Energy: The Italian Competition Authority and the Italian Regulatory Authority sign new agreement to safeguard consumers

Strengthening of cooperation and collaboration in the field of unfair commercial practices

Rome, 29th October 2014 - Giovanni Pitruzzella, President of the Italian Competition Authority (Autorità garante della concorrenza e del mercato, AGCM) and Guido Bortoni, President of the Authority for Electricity Gas and Water (Autorità per l’energia elettrica il gas e il sistema idrico, AEEGSI) have signed a Memorandum of Understanding to strengthen consumer protection, with particular reference to unfair commercial practices in the regulated sectors.

In this way the previous Framework Protocol of 2012 was consolidated and identified instruments, procedures and deadlines to ensure an effective coordination between the two Authorities and to implement in a timely and concrete manner the new provisions in the field of consumer protection introduced by the new Consumer Code, (Legislative Decree No. 21 of 21 February 2014) which transposes Directive 2011/83/EU.

Cooperation between the two Authorities, through the Memorandum of Understanding, will be achieved in particular through common reporting, in the context of proceedings that fall within their direct jurisdiction, of cases of unfair trading practices and/or violations of laws and/or regulations in the electricity, gas and water services sectors.

The agreement also includes a set of actions such as the setting up of a permanent working group that will be tasked to oversee and monitor the implementation of this Memorandum; the exchange of documents, data and information on proceedings that are in hand; joint action on cases that require special attention; the setting of specific deadlines of 30 and 45 days (in the case of the submission of commitments to replace sanctions) within which to submit the advice that is required in the procedures in question.

Other forms of collaboration will be achieved by means of the notification to the Antitrust Authority on the part of the Energy Authority on the negative outcome of efforts at

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1 Unfair trading practices are defined in chapter II of title III of part II of Legislative Decree No. 206 of 06 September 2005; responsibility for sanctions on these practices falls upon the Italian Competition Authority (AGCM) in accordance with article 27 of the same legislative decree.
mediation in disputes between businesses and consumers (with the submission of the relative dossiers for an assessment of jurisdiction) in the case of contracts in the electricity and gas sectors that were concluded in breach of the provisions of the *Code of Business Conduct*: in similar cases in fact the Energy Authority maintains and implements rules aimed at the voluntary mediation of problems, even by means of recourse to *reinstatement procedures* or *switching back*.

The full version of the Memorandum of Understanding is available on the sites [www.agcm.it](http://www.agcm.it)  [www.autorita.energia.it](http://www.autorita.energia.it).

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2 *Reinstatement procedures* that were introduced by the Energy Authority in 2012 allow customers to go back to their previous seller – compared to the apparently “unwanted” one – by means of simplified procedures. This process, also known as *switching back*, is meant as a different safeguard and does not overlap with the provisions of the Consumer Code (such as legal safeguards or recourse to the Antitrust Authority that consumers are in any event at liberty to follow).