The purpose of the consultation paper was to present a preliminary review of the 2012 GGP and 2017 GGP. These GGP included a set of 16 recommendations on how comparison tools can function efficiently and effectively to the benefit of energy customers. The 2022 GGP reinforces and enhances the recommendations already issued. It aims to align them with the requirements established in EU legislation as well as enable their sound development in the future as a function of market innovation, while ensuring consumers' best interests.

The target audience for this consultation was energy suppliers, traders, prosumers, electricity and natural gas customers, electricity and natural gas industry, customer representative groups, network operators, MS, academics and other interested parties.

2 Questions to the stakeholders

In the public consultation, CEER presented its reconsidered/updated 20 recommendations giving stakeholders the opportunity to comment on the draft proposals. The updates took into account the adoption and entry into force of the recast Electricity Directive, which includes specific provisions regarding CTs, as well as the continuing technological and market evolution of the energy sector. Whilst the emergence of innovative business models and digital information tools can help to empower consumers to engage with the energy market, it must be ensured that they provide an accurate, reliable and accessible service.

In line with its public consultation practices, the responses received were discussed within CEER and taken into account to enhance the final GGP. CEER finds from the answers received, that there is strong support for further guidance regarding CTs. Mainly, all the respondents were in favour of the draft recommendations and also provided very valuable comments and additions to them. As a result, CEER made modifications and clarifications to some of the recommendations.

Updated and new recommendations are marked in blue and **bold**.

Some of the respondents wished to keep their answers confidential. Therefore, CEER decided only to name the respondents. The following institutions participated:

- Latvenergo AS – Energy supplier Latvia
- Romanian Ministry of Energy - Romania
- BEUC – The European Consumer Organisation
- ENGIE – Energy Supplier France
- Médiateur national de l'énergie – Energy National Ombudsman France
- ENEL Spa – Energy supplier
- EDF – Energy supplier France

CEER has evaluated the responses provided in the public consultation, principally in terms of

applicability and consistency. Respondents had the opportunity to answer whether they thought that the proposed recommendation was sufficient in the consultation document and in addition they could insert a comment on the rationale for their position or other suggestions. CEER received valuable input during the public consultation. Where appropriate, the comments, suggestions and input received were reflected in an amended recommendation in the final GGP. The table below indicates the number of respondents making each of four possible choices in evaluating the proposed recommendation.

In light of the responses received, CEER considers it important that the following is taken into account when interpreting the GGP:

- CEER would like to point out that as its GGP is written from a customer perspective; it gives the input from consumer organisations particular consideration; and
- CEER intends for the final recommendations to have a forward-looking approach, and so has taken a forward-looking approach in drafting its final GGP.

Recommendation	Recommendation is sufficient	Recommendation is sufficient, but to add/clarify more	Recommendation is not sufficient	No opinion	Consequence on recommendation / CEER reaction
1	3	3	1		Not changed
2	2	5			Slightly changed
3	3	3	1		Slightly changed
4	4	3			Slightly changed
5	2	5			Amended
6		4	1	2	Amended
7	2	4		1	Slightly changed
8	2	2	3		Amended
9	3	3		1	Not changed
10	4	3			Slightly changed
11	6	1			Slightly changed
12	5			2	Not changed
13	2	3	2		Slightly changed
14	5			2	Not changed
15	4	3			Amended
16	5	2			Slightly changed
17	3	4			Slightly changed
18	6			1	Slightly changed

19	4	3			Amended
20	5	3			Amended

Table 1 - Number of public consultation responses received and CEER response

Updated CEER recommendations		Relevant provision in recast Electricity Directive 2019/1944	Summary of responses
I	Independence of the tool		
1 Updated	Any comparison tool (CT) must be independent of energy supply companies, giving the user a non-discriminatory overview of the market. The provider of a comparison tool should show all information in a clear, simple, and consistent way.	Article 14 (1)(a): The tools (...) shall be independent from market participants and ensure that electricity undertakings are given equal treatment in search results;	The participants agreed to this update but also stressed the need for further clarity in CTs, especially when they are operated by private entities or vertically integrated utilities. In addition, they pointed out the necessity for the CT information for new and existing offers to be regularly updated by the operators.
2 Updated	Ensuring the reliability of CTs is crucial to protecting and empowering customers. The best way to achieve this goal can be efficiently defined at national level, taking into account the maturity and competitiveness of both the comparison market and the energy market, and could be implemented with the active role of NRAs or other public bodies.	Article 14 (1): Customers shall be informed of the availability of such tools in or together with their bills or by other means. Article 14 (2): The tools (...) may be operated by any entity, including private companies and public authorities or bodies.	The participants overwhelmingly agreed to support this update, while some noted that the information on the availability of CTs in consumer bills should be limited to CTs operated by public authorities.

	<p>NRAs or another public body may also decide to establish their own reliable CT service where no private service exists or to complement commercial CTs and may consider ways to promote the service to customers. Information about the availability of CTs should be found on the consumer bills or by other means giving the possibility for the consumers to easily find and access the CTs.</p>	<p>Article 14 (3): Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements.</p>	
<p>3 All New</p>	<p>When offering new services like automated switching, CTs must ensure that such business models are in line with existing consumer rights. Moreover, these new services imply a higher need for transparency, as the service provider has more information than the consumer and relevant contractual relations with suppliers need to be clear for consumers. This is increasingly relevant in situations where the CT signs contracts on behalf of the consumer, which should also fit with the preferences of the consumer. The consumer should be informed in advance before automatic switching takes place and must agree to the switch.</p>		<p>Many participants agreed to this new recommendation. Some amendments were suggested. Some stakeholders favour non-agent CTs, while others consider that automated switching could interfere with the proper functioning of the energy markets and that it goes beyond the usual functions of CTs.</p>
<p>II</p>	<p>Transparency</p>		

<p>4 Updated</p>	<p>CTs should disclose the way they operate, their funding and their owners/shareholders, in order to provide the customer with transparent information on the impartiality of their advice. This information should be presented in a clear way to customers before the results of the comparison simulation are shown.</p> <p>Advertisement(s) and/or sponsored products should be clearly identified and separated from the comparison results.</p>	<p>Article 14 (1)(b): The tools (...) shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;</p> <p>Article 14 (1): Customers shall be informed of the availability of such tools in or together with their bills or by other means.</p>	<p>The participants agreed to this minor update. Some stakeholders favour even stronger transparency rules, especially regarding sponsorship and any potential relations between the CTs and energy suppliers.</p>
<p>III</p>	<p>Exhaustiveness</p>		
<p>5 Updated</p>	<p>CT coverage of the market should be as complete as practicable. If the information presented does not offer a complete overview of the market, the CT should clearly state this before showing the results of the comparison simulation – if feasible, also naming the missing supplier(s) – as well as on the comparison results screen.</p> <p>All prices and products covered by the CT and available to the customer on the basis of general selection criteria (e.g. the area where the supply is located, or a given customer segment) should be shown as a first step in the comparison results screen.</p>	<p>Article 14(1): Member States shall ensure that at least one tool covers the entire market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of electricity offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.</p>	<p>The participants agreed to this minor update as they consider that the CTs should be as exhaustive as possible and inform the consumers if there are additional offers that are not listed in the comparison screen. Nevertheless, some participants are in favour of public supervision as private tools may not be able to fulfil this task.</p>
<p>IV</p>	<p>Clarity and comprehensibility</p>		

<p>6 Original</p>	<p>Costs should always be presented on the primary output screen in a way that is clearly understood by the majority of customers, such as total cost on a yearly basis or on the basis of the unit kWh-price. Any discounts should be clearly described, specifying when those discounts end; discounts which are subject to conditions or restrictions should be clearly separated from total cost estimation.</p> <p>CTs should clearly indicate that prices shown as a total cost are an estimation, as they are based on historic or estimated consumption and on price information available at present. The same warning should be indicated where a CT offers an estimation of potential savings that might be obtained by switching to listed offers. Access to additional information on cost details (e.g. unit prices, cost components...) and on the methodology used for total cost or potential savings estimation should also be made available to customers.</p>		<p>The participants agreed and provided some amendments and feedback, mainly regarding the display of information related to discounts, indexed offers, and annual and per-KWh costs. CEER took them partly into account. The recommendation was slightly updated.</p>
<p>7 Original</p>	<p>Fundamental characteristics of all products should be presented on the first page of the result screen, adopting appropriate graphic or hypertext solutions to facilitate visibility and comprehension. This information should refer both to price (for example, fixed or floating price; time of use or flat price...) and to other fundamental features (for example, main contractual terms, bundled services or products, origin of energy production...).</p>		<p>The participants agreed and provided some amendments, mainly regarding the display of the relevant offer information to the consumer, keeping it as concise as possible. CEER partly took the feedback into account. The recommendation was slightly updated.</p>

	Explanations of the different characteristics should be available as second-level information to help the customer understand their options.		
8 Updated	CTs should offer additional information on the listed offers, in case the consumer wishes to use such information to help them choose the best offer to suit their needs . Where additional information based on subjective parameters is offered (for example, customer reviews, the CT's own rating or a rating adopted from a third party, a value-for-money assessment, etc.), the CT should clearly disclose the nature of the information, the parameter used and the origin of the underlying data, in order to favour customer awareness. Pre-settings of the search tool must be clear for and adjustable by the consumer. When offering any results in a “Position 0”¹, the selection criteria must be clear for the user.		The participants mainly agreed and provided some amendments that CEER took partly into account. Some concerns were raised about the “Position 0”, and the recommendation was slightly updated.
V	Correctness and Accuracy		
9 ORIGINAL	Price information used in the comparison should be updated as often as necessary to correctly reflect prices available on the market. CTs should rectify without delay any incorrect information on published offers. In order to achieve this, they should provide a quick and effective procedure allowing any interested party to report incorrect information.	Article 14 (1)(e) and (g): The tools (...) shall provide accurate and up-to-date information and state the time of the last update; they shall provide an effective procedure for reporting incorrect information on published offers;	The participants agreed noting that the information in CTs should be periodically updated to ensure accuracy and reliability. This recommendation was not updated

¹ That is, promoting an offer before the first placed ranking.

VI	User-friendliness		
10 UPDATED	<p>Customers should be allowed to introduce their consumption data in a simple and friendly manner. In addition, CTs should offer help through default consumption patterns or, preferably, using a tool that calculates the approximate consumption, based on information available to and that can be easily provided by the user.</p>	<p>Article 14 (1)(d): The tools (...) shall use plain and unambiguous language;</p>	<p>The participants agreed and provided some amendments that CEER took partly into account. Some participants noted the importance of the user's ability to provide their consumption data to achieve the best possible offer results for their profile. The recommendation was updated focusing on technical issues.</p>
VII	Accessibility		
11 Updated	<p>To ensure an inclusive service, at least one additional communication channel (other than the internet) for accessing a comparison should be provided, free of charge or at minimal cost. This channel should take into account all the digitally excluded persons who are excluded by choice or by default. For example, comparison information could be made available via local authorities, citizen information offices, consumer associations or other bodies.</p>	<p>Article 14 (1)(f): The tools (...) shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;</p> <p>Article 14 (1)(par. 2): Member States shall ensure that at least one tool covers the entire market.</p>	<p>The participants strongly agreed and supported the principle of inclusiveness, in particular to vulnerable, elderly and disabled consumers, as well as the possible solutions to tackle the digital divide. The feedback provided was taken into account and CEER made some amendments to the recommendation.</p>

	<p>Also, customers with disabilities (e.g. visual and/or hearing impairment) must not be left behind and should have access to a comparison tool. In this regard, CTs could provide integrated accessibility options such as sound amplifiers, magnification tools and features to increase the font sizes as well as colour correction for colour blindness, voice accessibility for the blind and the visually impaired consumers.</p> <p>Whenever possible, CTs should adapt to the continuing development of technological devices (smart phones, tablets, new gadgets...) in order to be accessible for customers in the widest variety of forms with the same level of accuracy.</p>		
<p>12 ORIGINAL</p>	<p>Online comparison tools should be implemented in line with the Web Accessibility Guidelines (WCAG) and should ensure that there are no barriers to overcome to access the comparison.</p>	<p>Article 14 (1)(f): The tools (...) shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;</p>	<p>The participants agreed. This recommendation was not updated</p>
<p>VIII</p>	<p>Customer empowerment</p>		

<p>13 UPDATED</p>	<p>CTs should offer navigation tools such as filtering or alternative ranking functionalities, based on fundamental features of listed products, helping customers to select the best offers for them. The default ranking should be based on price criteria. CTs should be transparent about the criteria on which navigation tools are based. Where navigation tools are based on subjective parameters (for example, customer reviews, the CT's own rating or a rating adopted from a third party, a value-for-money assessment, etc.), CTs should clearly disclose the nature of the parameter and the origin of the underlying data, in order to favour customer awareness.</p>		<p>The participants agreed and provided some amendments which CEER largely took into account. Most notably, that transparency is the key for the functionality outlined in this recommendation, although there were some concerns about the risk of misleading customers when there is a subjective parameter.</p>
<p>14 Original</p>	<p>CT providers should consider how best to empower customers to use their service and make appropriate choices for their needs. Background information on market functioning, on market issues such as price developments, and links to useful independent sources of information may be provided to help the customers.</p>		<p>The participants agreed. Recommendation was not updated</p>
<p>15 Updated</p>	<p>CT providers should ensure that all the information provided to customers is clearly written and presented. Using consistent or standardised terms and language within and across CTs can help to enable understanding. When offering information on the source of energy, CTs should enable the consumer to assess this information in an easy way.</p>	<p>Article 14 (1)(d): The tools (...) shall use plain and unambiguous language;</p>	<p>The participants agreed and provided some amendments that CEER largely took into account.</p>

<p>16 All New</p>	<p>It must be transparent for consumers which personal data are used by the CT to provide its services and which data are shared with third party companies. The access to data should be limited to necessary data that will ensure the smooth operation of the CT. Consumers must have the final choice of sharing their data with CT and/or third parties. The consumer must actively agree to the use and sharing of their personal data. Data protection rules must be taken into account and privacy has to be ensured.</p>	<p>Article 14 (1)(h): The tools (...) shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.</p>	<p>The participants agreed and provided some amendments that CEER took partly into account. Stakeholders pointed out that this has to be in line with GDPR.</p>
<p>IX</p>	<p>Dynamic market developments</p>		
<p>17 Updated</p>	<p>CTs should be open to innovation in order to adapt to and reflect the evolution of the energy market: implementation of smart metering, electric vehicles, new pricing models and new business models (demand response, prosumer, aggregators...); thereby helping consumers to become active players in the energy market. If the CT has the ability to compare new business models, such as aggregation or bundled offers that are part of the energy retail market, it should offer the same quality of comparison as for supply services. CTs must easily provide a means of distinguishing between energy and non-energy elements (and explain what these mean in the context of the offer).</p>		<p>The participants agreed and provided some amendments that CEER took partly into account. (Technological) differences between gas and electricity were pointed out. The stakeholders highlighted that there could be many differences in new innovative offers that include additional services (such as demand response, self-consumed electricity, market vouchers etc.). Sometimes it is difficult to compare these offers taking into consideration all the disparate information, but ultimately the offers must be presented in an accurate, transparent and clear manner to the consumer.</p>

<p>18 Updated</p>	<p>CTs should adapt to the development and deployment of smart meters, being able to process data from them and provide customers with more accurate comparisons and analysis depending on their consumption habits and, in general, on the circumstances that may affect the results of the comparison. The use of smart meter data should be limited to the individual comparison and data protection in line with the existing legal requirements, which must be ensured by the CT.</p>		<p>The participants agreed and some noted the importance of the functionality for consumers to be able to input their consumption data from smart meters into the CTs to get the best results for their consumption profile (in particular referring to dynamic offers).</p>
<p>19 All New</p>	<p>As dynamic electricity price contracts must be included in CTs, the level of quality of the comparison should be at least the same as for conventional offers. Moreover, the level of information about dynamic electricity price contracts needs to be higher, given that the consumer may not have experience with the pros and cons of these offers.³ CTs could complement suppliers' information about these types of contracts, as it is difficult to compare between dynamic offers and other standard offers. In this regard, before showing the results, CTs should ask whether the consumer would like to compare a dynamic price offer or a standard offer.</p>	<p><i>Article 14 (1): Member States shall ensure that at least household customers, and microenterprises with an expected yearly consumption of below 100 000 kWh, have access, free of charge, to at least one tool comparing the offers of suppliers, including offers for dynamic electricity price contracts.</i></p>	<p>The participants agreed and provided some amendments that CEER largely took into account (e.g. challenges in comparison and provision of information).</p>

		Article 11 (2): Member States shall ensure that final customers are fully informed by the suppliers of the opportunities, costs and risks of such dynamic electricity price contracts, and shall ensure that suppliers are required to provide information to the final customers accordingly, including with regard to the need to have an adequate electricity meter installed.	
20 All New	In addition to providing a fair and reliable comparison, CTs should inform consumers about different energy efficiency, social care and other public (energy-related) schemes that are being promoted by public bodies/authorities, to the extent possible.		The participants mainly agreed. Some stakeholders consider that the provision of such services should not be the primary objective of the CTs. The recommendation was not changed.
	GENERAL ADDITIONAL COMMENTS		<u>Reporting</u>

			<p><i>To ensure maximum coverage, energy companies should be required to provide regulators and comparison tools with details of all the tariffs that they offer at any point in time. Companies should provide information both about offers which consumers can still subscribe and also about those for which this is not possible any more. This ensures that the tool has all the necessary data and information allowing consumers to compare their current contract (which may not be subscribable any more) with others that they could switch to.</i></p> <p><i>Regulators should maintain an exhaustive and up-to-date database in a format that can be easily accessible and usable for comparison tools operators. The results of comparison tools should reflect at all times the information contained in the database. In case regulators do not maintain this database, comparison tools operators should communicate what are the sources of the information that they use.</i></p> <p><u>Supervision</u></p>
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			<i>Energy regulators or other competent authorities should proactively monitor the respect of these conditions in order to enhance consumer trust in the information provided by comparison tools. In addition, comparison tools should also provide consumers and companies an effective procedure to report incorrect information on published offers.</i>
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Table 2 - Summary of public consultation responses and CEER response²

² This table reflects the originally proposed amendments in the CEER Public Consultation on GGP for Future-proof Comparison Tools in the Energy Sector: <https://www.ceer.eu/pc-on-ggp-comparison-tools>
These may not be identical to the final recommendations put forward in the GGP.

Annex 1 – List of abbreviations

Term	Definition
ACER	Agency for the Cooperation of Energy Regulators
CEER	Council of European Energy Regulators
CT	Comparison tool
EU	European Union
GDPR	General Data Protection Regulation
GGP	Guidelines of Good Practice
MS	Member State(s)
NRA	National Regulatory Authority
PEER	Partnership for the Enforcement of European Rights
WCAG	Web Content Accessibility Guidelines

Annex 2 – About CEER

The Council of European Energy Regulators (CEER) is the voice of Europe's national energy regulators. CEER's members and observers comprise 39 national energy regulatory authorities (NRAs) from across Europe.

CEER is legally established as a not-for-profit association under Belgian law, with a small Secretariat based in Brussels to assist the organisation.

CEER supports its NRA members/observers in their responsibilities, sharing experience and developing regulatory capacity and best practices. It does so by facilitating expert working group meetings, hosting workshops and events, supporting the development and publication of regulatory papers, and through an in-house Training Academy. Through CEER, European NRAs cooperate and develop common position papers, advice and forward-thinking recommendations to improve the electricity and gas markets for the benefit of consumers and businesses.

In terms of policy, CEER actively promotes an investment friendly, harmonised regulatory environment and the consistent application of existing EU legislation. A key objective of CEER is to facilitate the creation of a single, competitive, efficient and sustainable Internal Energy Market in Europe that works in the consumer interest.

Specifically, CEER deals with a range of energy regulatory issues including wholesale and retail markets; consumer issues; distribution networks; smart grids; flexibility; sustainability; and international cooperation.

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More information is available at www.ceer.eu.