



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 November 2010

16300/10

**ENER 329
CONSOM 104**

NOTE

from: General Secretariat of the Council
to: Coreper / Council
Subject: An Energy Policy for Consumers
= Draft Council conclusions

1. Against the background of the European Year for combating poverty and social exclusion, the Presidency organised a debate devoted to the subject of consumer-related aspects of the European energy policy at the occasion of the informal Council of energy Ministers, held on 6-7 September 2010 in Brussels.
2. On 11 November, the Commission presented two Staff Working Papers: "An energy policy for consumers"¹ and "The functioning of the retail electricity markets for consumers in the European Union"².

¹ doc. 16187/10 ENER 322 CONSOM 102

² doc. 16188/10 ENER 323 CONSOM 103

3. The Council instances discussed draft Council conclusions prepared by the Presidency. The text of these draft Council conclusions, reflected in Annex, represents in the Presidency's view a balanced compromise that all delegations could support.

 4. Subject to confirmation by Coreper, the Council is invited to adopt the conclusions reflected in Annex.
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draft
Council Conclusions on “An Energy Policy for Consumers”

THE COUNCIL OF THE EUROPEAN UNION

RECALLING the debate devoted to the subject of consumer-related aspects of the European energy policy at the occasion of the informal Council of energy Ministers, held on 6-7 September 2010 in Brussels, which benefited from the contributions of several key stakeholders;

RECALLING that the year 2010 is the 'European Year for combating poverty and social exclusion';

WELCOMING the Commission Staff Working Paper “An energy policy for consumers” as called for by the participants at the informal meeting of Energy Ministers in September, as well as the Commission Staff working document “The functioning of the retail electricity markets for consumers in the European Union”;

RECALLING that many provisions in EU legislation and initiatives at EU level, mainly in the area of energy but also in areas such as consumer rights, contribute directly or indirectly to improving consumer welfare;

RECALLING that such provisions and initiatives include notably: energy efficiency for household appliances (ambitious ecodesign and energy labelling), for transport and buildings; feedback on consumption through smart metering and frequent and transparent billing; the European Energy Consumer Checklist; statutory and voluntary complaint handling standards and dispute settlement processes; more market transparency; price competition and diversification of suppliers, for both of which infrastructure networks play a role; the obligation of Member States to define vulnerable energy consumers; high standards of public service obligations and consumer protection including for instance the choice of energy supplier and strong regulatory oversight; and measures for customers in remote areas;

IN LIGHT OF THE ABOVE, THE COUNCIL

STRESSES that Member States are strongly committed on the correct and timely implementation of the provisions of the Third Energy Package, including provisions relating to: transparency; information provision; supplier switching; defining the concept of vulnerable customers; appropriate measures to protect and empower final consumers; the creation of an independent mechanism such as an energy ombudsman or a consumer body in order to ensure efficient and effective treatment of out-of-court dispute settlements;

INVITES Member States to duly consider the conclusions of the Commission Staff Working Papers;

UNDERLINES that the European energy policy, including its external aspects, is aimed at ensuring secure, safe, sustainable and affordable energy supplies to businesses and all households including the more vulnerable ones, in the EU, which contributes to the welfare, in the largest sense, of Europe's citizens today and tomorrow;

WELCOMES the strengthening of the EU's work in the energy efficiency area bearing consumers' interests in mind, with a specific focus on providing correct, transparent and user-friendly information so as to change the behaviour of consumers towards energy savings. In this regard, measures promoting energy efficiency could form an appropriate and effective component of a Member State's social policy, if a Member State so chooses;

STRESSES the importance of the introduction of new technologies, inter alia in the field of smart metering, energy efficiency, energy saving and micro-generation of renewable energy, and of having them properly introduced, whilst giving due consideration to data protection and privacy standards, and of having them explained to all consumers, so that consumers can play a more active role in energy markets;

STRESSES the need to properly train and educate energy consumers, where appropriate in consultation with representative consumer organisations, so as to make them aware of their energy use and the way to reduce their consumption and energy expenditure, whilst bearing in mind that the energy bill is one of the most important means of information to the consumer and therefore deserves special attention;

STRESSES the right of energy consumers to be informed of their rights and of the choices available to them to influence their energy consumption and energy expenditure, by using existing and future instruments; in this regard, HIGHLIGHTS the urgent need to ensure that customers can compare prices and switch energy suppliers easily;

UNDERLINES that the Commission, governments, regulatory authorities, industry and citizens each have a responsibility and role to play in the joint effort to make energy policy more consumer friendly;

FURTHERMORE THE COUNCIL

INVITES the Commission to continue its examination and analysis of all aspects related to consumer rights and the vulnerable customers, including of Member States' definitions of vulnerable customers, and of energy policy measures aimed directly and indirectly at consumers, including those that address the vulnerable ones, with a view to including the lessons learned in these areas in future initiatives whenever relevant;

CALLS ON Member States to take due account of the work and recommendations of the Citizens' Energy Forum, where the national regulatory authorities play a key role, and the European Consumer Consultative Group (ECCG) on Energy, in collaboration with the Agency for the Cooperation of Energy Regulators (ACER), in particular when designing policy measures aimed at protecting the vulnerable customers and empowering consumers generally;

CALLS on the Commission to strengthen the role of the Citizens' Energy Forum, and keep adapting its agenda to current market issues;

INVITES the Commission to put in place a European network consisting of national and fully independent energy ombudsmen and/or other fully independent dispute settlement bodies which will cooperate on the exchange of information and best practices and on the identification of synergies;

INVITES the Commission, in its regular reports on the functioning of the energy market, to pay particular attention to consumer-related issues, and to assess the progress in making the energy policy more beneficial to consumers.
