

Retail energy market Competition and Consumer Protection Issues in Poland

Anna Bednarska Head of Retail Market Unit Head of Single Point of Contact

Vilnius, 10 May 2013



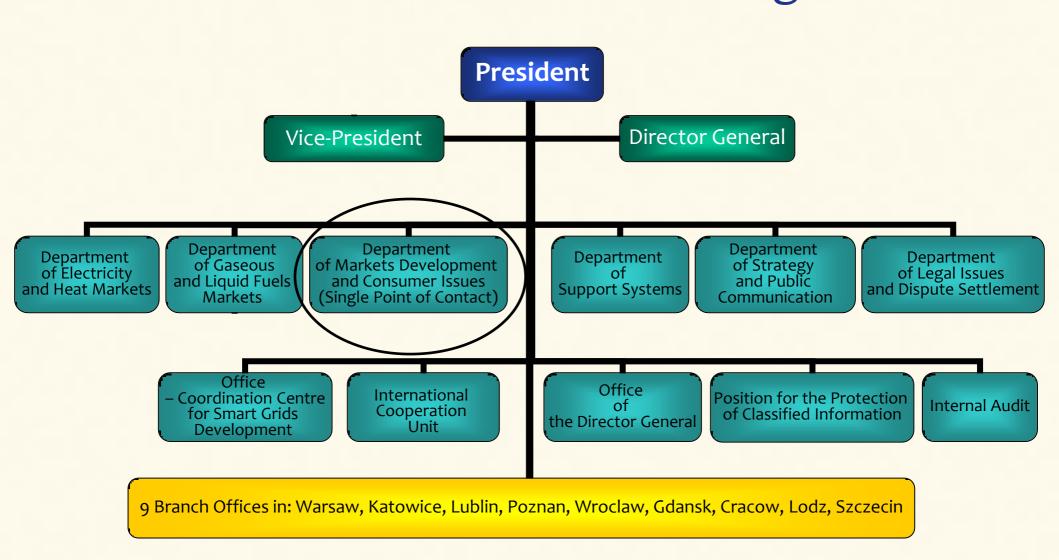
Energy Regulatory Office

- Established in 1998 on the basis of Energy Law Act of 10 April 1997
- President of Energy Regulatory Office central authority of the state administration
- Authority responsible for regulation in energy sector as well as promotion of competition
- Executive body, without legislative initiative

President of ERO regulates activity of energy enterprises aiming to balance interests of energy companies and customers.

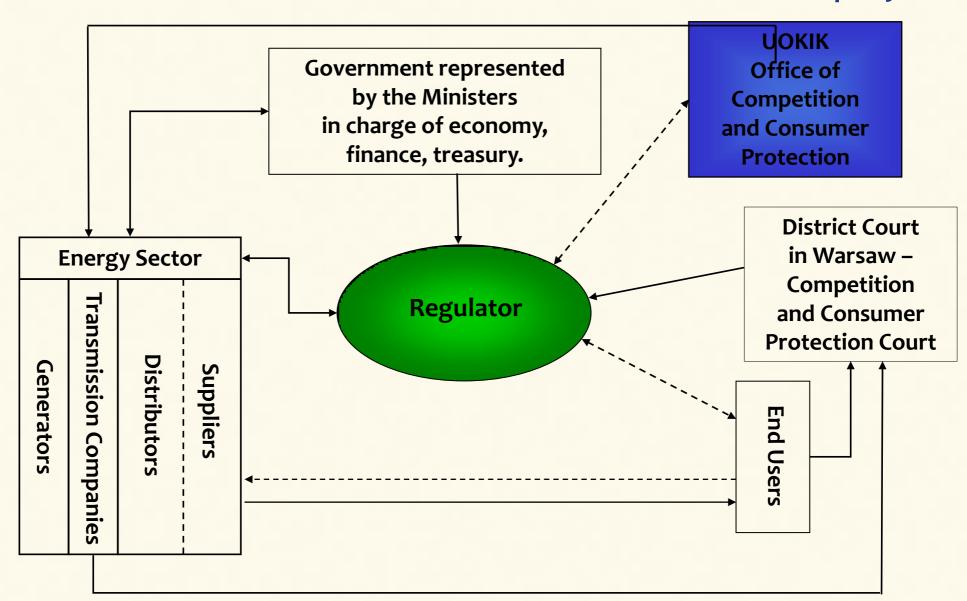


Energy Regulatory Officeorganisation





Energy Regulatory Officeinteractions with other market players





ERO and UOKiK

In general:

• **ERO** task is to perform regulatory control over energy sector **ex ante**, in order to prevent situations affecting competition in a negative way

while

• **UOKiK** is the authority responsible for **ex post** antitrust control over the whole economy, including energy sector, and for shaping the antitrust and consumer protection policy

Competition:

- ERO ensures competition in the energy markets and is responsible for preventing its restriction e.g. by information and educational campaigns and by promoting the Third Party Access rule
- UOKiK controls the market in order to detect and terminate practices restricting competition e.g. by initiating proceedings concerning abuses of a dominant position and prohibited agreements (cartels) and controlling mergers



Polish electricity market

Consumers:

16,7 million electricity customers including 14,9 million household customers.

Generation:

Total installed capacity is 37 367 MW around 1350 licenced electricity production companies (68 professional power plan Public sale obligation (via PX or tender)

Suppliers:

5 big companies - incumbent suppliers,
About 80 acting alternative suppliers
Total number of licenses issued for trading electricity - about 340.

Transmission:

PSE (Polskie Sieci Elektroenergetyczne) SA (state-owned TSO)

Distribution:

5 big entities (legally unbundled from mother companies).

About 195 different companies having licence for distribution of electricity mainly vertically integrated energy companies operating for industrial sector.

About 150 licensed distribution companies with DSO status.



Retail electricity market liberalisation

- End-user electricity price regulation only for households customers, clients of default suppliers
- In 2008 the President of ERO had liberalised prices for industrial customers and published the Roadmap for the electricity prices release for households.
- Main conditions to further liberalisation are:
 - Protection of vulnerable customers,
 - Systemic solution of last resort supplier,
 - One complex agreement (and one bill) for households.



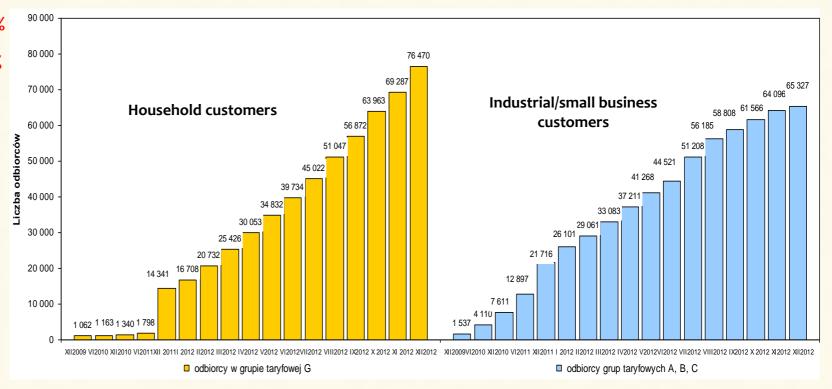
Retail electricity market liberalisation

Switching supplier index

Customers:

- commercial: 3,8%

- household: 0,5%



Since 2007 - All customers eligible to switch electricity supplier.

Since 2008 - Free market for industrial/commercial customers.

End-user price regulation only for household customers – preparation for releasing household customers from the tariff regime in future.



Polish gas market

Consumers:

6,6 million gas customers including 6,5 million household customers.

Transmission:

- 1) Gas System S.A. (TSO) Transmission System Operator
- 2) EuRoPol Gas inc. the owner of polish part The Yamal

 —Furope Transit Gas Pipelines System

Distribution:

6 main Distribution System Operators (DSO).

Suppliers:

PGNiG – Polish Gas and Oil Company – 96,4% shares of polish gas market (extraction, import, storage, trade and the owner of 6 DSO)

From 31.12.2008 Storage System Operator

Retail Trade:

Polenergia inc., Duon S.A., Handen inc., ENESTA inc., GEN GAZ Energy, EGESA Energy Group S.A.

EWE energy and CP Energy –

2% market share, main on local areas.

Energy Regulatory Office

Gas market opening

- End-user gas price regulation for all customers except transaction on power exchange
 - 210 customers decided to switch gas supplier (31.12.2012)
- In 2011 the President of ERO elaborated the Roadmap for the gas prices release.
- Main points of the Roadmap are:
 - Assessment of the status of competition in the gas market,
 - The measures necessary for the release of prices for industrial customers from 2013,
 - Activities towards the development of competition in the domestic gas market and integration with regional markets within EU,
 - Additional activities for the creation of a positive environment for release of prices for households from 2016,
 - Monitoring System of Roadmap implementation



ERO tools on retail market

ENERGY LAW COMPETENCES - "HARD"

1. Compliance Programmes

- vertically integrated DSO, TSO
- different areas: switching supplier, grid connection, billing,
- DSO and TSO employees obligations

2. Grid Codes

- DSO and TSO
- supplier switching procedure, complaint handling procedure, grid connection procedure, detailed rules for usage of distribution and transmission systems



INDIRECT COMPETENCES IN THE FRAME OF ENERGY LAW – "SOFT"

Mission:

regulation of the activities of energy companies promotion of competition

balancing the interests of energy undertakings and consumers

- vulnerable customer issues
- general complex distribution agreements
- CSR
- consumer workshops
- consumer organisation cooperation
- consumer education and information





Vulnerable customer issue

Current situation:

- No definition of vulnerable customer in Poland The Ministry of Economy competence
- No special economic support system within the energy sector for vulnerable customers

At the moment the low-income customers that are jeopardised to fuel poverty are protected through the existing social network system.

Next steps:

Vulnerable customer definition and support system in amendment to Energy Law:

"a person who is granted a rent supplement and is a party to a supplier or complex agreement with an energy enterprise and whose place of residence is an energy supply destination"

Regulation in Energy Law, secondary legislation and other documents for protection household customers in Poland:

- -- the process of supply tariffs' approval for household customers (as a temporary measure);
- -- special causes and procedures to suspend supply;
- -- possibility of prepayment meters' installation;
- -- dispute resolution in scope of refusal of future agreement conclusion;
- -- controlling the quality of supply and customers' service standards;
- -- single point of contact in the structure of ERO;
- -- free of charge supplier switching—procedures in grid codes;



Corporate Social Responsibilities (CSR):

- company' support for vulnerable customers,
- with cooperation to communities.

The most common forms of support applied by companies:

- installation of pre-payment meters,
- > payment in instalments,
- back interests exemption,
- > shifting the terms of payment,
- writing off debts,
- the special agreements with Social Assistance Centres.



The President of ERO understanding for CSR strategy:

"Ethical and environmental elements in business activity of energy companies focusing on effectiveness, transparency and honesty in customers contacts (setting tariffs, quality of supply, service), selfregulation, limited predominance"

Long-term benefits for CSR strategy:

an increase for customer loyalty;

better relationships with community, society, local authorities;

development for company;

an increase of good image;

an increase of company value

Special initiative of The President of ERO to conduct research on CSR energy companies activities

Final Reports on ERO website

Conclusions

- 1. Companies interest in CSR moderate
- 2. Companies approach: charity ⊴image ⊴company benefit;
- 3. Big companies, international activities (international capital groups);



Alternative dispute resolution - ADR

Current situation:

- No ADR solutions for household customers
- Customer can settle a complaint to ERO, local governments' customer rights ombudsmen and merchant inspectors. These procedures are free of charge or at least inexpensive.

In 2010 The Energy Arbitration Court was set in Warsaw and created by large energy customers but open even for households, with a very high arbitration fee (about 675 Euro) – therefore, the fee is perceived as a barrier.

The President of ERO is empowered for dispute settlement only in scope of refuse of future agreement conclusion therefore the right does not fulfil requirements appropriate for ADR.

Next steps:

 The new proposal in draft Energy and Gas Law - Court of conciliation under the Merchant Inspectors auspices.



Education and Information – main tools for empowerment customers in Poland:

- > Special trainings organised by branches of ERO in all regions in Poland (different market actors, social assistance centres, consumer organisations
- > Special website for customers "how to switch a supplier" www.maszwybor.pl





Education and Information – main tools for empowerment customers in Poland

- Special Call-center dedicated "how to switch supplier"
- 2010/2011 ERO campaign Stimulating the demand side of Energy market promotion of consumer rights

Project was financed with Norwegian Financial Mechanism

The Project consisted of 6 activities:

1. Outdoor campaign and "product placement" in tele-novel.

a) 1000 billboards were displayed for two weeks twice from 16-31July 2010 and 16-30

September 2010) in main cities in Poland







Education and Information - main tools for empowerment customers in Poland

- b) In TVP2 (polish public television) educational idea placement on switching energy supplier process was broadcast in two following parts of the very popular series "M jak Miłość".
- 2. Training for senior citizens
 - 36 educational sessions were organised concerning the subject "how to switch energy supplier". The trainings took place in 16 voivodship cities, the whole number of participants trained was 1344. The participants came from e.g. third age universities, senior clubs, community homes. Each participant got a special prepared (large print) leaflet.







Education and Information – main tools for empowerment customers in Poland

- 3. Radio campaign.
 - The radio advertisement (duration time: 30 seconds) was broadcasted 210 times
- 4. Newspaper campaign.
 - Sponsored article were published in newspapers: Gazeta Wyborcza 13 times, Polityka 5 times, Forum 6 times.
- 5. Small towns and countryside consumer campaign.
 - a) The two kinds of leaflets informing consumers about the possibility to switch supplier were printed type a) 448 000 of information leaflets for household customer under the title "You also can switch a supplier" and type b) 2000 of special edition leaflets for the senior citizens.
 - b) 40 000 posters were printed. The leaflets (type a)) and posters distribution started on September 2010. The leaflets were sent to 401 places (Marshals, Voivods and Customer Spokesmen). Posters were sent to the all communities in Poland.
- 6. Promotion of the campaign.
 - Over 50 conferences were organized promoting customers' right to switch supplier.



June 2011
Price Comparison Tool on ERO website for household customers
The first step for household customer – how to find offer and switch supplier



Thank you for your attention

