THE EDF GROUP MEDIATOR
2018 REPORT
20 years already! In October 1998, EDF Chairman François Roussely created the position of mediator. What was the goal? To reinforce EDF’s “customer-focus” approach. The introduction of a mediator at the time when the European electricity market was opening to competition reflected a dual obligation: EDF had to be chosen by eligible customers, without neglecting the share of its business that remained a monopoly. More than ever, EDF had to provide a high level of quality of service. That is why from the very first day, the mediator was tasked with giving EDF’s external stakeholders an additional opportunity to be heard, while helping to change and adapt the service provided by the utility.

Who was our first mediator? Josette Fourrier. It is she who first gave shape to the new function. After her and like her, Noëlle Bordinat, François Métais, Gérard Menjon and Jocelyne Canetti marked their terms of office by their personality, their experience within the EDF Group and their own way of “moving the lines”. Men and women of conviction, all of them shared the values of corporate mediation and supported this system in France and in Europe. All of them considered the consumer was the focus of their work.

Since its creation, the EDF Group’s mediation has evolved in a changing environment in many ways. Mediation as an amicable means of settling disputes is a regulated process, especially in the area of consumption. The opening of the energy markets to individual customers in 2007 was also an important step, both in terms of the number of applications to the EDF Group mediator and the type of litigation encountered. The development of EDF’s activities, its offerings and services, as well as that of the Group’s activities, with the creation of new subsidiaries, has led the mediators and their teams to adapt and even anticipate. These accelerating and growing trends are central issues in my own work. Over the past twenty years, the behaviour of our stakeholders, and particularly that of consumers, has continually changed. Today’s hectic climate, mediation is more than ever a vital means of appeasing relationships, restoring balance and regaining trust.

2018 reflects those developments. In the year we recorded a 16% increase in admissible mediation cases, coupled with a relative decline in the number of cases that were not admissible. These figures underline the greater degree to which people understand the role of mediation as a last amicable means of settlement within the Group. Nevertheless, that awareness goes hand in hand with an issue. A significant number of the cases investigated during the year were due to blockages between the distributor and the supplier and/or abnormally long processing times by the distributor. My report from last year already referred to these situations and I issued warnings and recommendations for improvement to the directors concerned. They have clearly been heard and taken into account at the highest level. But concrete action and integration of the subject on the ground remains to be put into effect.

If the themes of the disputes remain relatively recurrent, I note that those related to consumption adjustments and meter malfunctions are tending to decrease. At the same time, the difficulties encountered during the deployment of Linky continue, as well as disputes related to the new offers proposed by EDF but also by the Group’s subsidiaries.
20 years of EDF Group mediation

What has happened in 20 years of mediation?
October 1998, the creation of the mediator as a key role for EDF

When EDF created the position, the mediator was responsible for intervening in any relationship between the EDF Group in France and its external stakeholders, i.e.:
- Customers regardless of size or quality (individuals, local authorities, corporate entities);
- Citizens affected by EDF’s activity;
- Providers;
- Partners;
- And competitors.

In concrete terms, how does the mediator of the EDF Group act?

**Upstream, the mediator prevents disputes**
- The mediator of the EDF Group is attentive to external partners: consumer associations, professional federations, consular chambers, or any body representative of EDF’s external stakeholders.
- He creates or restores the links between EDF and its external stakeholders by mediating between an entity of the EDF Group and an applicant to unblock a situation and allow to resume the negotiation.

**Downstream, the mediator we settle disputes**
- The mediator of the EDF Group is appealed to as a last resort, when a complaint has been handled at every level of recourse possible in the Division in question, whether at the initiative of the applicant or with its written agreement.
- Mediation intervenes with the EDF Group department concerned to find a solution through a mediation meeting, a recommendation, and so on. The mediator’s task is to restore fairness in accordance with the rules of law.

**The mediator proposes reforms whenever appropriate**.
- The mediator of the EDF Group proposes ways to improve the texts and practices that generate frequent conflicts.
- He publishes an annual report that indicates the frequency and typology of the conflicts as well as generalizes the lessons learned from their review of specific practices.

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1999–2002: Josette FOURRIER leads the way

In 3 years time, Josette Fourrier developed many contacts with the European Union. She also accompanied the enforcement of the decrees implementing Articles 2 and 4 of the Law on the Modernization and Development of the Public Electricity Service concerning the introduction of a special “necessity service” tariff as well as the expansion of the current system of assistance for the payment of invoices and its harmonization throughout the country. It was also she who rewrote the standard letters sent to customers.

2001 marked a turning point. The mediator’s website went online on March 12th: designed as an additional information and application tool, it brought mediation into the digital age. In 2001, EDF’s National Consumers Service was created. What was its task? To be a national body in charge of organizing the four appeal levels for customer complaints (customer service, centre director, EDF GDF SERVICES director and mediator) and a reception centre for all telephone calls in the country.

« For me, there are no small disputes. Mediation is a job in which there are no sub-folders. If a person takes the trouble to write to the mediator, it is important. A dispute involving an amount of approximately 20 euros can teach you a lot about the operation of the company! »

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2002–2005: Noëlle BORDINAT modernizes the job

Noëlle Bordinat masterminded the drafting of the Group’s General Conditions of Sale. It was also she who initiated the discussions on the procedure for dealing with the damages caused by network incidents on customers’ indoor equipment.

In April 2002, Noëlle Bordinat spurred the creation of the Club of Public Services Mediators. By her side were 8 founding members: Gaz de France, SNCF, RATP, FFSA, the Ministry of Economy and Finance, Caisse des Dépôts, France Telecom (universal service), La Poste. Its objectives were clear: the Club had to enable discussions on the functions and practices of institutional mediators, monitor changes in the mediator’s job, must think about modernizing public service and advance general discussions on institutional mediation in France and Europe.
It was at this point that the European Commission presented a Green Paper on Alternative Dispute Resolution in Civil and Commercial Law. Noëlle Bordinat then initiated a broad consultation on the measures to be implemented in order to encourage the use of mediation.

In September 2003, a day of meetings between Consumer Associations and local and national EDF officials was organized. The following year, the Mediation Charter of the Club of Public Services Mediators was signed.

« The mediator’s role is to listen, originate and suggest. In a word, it’s working with people. »

2005-2008 : François Métais turns towards Europe

In October 2005 (as part of the public service contract signed with the French State), EDF undertook to maintain the mediator’s job, as a vital factor in its relationship with consumers. In doing so, the company perpetuated and reinforced its corporate culture as a public service by underlining its belief in the effectiveness of mediation. The following month, EDF signed the charter for inter-company mediation.

In the same year, EDF Group mediator noted the heterogeneity in the answers given to customers experiencing significant brownouts on their facilities. François Métais then set up a working group bringing together the distributor and EDF Assurances to promote homogeneous treatment of these cases at the local level. Difficulties also appeared in the handling of complaints from professional customers: errors in meter reading or the billing of services by the distributor, anomalies on works or connections, and so on.

The mediator of the EDF Group therefore chose to alert the commercial stakeholders of the company as well as the network operator to clarify the system for handling cross-functional disputes. What was the goal? To ensure that customers do not have to look indefinitely for the right person and the real person responsible for their difficulties.

7 December 2006 marked a new regulatory turning point: the law on the energy sector specified the conditions for the complete opening of the electricity and gas markets and established a national energy ombudsman. EDF Group Mediator was involved in the discussions of the “residential” project for handling complaints, during which the mediator campaigned for the establishment of a real National Consumer Service with the suitable powers, resources and means for the new situation.

2007 was marked by the creation of the European Energy Mediator Group (EEOG). The group brings together the business mediators of European energy companies: EON, Norges Energi, Fortum, Vattenfall, EDF, GDF SUEZ, TOSL in the United Kingdom and Endesa.

On 1 July 2007, the electricity and gas markets were officially opened for all customers.

« The complete opening of energy markets on the 1st of July 2007 has led to profound transformations by separating the sales and distribution activities of electricity within the company and by promoting the rise of new energy suppliers. This has greatly complicated the contractual relations and operating procedures for EDF customers and staff. Settling conflicts is now more difficult because they involve multiple stakeholders. This is why complaints managers are required to exercise greater vigilance and strict apply procedures, without losing sight of the need to listen to customers, each of whom is unique. »

2008-2009 : Gérard Menjon supports increasingly demanding customers

Gérard Menjon issued numerous warnings and recommendations, ranging from catching up the backlog in making connections to photovoltaic installations, to making invoice corrections clearer, telephone answering services more accessible, and optimizing the reimbursement of over-payments.

On 21 May 2008, a European directive defined civil and commercial mediation. The parties involved were left free to determine, in agreement with the mediator, the procedures for the mediation to take place. Mediation therefore seemed to be highly flexible. To ensure the effectiveness of mediation procedures, the Directive established a certain number of common rules among which figured the requirement that the mediator must be impartial and competent, and that the mediation is confidential.
« I observed very high growth in the number of disputes, with virtually the number of applications being double. We worked with the Sales Division to analyse the trend. Our common belief was that it was not caused by a change in attitude of our teams but by the greater expectation of our customers: generic expectations probably related to the loss of confidence in the institutions that goes hand in hand with the economic crisis, more distinct expectations related to the specific situation of our market ... The customers who have chosen to keep EDF as their supplier more than ever seem to expect exemplary outreach in return.»

2009-2014:
Jocelyne Canetti reinforces the watchdog role

In 2010, the relations between the mediator and EDF EnR were formalized, as well as between the mediator of the EDF Group and the Purchasing Division. From then on, the possibility of appealing to the mediator was included in the General Purchasing Terms and Conditions of the EDF Group.

October 2010 marked another leap forward: the EDF Group mediator was appointed Vice-President of the Consumer Mediation Commission (CMC). The French Secretary of State for Trade, Crafts, Small- and Medium-Sized Enterprises, Tourism Services and Consumer Affairs gave the new Commission a major objective: every willing consumer who wanted to, regardless of the sector, had to be able to access a mediator by 1 July 2012. The CMC was put in charge of issuing opinions and proposing measures of all kinds to assess, improve and disseminate non-judicial consumer mediation practices.

In order to reduce the number of complaints and improve customer satisfaction, Jocelyne Canetti proposed the implementation of a preventive approach to customers before sending an abnormally high bill, as well as reviewing the terms of payment with the customer. She suggested taking into account the termination or subscription indexes sent by customers. Her warning about the acceleration of over-payments was heard and taken into account. Throughout her mandate, she focused on optimizing the management of lead-times, such as complaint response times, contractual lead-times for cashing cheques from professional customers, lead-times in drafting purchase contracts with photovoltaic electricity suppliers ... Jocelyne Canetti made many recommendations including being more attentive to the situations of vulnerable customers, monitoring the quality of customer reception, paying greater attention to customer complaints about supply quality problems, speeding up refunds for monthly customers, paying greater attention to customer advisers ...

2011 confirmed the trend. It was marked by the opening of the website of the Club of Public Services Mediators, the presentation by the Consumer Mediation Commission (CMC) of a Charter of good practices during the conference “Mediation to serve consumers: renewed confidence ”, as well as the transposition to French law of the European Directive of 21 May 2008 on mediation in civil and commercial matters. In March 2012, the EDF Group’s mediation was referenced by the CMC.

In 2013, mediation moved to digital technology. On 18 June, the European directive on the amicable settlement of disputes provided for widespread and easy access for consumers to alternative dispute resolution methods. It states strict requirements for mediators to be independent, impartial and competent. 3 months later, the portal of the EDF Group mediator went online. What was the principle? The platform allows applicants to enter their litigation online, to interact with the EDF Group mediator and to be kept informed of progress in the processing of their case. It also allows the Group's mediator to interact with stakeholders in the litigation within the EDF Group.

« A mediator has a dual role: to listen and make the process as humane as possible in order to better deal with the cases that are submitted to us, but also to suggest “reforms” and raise issues that need to be improved as a priority. The mediators of the EDF Group detect the warning signs, and can do the screening. The company is better off if attention is paid to their alerts and recommendations. »

2014:
Since May 2014:
Alain Brière confirms his independence

On 20 August 2015, a new legal framework for consumer mediation came into effect with order no. 2015-1033 which transposes into French law the RELC directive of 21 May 2013. It is against this background that Alain Brière was appointed consumer mediator by a joint collegial body on 14 December 2015. This is why since 1 January 2016, any professional in relation with consumers must offer them, at the professional’s expense, a consumer mediation system in case of litigation.

On 8 April 2016, Alain Brière was certified as consumer mediator by the Consumer mediation assessment and control commission, and notified to the European Commission. In September of the same year, he was named president of the European Energy Mediators Group (EEMG). One year later, EEMG members shared their good practices on smart meters and presented their work to the European Commission.
« My independence and neutrality as a business mediator cannot be called into question as I am notified in Brussels as a consumer ombudsman. I have been auditioned by the Consumer mediation assessment and control commission (CECMC) with particular focus on this notion of independence. The objective is to give the consumer all the guarantees about compliance with the regulations in terms of consumer mediation. As this is highly restrictive, it benefits other applicants who do not fall within the scope of consumer mediation. »

20 years of mediation means...

60,000 applications received
13,000 cases investigated
2018 Highlights

What do mediators do?
They cultivate dialogue, exchanges with peers, promote mediation and strive for continuous improvement.

A lasting relationship has been established between the consumer associations and the Group's mediation service

The relationship between the EDF Group mediator and consumer associations is a long-standing one. Every year, meetings underpin this relationship of trust for the benefit of consumers. In 2018, a first meeting marked the two years of activity of the mediator of the EDF Group as a consumer mediator. The 2017 annual report of the Group's mediator was presented during the meeting, while most of the exchanges focused on the energy voucher whose implementation nationwide was making headline news. During the second meeting, the spotlight turned to the Multi-Year Energy Programme and the Electric Mobility Plan set up by EDF.

The Club of Public Services Mediators is becoming a key venue for discussions

Created in 2002, the Club of Public Services Mediators brings together mediators from organizations that share the same values in mediation: independence, neutrality and impartiality. They also undertake to mediate in accordance with the principles of fairness, transparency, altruism, confidentiality and efficiency.

As a founding member of the Club, the mediator of the EDF Group actively participated in the work and in 2018 hosted one of the periodic meetings. That participation is also reflected in the working group dedicated to the Club's website and the training courses and workshops set up by the Club.

Consumer mediation has become a regulated activity

The activity of consumer mediators is controlled by the Commission for Evaluation and Control of Consumer Mediation (CECMC). Consisting of 18 members – magistrates, consumer representatives and representatives of employers' organizations – it assesses and references consumer mediators, and ensures they comply with the requirements of the Consumer Code.

It thus ensures that they comply with the values of quality, independence and competence required of them, for better consumer protection. In 2018, the mediator of the EDF Group submitted his report to the Consumer mediation assessment and control commission after two years of activity. The report did not give rise to any remark and the EDF Group mediator did not receive any report from the Commission.

At the European level, the EEMG federates the corporate mediators for the energy sector

Founded in 2007, the EEMG brings together the corporate mediators of the major European power producers: EDF, ENGIE, Edison, Vattenfall, Electrabel, EDP and Framatome. All together they cover more than 60 million customers and play a major role in the energy market. Due to the changes brought about by the transposition of the European Directive, the list of members of the association has evolved. In 2018, ENDESA (Spanish market leader in electricity) left the group, corporate mediation no longer being recognized in Spain, while Framatome Gmbh (EDF Group's German subsidiary) joined it with a specific past of disputes with companies rather than with consumers.

On 22 February 2018, the National Energy Ombudsmen Network (NEON) held a conference at which EEMG members discussed with European mediators and representatives of the one European Commission. Some time later, the President of the EEMG met NEON in order to discuss the complementarity between sectoral energy mediators and corporate mediators.

On 5 June and 29 November 2018, EEMG contributed to the exchanges organized by the Council of European Energy Regulators (CEER) on digitization, decarbonisation and the need for dynamic regulation.

On 20 and 21 September 2018, the 10th Citizen's Energy Forum organized by the European Commission was held in Dublin. The discussions focused on two important texts, the Clean Energy Package and the New Deal for Consumers. They confirmed the central role of consumers and their changing role against a background of digitization, carbon-free and decentralized energy production.

On 23 October 2018, at the invitation of Alain Brière, EEMG members met in Brussels. At the heart of the discussions were Mediators' recommendations for improvement in order to decrease the number of complaints and increase customer satisfaction, but also to change the typology of disputes. The example of Sweden was debated at length: the country has generalized smart meters (the second generation of meters is being rolled out), leading to the virtual disappearance of billing claims. There are now disputes over associated services or the typology of contracts. More diversified and more complex, these new disputes require multiple types of know-how and expertise.
Due to their broad field of competence, corporate mediators are able to take charge of all these new types of litigation. For example, the mediator of EDF Group is competent to investigate disputes involving subsidiaries such as EDF EnR, CHAM, Sowee or Izivia. That characteristic was particularly noted by Constantina Filiou, as a representative of the DG Energy of the European Commission, who participated to the meeting and was in line with enhancing consumer protection.

In Brussels, European consumer mediators meet for the first time

On 11 and 12 June 2018, EDF Group mediator took part in the meeting organized by the European Commission. For the first time since the adoption of the Directive on the out-of-court settlement of consumer disputes, all the consumer mediators notified in Brussels and institutional stakeholders in consumer mediation were at the same table. Exchanges of good practices, sharing of difficulties encountered for the development of consumer mediation … The meeting revealed the diversity of models for the amicable settlement of disputes according to the countries and the various maturities of consumer mediation. At the end of this meeting, the Commission expresses the wish to develop a real network between the different systems in Europe.
Access to mediation

How to apply to the mediator of the EDF Group?
Applicants can contact the mediator by post or e-mail.

Once their application has been accepted, whatever the communication channel chosen, applicants have access to a secure area on the mediator’s portal which allows them to discuss with the latter and monitor the progress of their application in real time.

An application is considered admissible if the applicant has received a response from the appeal body or if it has remained unanswered two months after the first complaint.

The applicant is informed of the admissibility of their application at most within three weeks. If the application is inadmissible, the reasons for its rejection are explained.

An application is inadmissible if:
- It is outside the remit of the EDF Group mediator;
- It has been the subject of a court order or is under review by a court;
- It is clearly unfounded or abusive;
- It is in the process of being investigated or it has already been investigated by a mediator;
- The initial complaint was led with the company’s services more than one year beforehand.

In the case where the application is considered inadmissible due to the absence of treatment by the appeal body or a response from this appeal body after more than one year, the mediator of the EDF Group redirects the application to the EDF division or subsidiary concerned. The latter has a period of 30 days in which to respond. If no answer has been given after that period, the mediator of the EDF Group can start to investigate the application as part of the mediation process.

If an applicant simultaneously refers to the EDF Group mediator and the national energy ombudsman, the latter then asks them to choose one of the two, in accordance with the agreement signed between the two mediators on 22 December 2015.

The investigation of the file is entrusted by the EDF Group mediator to a special adviser. The latter indicates to the applicant that a response will be provided within 90 days. The adviser also specifies, through an information leaflet, the principles governing mediation, as well as the possibility for the applicant to withdraw at any time from the mediation process and the remedies available to them should the mediation fail.

Then follows the phase in which the parties are questioned, investigations are carried out and analysed by the EDF Group mediator. Discussions are held in order to reach an agreement between the parties.

Either an agreement is found and the EDF Group mediator formalizes it in the form of an amicable agreement, or no agreement is reached, in which case the mediator then issues a recommendation, which the parties are free to implement, or not. They have a period of 30 days during which they notify the EDF Group mediator of their agreement on the recommendation. Implementation of the recommendation by EDF Group divisions and subsidiaries is not subject to its prior acceptance by the applicant. Failure of the applicant to respond to the recommendation is considered as its acceptance.
2018: Reasons for a historic rise in admissible claims

If the total volume of applications received (i.e. 5003) decreased in comparison with 2017 (-5%), this result must be explained. In fact, despite a drop in the number of redirected applications (-11%), there has been an unprecedented increase in the number of admissible mediation cases (+16%).

For example, 28% of the requests issued were admissible (23% in 2017). This reflects a better knowledge of the terms of application of the mediator by the applicants. It is also the consequence of a rise in mediation facilitated when the appeal body fails to settle the claim at its level. Nearly 20% of the admissible applications in 2018 were concerned (17% in 2017).

Breakdown of admissible cases for mediation

![Chart showing the breakdown of admissible cases for mediation from 2017 to 2018.]

Breakdown of applicants for admissible cases

![Chart showing the percentage breakdown of applicants for admissible cases in different categories.]

Mediator’s note: In this general upward trend, the number of admissible cases on the business market has decreased by 6%.

The number of admissible cases in the island territories

![Chart showing the number of cases in the island territories and admissible cases from 2014 to 2018.]

In the insular territories (Corsica, Guadeloupe, Martinique, Guiana, Reunion Island, St. Pierre and Miquelon), EDF is represented by the Insular Energy Systems Division (SEI), which is in charge of all public service electricity activities: generation, distribution and sales.

The number of applications received by the EDF Group mediator concerning EDF SEI has continued to drop (-7%). However, the number of cases admissible for mediation is increasing. Half of these cases concerned Guadeloupe in particular, the rest being distributed between Corsica,
The development of the EDF Group subsidiaries and the growth of their business lead them mechanically to greater exposure to claims and litigation. In 2018, the EDF Group mediator worked with these subsidiaries, but also with Dalkia and Citelum, on the contractual documents and the conditions for handling complaints as well as the conditions for initiating mediation.

The number of applications received concerning EDF subsidiaries

The number of applications received from photovoltaic electricity producers

2018 was marked by an increase in litigation brought by the photovoltaic electricity producers against EDF Obligation to Purchase (+ 43%). The number of mediation cases remained stable.

Disputes concerning service providers and subcontractors of the EDF Group remain marginal. Only two were received in 2018 against a dozen in previous years. However, they involve important financial issues and, in any case, implicate the long-term survival of the SME which referred the case to the mediator. Mediation in these cases is systematically conducted in the presence of the parties, over several meetings. Certain cases involve long delays, given the multiplicity of stakeholders (first- or second-tier subcontracting, presence of co-contractors). They are co-mediated with the Corporate Mediation department when the case has been submitted to it at first. The mediator is then the guarantor of the amicable settlement process: the parties, during this process, are led to formulate a solution by themselves that is likely to put an end to the litigation and especially, restore the confidence needed for a peaceful contractual relationship.

The intermediaries for admissible cases

93% of applications referred to the mediator are made directly by applicants. For the remaining 7%, the intermediaries are:
Intermediaries see their place increasingly reduced over the years. For example, the number of cases sent by the Human Rights Defender or regional delegates has dropped significantly. Nevertheless, the growth in stakeholders in the energy market has led to the emergence in 2018 of applications on behalf of local authorities, through companies that provide support in renegotiating their energy contracts.

Mediation 2.0

In 2013, EDF Group mediation entered the digital age and put its information, application and application tracking platform online. The possibility of referring cases to the mediator via the internet is a requirement currently being examined by the Consumer mediation assessment and control commission. For greater readability, the mediator.edf.fr website has been upgraded and includes a specific link to consumer mediation. The ergonomics of the application form has also been improved to facilitate access to the EDF Group mediator.

After a drop in the share of Internet applications observed in 2015 and 2016, it has continued to rise and now represents 51%.

Although applications by post remain numerous, digital exchanges are gaining ground notably during the case investigation phase. The telephone continues to be a key means for listening and understanding applicants. The EDF Group mediator also pays close attention to applicants who do not have electronic communication tools.

Disputes quickly resolved

This is one of the essential conditions for ensuring applicants’ satisfaction. In 2018, the EDF Group mediator finalized the investigation of 1,361 cases (+ 25% compared with 2017). 90% of them were concluded in less than three months, with an average lead-time of 67 days. In 78% of the cases, the EDF Group mediator fully or partially satisfied the applicants (+1 point compared with 2017). The share of total satisfaction is stable at 30%. 57% of the cases investigated led to an amicable agreement between the litigants and 98% of the recommendations issued by the EDF Group mediator were fully or partially implemented.

As every year, the EDF Group mediator invited the applicants to assess the quality of service of the mediation. The results are encouraging: in 58% of cases the intervention of the EDF Group mediator was considered useful and in 68% of cases, the applicants would advise their families and friends to use the EDF Group mediator if the need arose.

What do the people directly concerned think?

« I am satisfied with the outcome of the dispute between me and Enedis, and thank you for conducting the discussions so that the compensation could be estimated. Of course, this was based on the good faith of both parties. »

« Thank you for the care you have taken over these past months to complete the investigation of my case and settle the dispute. Please note my agreement with the proposals made by Enedis, on the one hand, and EDF, on the other. »

« The problem I have had with Enedis services has finally been settled. I should like to thank you for the invaluable assistance you have given me in this case, which has been settled because, despite my determination and my lawful right, I would have had to go to court for my case to be heard. »

« I should like to thank you for your recent work which has had a positive effect on our reaching an amicable settlement. I hope I shall not need your services in the future. I wish you the best of luck for the work you do every day »

The litigation amounts of the admissible cases (in %)
The average amount of litigation in 2018 was up 41% and amounted to €2,572. What are the reasons for the increase? In 2017, there were numerous disputes over the 2014-2015 tariff adjustment, which involved relatively small amounts. These types of litigation mechanically disappeared in 2018.
The causes of disputes

The main subjects of disputes
Distribution of applications received in numbers

Focus on the life of the contract

Breakdown of applications as a %

Number of applications concerning natural gas supply contracts
The sources of litigation

In the business market, lead-times at cause

In 2018, the files received by the EDF Group mediator mainly concerned invoice adjustments: due to malfunctions, the transport part (TURPE) was not invoiced for a long period of time, sometimes as long as for a duration of two years. This situation resulted in companies and professionals receiving a large bill that could even jeopardize their cash flow and create disorders affecting their business.

### Client case 1

Mr. B. had a yellow tariff contract for his professional activity for 14 years and received in 2018 an adjustment invoice covering nearly 3 years, amounting to more than 50,000 €. EDF Enterprises informed Mr. B. that a computer malfunction had not allowed them to bill the network access share, but Mr. B. considered that the malfunction was not his fault and put him in a very complicated financial situation. He therefore refuses to pay the sum.

The EDF Group mediator recalled that the regulated tariff contracts ended on 31 December 2015. As such, Mr. B. had taken out a market supply contract on 1 December 2015 and EDF Enterprises had since been responsible for billing the supply of electricity and the network access service (TURPE).

In his analysis, the EDF Group mediator noted that, following an IT incident, EDF Enterprises was unable to bill the actual consumption, although transmitted by Enedis, and the share relating to the network access services for over two and a half years. Only consumption estimates had been recorded: the line “Use of the Power Grid and technical services” did not appear on the bill, resulting in the network access part not being invoiced in Mr. B.'s contract.

The EDF Group mediator considered that this situation was a failure on the part of EDF Enterprises for which the customer was not responsible, even if the consumption which was invoiced was his real consumption and he had not reported the sharp drop in the amount of his bills since December 2015. The mediator therefore proposed to make a deduction on the amount due and set up a payment schedule for the balance remaining due.

The settlement was accepted by both parties.

### Client case 2

Ms. P. opened her restaurant in November 2016 and subscribed to a power supply contract with EDF Enterprises. Her contract provided for monthly billing. However, the first bill was only issued in July 2017 and covered a period of 8 months. The next bill was scheduled for August, but only arrived a month later. The next bill was scheduled for the end of October, but was issued five days after the previous one. She received another twelve days later. The two invoices issued in September were then cancelled and another corrective invoice was issued. Finally, Ms. P.'s billing returned to normal at the end of October 2017.

In the meantime, EDF Enterprises had granted Ms. P. a payment facility. Following the erratic billing of her restaurant, Ms. P. did not know where she was when she wanted to regularly adjust her power consumption.

The EDF Group mediator confirmed that all billing issued reflects Ms. P.'s restaurant current consumption. However, given the malfunctions in the management of her billing, the EDF Group mediator recommended a compensatory gesture and an adjustment of her payment facility.

### Client case 3

Mr. G. subscribed to an energy contract with EDF Enterprises on 8 November 2016. He received the first invoice issued by his supplier at the end of March 2017. This invoice amounted to € 6,183, for a volume invoiced over the period from 10 November 2016 to 17 March 2017 of...
Power over-billing remains a subject for disputes with customers. However, a significant drop was recorded in 2018, with half as many applications compared with the previous two years. The EDF Group mediator also notes the difficulties faced by customers wishing to switch from a contract managed by the business market to a contract in the retail market. These are customers, often farmers, who cease their professional activity and/or whose premises switch from a professional use to a personal use. This creates difficulties for the supplier but also for the distributor because it involves switching a power supply of over 36 kVA to a lower power supply.

Differences of opinion about compensation for contract termination is also a recurring reason for litigation, even if the related invoicing is clearly explained in the Special Terms and Conditions of Sale in EDF contracts. Finally, the EDF Group mediator has noted that the motives for litigation encountered in the business market are very often of the same order as those encountered by private customers, in the case of meter malfunctions and disagreement about meter readings on removal as part of the deployment of Linky, or more widely disagreement about billed consumption.

Client case 4

In 2017 Mr. T. rented professional premises with a contractual power supply of 42 kVA. Because of his activity, Mr. T. only needed 12 kVA and naturally asked his supplier to change the power supply. But he waited for the intervention for over a year without anything happening. Throughout that time, he paid his subscription and the cost of the kWh at the subscribed price of the power supply, creating unnecessary costs for his company.

The application for a power decrease had been correctly made by the supplier, but the EDF Group mediator noted the complete lack of coordination between the distributor's services, when the application involved a switch from a power supply of over 36 kVA to a Blue Tariff. There being no communication between the departments managing business and retail customers, the exchanges of email proved to be unproductive and did not satisfy the customer.

The EDF Group mediator recommended Enedis to reimburse Mr. T. the difference in the subscription fee as well as the difference in the cost of consumption from the date of his application for a power decrease until the completion date of the works required to change the power supply. As part of an amicable agreement, Enedis made a lump sum payment covering more than half of the work involved in the power decrease.

Client case 5

As part of his professional activity, Mr. L. has operated a public display screen in the town of V. for several years. The town indicated that the screen's meter had been replaced but the new meter failed to read the indexes correctly, initially generating a large refund, but then generating a very large bill compared with Mr. L.'s activity. Mr. T. considered that he was not responsible for the malfunction, and disputed the bill representing a change in consumption for almost two years.

The mediator noted that Mr. L.'s old meter has been replaced by a Linky meter as part of the smart meter installation campaign. But the smart meter had a display error since its installation. The disputed invoice rectified Mr. L.'s consumption over the period without displaying the figures.

First, the EDF Group mediator informed Mr. L. that although the Linky meter had a display error, an adjustment in his consumption was in principle legitimate.
The EDF Group mediator also noted that Mr. T. did not follow up on the two letters from Enedis or the letter sent by registered letter with acknowledgement of receipt to Mr. T. in order to schedule a checking of the meter. Enedis, however, unable to provide the acknowledgement of receipt of the letter in question. The absence of the acknowledgement of receipt therefore raised doubts about whether Mr. T. had been informed or not and, as such, the EDF Group mediator recommended that Enedis limit the rectification of consumption to 14 months. Given the abnormally long lead-time taken by EDF Enterprises in responding to Mr T's complaints, the EDF Group mediator recommended the application of a reduction on the amount of the corrective invoice as compensation.

Approaches can be optimized regarding the Purchase Obligation and photovoltaic energy

Only 9% of the case files received by the EDF Group mediator concerning the Purchase Obligation Division are admissible in mediation. The admissible cases represent less than ten applications and most of the time relate to the lead-time before obtaining the photovoltaic power contract and/or the payment for photovoltaic production. In appealing to the EDF Group mediator, producers hope to speed things up but also expect some form of compensation for the many steps they have had to take. This is why the EDF Group mediator has sent a recommendation for improvement to EDF's Purchase Obligation Division.
For the EDF business market division

- Correct the malfunctions of the billing system in order to avoid the absence of TURPE invoicing and enabling the regular integration of consumption flows;
- Better support business customers who want to switch to retail customer status (when stopping a business in particular);
- Monitor cancellation requests;
- Be attentive and respond to requests for advice from business customers when taking out their contract, especially when it involves the same business as their predecessor.

For Enedis

- Improve the follow-up of interventions by subcontractors as part of the installation of the Linky meter in order to prevent defective installation of the meter (which causes losses for customers) and meter inversions.
- During a change of meter, systematically take a photo of the meter reading on removal and send the photo as soon as the customer first complains;
- Ensure better follow-up of requests made by the supplier and improve response times, especially when a meter is reported to be defective;
- Improve the lead-times for issuing consumption adjustments after a meter malfunction;
- Improve the lead-time to implement friendly settlements during mediation, particularly when they concern a correction in consumption, the transmission of a flow, an intervention, or the payment of a commercial gesture to the customer;
- If a claim is in progress, the meter is involved and the consumer is concerned by the deployment of Linky, suspend the installation of the Linky meter pending a check of the current meter;
- Improve the follow-up and processing time of case files in which the insurance department is involved;
- Improve communication between retail customer and business customer departments to facilitate the switch from one status to another and enable timely processing of response requests;
- Continue the steps taken to streamline relations with suppliers.

For the Purchasing Division

- Set up a single point of contact within the Division for mediation-related cases.

For the EDF Purchase Obligation Division

- Set up a policy of financial gestures in favour of producers in the event of a malfunction in setting-up a Purchase Obligation contract.

What about the 2017 recommendations?

In his 2017 annual report, the EDF Group mediator issued warnings and recommendations for improvements intended for EDF’s business customer division and for Enedis. The mediator took stock with their managers of the action which had been taken further to these recommendations and of the related action plans.

His recommendations to the EDF Sales Division for the business market

Support the roll-out of Linky by providing further information and instructions on follow-up after the installation of a smart meter

EDF Enterprises supports the roll-out of Linky before, during and after the installation of Linky meters using a special relationship program. During its interactions with the customer, EDF Enterprises provides information about Linky and the advantages of the smart meter.

EDF Enterprises also provides all of its advisers with advice on the follow-up after the installation of Linky.

Improve services to alert customers about overruns in subscribed capacity

EDF Enterprises offers various services, free and paid, to help business customers understand and control their consumption[1].

This year, the focus is on promoting the Conso Monitoring service, which allows customers to access, track and compare their consumption curves, adapt their uses accordingly, identify consumption peaks and compare them with different sites or periods, and be warned of anomalies and drifts in consumption.

[1]: Services listed in the 2016 activity report

Reduce complaint response times

In 2018, EDF Enterprises optimized its complaints management both in terms of lead-times and the quality of processing. The results translate into an increase in customer satisfaction through the Net Promoter Score (NPS). In order to improve the customer experience, EDF Enterprises had also improved the information given to customers at each stage in the processing of an application: contextualized and personalized mailing, SMS, etc.
Monitor messages conveyed by advisers when presenting contracts (information on prices, on the conditions for terminating the contract).

Since 2018, advisers have access to the key features of each customer contract: information on prices, contract terms, early cancellation fees, etc.

EDF Enterprises will also develop its skills upgrading and assessment system to improve employee ownership of knowledge.

Monitor the acknowledgement of payments, in particular cheques.

EDF Enterprises has accelerated the integration of cheque payments by immediate tracing and computer processing of non-compliant cheques. The company is also promoting alternative methods of payment to cheques: direct debit, remote payment, online interbank payment orders, etc.

**His recommendations to Enedis**

**Improve the information and instructions provided for customers prior to installing the Linky meter and as part of the meter replacement intervention.**

The Linky smart meter meets the need for modernization of electricity networks in France. Up to date, more than 16 million Linky meters have been installed. 36 million will be installed by 2021 throughout the country.

In order to inform customers about the installation of the Linky meter, Enedis sends all of its customers an information at least 45 days before the intervention. The meter is installed by a company which mandates a technician specially trained to install the Linky meter.

The installation company informs customers of its call 2 to 3 weeks before the scheduled date, and indicates the time it will stay. If the meter to be replaced is located inside the home, the installation company makes an appointment with the customer for the day and time of his choice. If the meter is located outside the home, the presence of the customer is not mandatory.

The intervention to replace the current meter with a Linky counter on average takes 30 minutes. After the intervention, the technician gives a notice to the customer. In the absence of the customer, the notice is deposited in their mailbox.

Enedis, in partnership with the ADEME (The French Environment and Energy Management Agency), has drafted a new Linky brochure. It forms part of the action plan of the Directorate General for Energy and Climate (DGEC) and has several objectives: to raise awareness and help customers to better control their electricity consumption, promote the benefits of the meter, simplify the messages and avoid the multiplication of documents.

The future brochure will be distributed to all of the customers concerned by the replacement of the meter from 1 March 2019 onwards.

**Monitor the services of subcontractors involved in rolling out Linky and reinforce training actions.**

Enedis raised the awareness of its regional teams in 2018. Inspections, as well as training actions were also carried out with installation companies responsible for deploying Linky smart meters.

**Improve processing times: responses to complaints and implementation of amicable agreements reached during mediation.**

Enedis pays particular attention to the quality of the responses to its customers’ complaints and applications passed on by the EDF Group mediator. Processing times are also monitored with the utmost attention.

Enedis’ National Consumers Department guarantees it complies with these commitments. To do so, it has put all of the Regional Divisions under supervision. Professional training actions were carried out with data controllers in 2018 and will continue in 2019.

**Monitor messages conveyed by technicians involved in checking meters, and improve the tracing of intervention and control reports.**

The managerial line of Enedis is sensitive to the messages conveyed by agents during interventions. Controls concerning the tracing of intervention reports in the information systems are carried out. Enedis has also implemented coaching operations. The “Impulse 2020” program (launched in 2018) will enable all Enedis agents to be trained to the “customer culture”. Enedis intends to develop and anchor customer relations as a core feature of all its business lines.

**Monitor the registration of meters in the information system and carry out preventive actions to avoid meter switching.**

Enedis has a long history of control actions following technical interventions, especially in the case of meter changes.

The quality of data recording in its information systems is a priority for Enedis. The information is used by electricity suppliers and makes the customer contract easier to manage.

Enedis continually raises the awareness of its employees about the quality approach to data entry.

**Continue with procedures to ensure smoother relations with the provider.**
Several Supplier-Enedis meetings were held in 2018, and will continue in 2019. The objectives of these specialized supplier committees (CSF) are to promote the exchange of information on regulatory changes or imposed by the opening of markets, to analyze feedback and difficulties in implementing these changes, to improve the practical conditions of network access management by paying particular attention to the fluidity of the procedures linking customers, suppliers and distributors, to transpose changes in the network access processes into the contractual system, and to facilitate transparent and non-discriminatory management of network access.
Principles and values

Powerful values underlying mediation
A Club, a charter

The Club of Public Service Mediators, formed as an association, comprises consumer mediators, government departments, public-sector companies and local authorities in charge of public services. They practise mediation with and between the parties to reach an amicable solution founded on law and fairness.

Moreover, they make wide-ranging recommendations with a view to encourage good practices in the relations with the public concerned.

These mediation cases, free of charge for the applicants and directly accessible as soon as internal alternatives have been exhausted, comply with the principles set out in the current Charter for Public Service Mediators.

This Charter is the ethical foundation of the mediation as practised by the members of the Club of Public Services Mediators (hereafter the “mediator(s)”).

Mediation is a structured process whereby natural persons or legal entities attempt voluntarily and with the help of the mediator to reach an out-of-court settlement of their dispute.

Mediators are competent, independent third parties characterized by not being involved in the dispute. Their ethics are underpinned by the values set out in this charter. They are competent in the issues entrusted to them for mediation. They update and perfect their theory and practice of mediation through ongoing training, more particularly as part of the Club.

The mediator gives great importance to respecting and carefully listening to people so that the parties can set aside their differences and find a solution.

3 key values

Independence, neutrality and impartiality form the basis of the mediator’s values.

Independence

Mediators are independent with respect to any outside influence. In short, they receive instructions from no-one. Their independence is guaranteed by the means available to them, their appointment, the conditions in which they carry out their mandate and its duration. They undertake to refuse, suspend or terminate mediation if the conditions of independence strike them as not or no longer being met.

Neutrality

Mediators are neutral: their opinion is neither influenced nor guided by considerations external to the demands of the parties.

Impartiality

Mediators are impartial with respect to the parties for the duration of the mediation. They abstain from all situations creating any conflict of interest.

5 driving principles

Mediators who are members of the Club undertake to conduct their mediation in accordance with the following principles:

Fairness

When an opinion is issued by the Mediator, it is based on law and fairness. It must take into account the specific context of each case and in particular when strict application of the law produces disproportionate or manifestly unjust effects.

Transparency

Mediators guarantee the transparency of their work. They provide information in particular on:

- their field of competence in a broad and accessible manner, particularly on their website and on that of the Club of Public services Mediators;
- The values and principles of mediation as well as the conditions under which the process takes place;
- The effects of mediation, including, where appropriate, on the suspension of applicable limitation periods and the fact that applicants retain their right to go to court.

Each year, mediators publish a detailed annual report on their activity.

A free service

Mediation is free of charge for applicants.

Confidentiality

Mediation is subject to the principle of confidentiality. Before the mediation gets under way, the mediator ensures that the parties have accepted the principles of an adversarial process and the resulting confidentiality obligations.
Effectiveness

The mediator undertakes to promptly reply to every request, take the mediation process through to conclusion and ensure its high standard.

Active members of the Club of Public Services Mediators (as at 31/12/2018)

- Armand Pujal – The Mediator for the French Association of Financial Companies
- Marielle Cohen-Branche – Mediator for the Autorité des marchés financiers
- Philippe Baillot – Insurance Mediator
- Claudette Henque-Couvois – Mediator for the Services and Payment Agency
- Dominique Chevallier-Boisseau – The BNP Paribas Mediator for retail customers
- Anne Guillaumet de Blignieres – Mediator for the Caisse des Dépôts Group
- Yves Gerard – President of the Circle of Banking Mediators
- Claire Mialaret – Electronic Communications Mediator
- Dominique Bray – Water Mediator
- Bernard Siouffi – E-commerce Mediator for the Federation of e-commerce and distance selling (FEVAD)
- Alain Briere – EDF Group Mediator
- Catherine Becchet-Bizot – Mediator for French National Education and Higher Education
- Jean Gaubert – National Mediator for Energy
- Jean-Pierre Herve – ENGIE Group Mediator
- Jean-Claude Brethès – Mediator for French Technical and Higher Agricultural Education
- Pierre Pelouzet – Mediator for French Business
- Nicolas Jacobs – Information Mediator for France 2 and France 3 TV Channels
- Jean-Pierre Hois – Mediator for the Île de France Regional Council
- Gilles Maindrault – La Poste Group Mediator, Banque Postale Mediator
- Christophe Baillnet – Mediator for the French economic and financial ministries
- Roland Baud – Mediator for the Mutualité Sociale Agricole
- Christian Lefebvre – Mediator for Notaries
- Jean-Louis Walter – National Mediator for Pôle Emploi (the French employment agency)
- Betty Chappe – Mediator for the RATP (Paris city transport authority)
- Francis Amand – Mediator for Agricultural Trade Relations
- Jean-Philippe Naudon – Mediator for health insurance of the self-employed
- Henriette Chaubon – Mediator for SNCF Mobilités
- Jean-Pierre Teysnier – Mediator for Tourism and Travel
- Marie Christine Caffet – Mediator for the Federation of French Banks

**How to refer a case to the EDF Group Mediator**

**Application procedure**

The mediator is your last resort within the EDF Group to settle a persistent dispute with a division or subsidiary of the group out of court. The mediator is never your first point of contact. Before contacting the mediator, make sure you have received a letter from the National Department of an EDF Group entity, division or subsidiary.

If their reply is unsatisfactory, you can then refer the case to the mediator:

- By internet mediateur.edf.fr
- By writing to: Médiateur du groupe EDF – TSA 50026 – 75804 Paris Cedex 08

This report is available in French on our website: [here](#)