



**CONCERTED ACTION  
ENERGY EFFICIENCY  
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# **Lists of energy service providers, quality labels and handling of complaints**

**Executive Summary 5.7**

**Energy services and ESCOs, energy auditing, solving administrative barriers**

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# 1 Summary

This report covers how different Member States (MS) are dealing with the promotion and the support of energy services through lists and/or labels of energy service providers and other energy professionals (e.g. energy auditors), and the presence of mechanisms for an efficient handling of complaints and out-of-court settlement of disputes. This report analyses the current situation based on the results of a questionnaire answered by 25 MS in 2016.

## Lists and quality labels

Lists of providers are generally considered very helpful to customers as they can use them to understand what the market offers and who the appropriate providers to get in touch with are for services from energy analysis/audit to design, implementation, management and maintenance of energy efficiency measures, and eventually also performance contract and/or third party financing. Moreover, lists usually guarantee that these actors have a track record and/or are qualified and/or certified. In fact, in the majority of MS, lists and/or labels are publicly available for providers of various energy related services (Figure 1). Lists are mostly at a national level. Where labels are present, there is also a list in almost all cases.

**Figure 1: Publicly available lists or labels (based on answers of participants from 25 Member States)**



These lists normally have several mandatory criteria (mostly experience and qualification) and voluntary criteria (mostly competences in performance contracting and financing). Filtering/searching functions, not present in almost 40% of the MS, can make access for users easier and faster. In the same MS there can be one list or label with advanced search features and another without. This difference is probably due to the diverse number of entries and different kind of users and of resources involved.

Moreover in about half of the MS, inclusion in a list or label is compulsory for ESCO and energy audit providers who want to take part in some incentives mechanism or financial support, or provide compulsory energy audits<sup>1</sup>. In half of the MS, where a list for energy services providers is present, it is linked to article 7 and/or article 8 of the Energy Efficiency Directive (EED).

The lists should be updated from time to time, but the timing can vary. There is also often some form of check whether the qualifications of the providers on the list meet the requirements. Some lists are based on market self-regulation, and in the same MS both controlled and market based lists can be present for different sectors.

Communications from users (e.g. complaints, non-conformity, etc.) are usually considered to manage the lists. In at least one case there are customer satisfactory surveys, but there are no examples of a structured feedback mechanism.

<sup>1</sup> Compulsory energy audit according to the national transposition of article 8 of the Energy Efficiency Directive.

## Handling of complaints

An independent mechanism to efficiently handle the complaints and out-of-court settlement of disputes arising from energy service contracts is present in one third of MS. In two MS, this mechanism has been established specifically for disputes on energy services. It is interesting to note that MS where it is not present have energy service markets at different stages. The absence of this mechanism has been justified in an MS with a less developed market as a consequence of a not yet enough developed market, and in an MS with a more developed market “because there is no need for this kind of mechanism”. Whether this mechanism is present or not, there is a certain freedom for the contractual parties to agree how to solve the issues in a number of MS. When the mechanism is present, the alternative is court or, in one case, arbitration. When there is no independent mechanism there is a wider set of solutions. However, this could be an artificial result because the number of MS without independent mechanisms is twice the number of MS with a mechanism.

Different approaches are present in almost all the investigated aspects of lists/labels and independent mechanisms, though this is apparently not linked to the maturity of the energy services or other providers/professionals market. Different approaches often coexist in the same MS. This is linked to the differences of service, size, customers, etc. of various services providers, professionals and installers, but also to the variety of past, present and country specific conditions.

# 2 Conclusions and recommendations

## Lists and quality labels

Lists are widely used among MS, mostly for providers of building energy performance certificates but also for energy audit providers and energy service providers. ‘Service providers’ has a quite broad definition, often gathering energy related professionals and providers of different kind of services. For example, roughly half of the MS present at the parallel sessions consider ESCOs only as service providers offering energy performance contracts, while in the remaining cases a broader definition of ESCOs is considered. This explains some of the differences in the way the lists are created and maintained and in the number of providers listed.

Lists can be free or can require a fee from the listed providers, but it is more what the list offers that determines the success of the list than its annual fee. The data collected and the examples discussed show that the resources needed to setup and maintain a list can be limited.

Lists are an important communication/marketing channel for the listed professionals and/or providers, so it is very important to consider accessibility and usability for the users. Moreover lists build trust in the market, make it more transparent and in some cases set a (quality) standard. The signing of a code of conduct by the provider/ESCO to join the list can help to build trust and facilitate marketing, especially where a qualification/certification or quality control scheme are not present. Codes of conduct are also used for lists for energy auditors in a couple of cases.

There are fewer examples and less experience of labels. In general, labels are perceived as expensive and so more appropriate for a mature/competitive market, potentially limiting the participation of young/start-up companies due to the costs. Moreover if labels are completely market based there is the risk of duplication, with the presence of similar labels potentially confusing the market.

There are usually distinct lists/labels for different providers/professionals, generally hosted in different places. In order to simplify their use and better direct the end-user, it could be useful to create a website, hosted for example by a Ministry, regulator or national agency, containing all the lists of energy related providers or at least one official webpage with links to all the lists.

The filtering/searching options, a must-have feature to enhance accessibility, should also be tailored to the type of list. For instance, filtering for the offered services (maybe also with the option to combine them) could be coupled with the indication of the distance from the customer (e.g. city or postcode search) for professionals or with a geographical indexing (map visualisation) for service providers.

Experience/references have a major role in market-based lists and in general are considered very important for all lists. The information should be more detailed where clients have more time and resources to search and compare (i.e. not domestic clients). Showing recent (e.g. 3-5 years) and the last year’s experience/references (limiting the timespan or with a filter function) helps to both to demonstrate the providers are still active in the sector and also to force providers to update their details at least annually.

Keeping the lists/labels up to date is very important and is one of the challenges. Another way to ensure it happens could be to require an annual validation from the different professionals/providers, eliminating them from the list if such validation is not performed. Other data, such as turnover, number and type of employees varies for lists of services providers and ESCOs.

Market based certifications, qualifications and labels also have the issue of a potential conflict of interest where the organisation issuing and controlling the certification, labels, etc., is also paid to monitor by the monitored.

## Handling of complaints

Complaints in the energy service market need first of all a quick and accessible mechanism as it is usually in the interest of both parties not to interrupt the service. The experience of some MS on the use of an ombudsman or other form of dispute resolution, with no or low costs and short, fixed times, is working for complaints of citizens/small users with energy suppliers and providers of energy services. Usually these mechanisms have limitations on the maximum monetary amount of the dispute that makes them not generally applicable to service providers. The energy service contracts themselves also regulate the handling of complaints, although dedicated clauses are usually quite standard and concise, not addressing the specificity of an energy service contract with or without performance guarantee(s).

The energy service contract model for the public sector in Ireland is an interesting example, with three different levels of complaint resolution, starting internally with a meeting of a senior member of each of the parties trying to solve the complaint with good faith efforts within a couple of weeks. At the second level, a mediator mutually agreed or appointed by a technical third party is used before – at the third level – an arbiter is used, which is a binding process, again mutually agreed or appointed by a technical third party. There is also an expert determination for specific circumstances (e.g. measurement and verification of savings, etc.) after the meeting of the senior members.

The discussions underlined the need for a fast and specialised dispute resolution. The possible involvement of a facilitator was also discussed, a figure with specific knowledge in contract and technical issues and with skills to facilitate an agreement between the parties. The facilitator is involved in the early phase of an Energy Performance Contract: if both parties agree about the same facilitator involved at the beginning, thus knowing the project, he/she could be involved to solve the dispute. Otherwise, another facilitator could be chosen, maybe by a third party.

A final recommendation for energy service contracts - from the lawyer specialising in performance contracts invited to the second session - is to include more extensive provisions for alternative dispute resolution in contracts with major interests.

# 3 Practical Examples

**Lists and labels.** In the Netherlands the [www.qbisnl.nl](http://www.qbisnl.nl) website has all the lists except the one of ESCOs. The ESCOs list, for the Transparency project<sup>2</sup>, is based on the signature of a code of conduct. This list is hosted by an association of service providers supported, mostly with visibility, by the Government.

Germany illustrated two lists, one of service providers - free, based on self-declaration and with around 3,000 registered providers - and the efficiency expert list - for which there is a fee as well as entrance and periodic checks with almost 14,000 professionals listed. This second list is more popular since it is linked to various support mechanisms. The providers are not obliged to be on the list, but being there is a question of visibility.

**Handling complaints.** The 'Adjudication Committee' is a mechanism in the Netherlands used to solve complaints applicable to energy service sector up to certain thresholds (€ 5,000 for consumers and € 50,000 for businesses). Ireland illustrated the provisions to manage complaints in the model contract for the public sector, with three levels (senior members' good faith efforts, mediation and arbitration) or in specific cases (e.g. measurement and verification of savings) expert determination if senior members fail.

Croatia has a specific mechanism set up to solve disputes in a programme for the energy renovation of public sector buildings. A third party can be asked to check the project savings by project documentation and can also check if the works were done according to the project specifications.

The presentations are available at <http://www.ca-eed.eu/themes/energy-services-ct5>.

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<sup>2</sup> <http://www.ca-eed.eu/themes/energy-services-ct5/energy-services/european-code-of-conduct-for-energy-performance-contracting-bulgaria>

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