

Mediator's Report 2020

Le Médiateur
POUR LE GROUPE ENGIE

COMMITTED!

The National Consumer Mediation Assessment and Control Commission (CECMC) did me the honour of renewing my accreditation as consumer mediator in February 2021 for five years. I am fully aware of the responsibility this office represents and of the commitments it imposes on me.

Firstly, a **commitment to quality of service** with regard to the parties to disputes. In strict compliance with the conditions that underpin my independence, within a rigorous framework governed day after day by the principle of impartiality and in strict observance of the mediation process as approved by the CECMC. We also conduct a satisfaction survey to stay attuned to claimants' issues and identify areas for improvement.

Secondly, a **commitment to the consumers**. The imbalance in relations between a consumer and ENGIE during a dispute demands a special approach: listening attentively to the claimants, clearly explaining the technical aspects of energy, explaining the proposed solutions, reminding both parties of their rights, etc. Thirdly, a **commitment to efficacy**. While this commitment may seem self-evident, the ENGIE Group's Consumer Mediation service nonetheless strives every day to be more efficient in the process and above all in the outcomes of disputes. This presupposes team management, which is underpinned by values and the search for meaning. Lastly, a **commitment to the future**: the determination to perpetuate this effective

“**Team management underpinned by values and the search for meaning**”

dispute resolution tool also finds expression in the prevention of disputes with businesses. The strength of Consumer Mediation lies in the mediator's ability to suggest improvement initiatives to the company to avoid certain disputes recurring. Therefore, recommendations are made every year and their implementation is monitored by the Mediation service. And after this health crisis, the need to restore dialogue and bonds, and help the most vulnerable rebuild their lives will be even more pressing. We should therefore anticipate these greater demands with optimism.

Jean-Pierre Hervé

CONSUMER MEDIATOR FOR THE ENGIE GROUP



CONTENTS

04 The 2020 highlights of Mediation
06 The key figures of 2020
07 The Mediator's ecosystem
08 The Mediator's message
10 The Mediation team and its resources
12 The 8 values of Mediation

13

Commitment to quality of service

14 A look at the quality of the treatment of disputes
15 Accessibility: a key issue
16 A quality legal framework
18 The specific features of Mediation
20 How a request for mediation is processed

21

Committed to efficacy

22 A look at the usefulness of the recommendations
23 The results of Mediation in 2020

29

Committed to progress

30 A look at the recommendations process
31 Follow-up of the 2019 recommendations
32 Our recommendations in 2020

37

Committed for the future

38 A look at the place of mediation in society
39 A overhangs at some noteworthy advances in 2020
42 The Public Service Mediators' Club

0
3

2020 HIGHLIGHTS

SYMPOSIA

International congress

5-7 FEBRUARY

The Mediator attended as guest speaker the International Congress of all mediation services (#Mediations2020), organized by the Association of local authority mediators and Destination Angers. An opportunity for fruitful exchanges between French and foreign mediators.

Inauguration

11 SEPTEMBER

The Mediation service attended the inauguration of the "consumer law" university chair, unique in France. Its aim is to bring together researchers and representatives of the consumer sector with a view to creating a national and international benchmark centre of consumer law.

Internal seminar

12 OCTOBER

For the eighth year running, the Public Service Mediators' Club (CMSP) a one-day internal seminar held on 12 October 2020.

TECHNICAL

In lockdown!

17 MARCH

The first lockdown in France due to the health crisis. Before the lockdown was announced by President Emmanuel Macron, the Mediation service had taken measures to protect its employees and ensure continuity of business remotely during that period.



Cyber-attack

15 DECEMBER

The Mediator for the ENGIE Group's new site is being hosted in a more secure domain following a cyber-attack, albeit one without repercussions.

TRAINING

Internal

28 FEBRUARY

The Mediator and his staff attended a training course on "Current affairs in consumer law" for the fourth time.



18 SEPTEMBER

In addition to the Mediator, his delegate Nathalie Cadier was awarded a specialization certificate for "Mediation in the institution: control and analysis of the mediator's practices" by the Cnam.



External

9-10 MARCH

The Mediator lectured on consumer mediation for students on the Master's 2 course on corporate law, business, distribution and consumer affairs at the University of Dijon.



4 DECEMBER

The Mediator lectured on the new course organized by IGPDE on "The fundamentals of consumer mediation".



ENCOUNTERS

Website

9 JANUARY

Chaired by the Mediator for the ENGIE Group, vice-chairman of the Public Service Mediators' Club, the management committee of the Mediators Club website held the first of six meetings. The aim is to continue modernizing the site.

General meeting

23 JANUARY

The Mediator for the ENGIE Group attended the 2019 general meeting of the Public Service Mediators' Club, of which he is secretary (1901 law) and vice-chairman in charge of the website and relations with consumer associations.

Webinar

14 OCTOBER

The Mediator's delegate Nathalie Cadier lectured in a webinar organized by the "Médiations Plurielles" association on "The Mediation service in a variety of fields: accounts of mediators trained at the Cnam".



DGP (consumers) Division

3 AND 5 MARCH

The Mediator went to meet the consumer advisers of the DGP Division, based in Quimper and Metz. His aim was to reiterate the specifics of the profession of mediator.



Invitation

3 MARCH

The team from electricity supplier ENEDIS accepted the invitation of the ENGIE Group's Consumer Mediation service.

The aim of this encounter was to give the Mediation service team a clearer understanding of the technical aspects of supplying electricity and explain what comes under the responsibility of ENEDIS or the suppliers if a supply point or meters are inverted.



Annual report

9 JULY

The Mediator submitted his 2019 activity report to Claire Waysand, acting Chief Executive Officer of the ENGIE Group.



DTR (Regulated Tariffs Division)

2 OCTOBER

At the invitation of ENGIE's DTR (Regulated Tariffs Division), the Mediator gave an online presentation of the benefits of the Mediation service and the success factors of this alternative consumer dispute resolution process.

EEMG

8 OCTOBER

Annual encounter of eight members of the EEMG (the European Energy Mediators Group), held online this year.

ENEDIS

28 JANUARY

The entire team of the ENGIE Group's Mediation service met with Enedis to exchange views on the practices of the Mediation service and the issues most commonly encountered with Enedis.



All the 2020 highlights

-19%

The number of referrals to the Mediator

from residential customers fell by 19% between 2019 and 2020. This fall is accounted for by the fact that consumers have a better understanding of the conditions that must be met for their dispute to qualify for mediation. You should recall that a dispute only qualifies for mediation when a disagreement between a supplier and a consumer persists despite the solutions offered by the supplier's customer service then by its consumer service, or if either of these services fails to respond within two months. Whether suppliers or service providers, the ENGIE Group's companies inform consumers of these arrangements in a variety of ways (on invoices, in contracts, on websites, in the footer of the complaints response page).

374 out of 4,289 referrals from residential customers (vs 5,314 in 2019) qualified for mediation in 2020 (vs 376 in 2019).

This difference is accounted for by the large number of consumers who cannot prove they have already attempted to resolve their dispute with the company by making a written complaint, as instructed in their contract. That notwithstanding, the referrals of such consumers are never "rejected" on the grounds of inadmissibility without information or assistance: they are told how to submit their referral as a matter of course. If they agree, they are redirected to the relevant complaints department (usually the ENGIE Consumers Service, in accordance with the process stated in their contract). Lastly, they receive a letter informing them that they can subsequently refer their case to the Mediator for the ENGIE Group if it is not resolved satisfactorily. To reduce this difference, the Mediator is working among other things on reducing the risk of inadmissibility by giving the relevant professionals better information on the upstream complaints procedure. As a result, the attention of claimants will be drawn to the need to have completed this complaints procedure as a first step. In addition, links to the main customer or consumer services will be added on the complaint form. Therefore, if a consumer's case is declared "inadmissible" due to having referred it too soon to the Mediation service, this never means that the consumer has exhausted all means of redress: the consumer can, if he or she so wishes, refer the case again to the ENGIE Group's Mediation service in due course.



458

The number of consumer mediation cases processed

remained high compared with 2019 (464). In 78% of mediation cases, the claimant's dispute was with ENGIE Particuliers subsidiaries.



89%

of solutions proposed by the Mediation service in 2020 were accepted by the parties and duly implemented, definitively settling the disputes (against 90% in 2019).



63 days

The average mediation

case processing time was 63 days in 2020.

Despite the difficult pandemic period, this average processing time was shorter than in 2019 (64 days).



90%

of claimants are satisfied with the Mediator for the ENGIE Group's action (against 86% in 2019).



Find out more about this ecosystem

THE MEDIATOR'S ECOSYSTEM

To fulfil his mediation duties, the ENGIE Group's Mediator is at the heart of an ecosystem that includes numerous parties to legitimize, inform and organize his action.



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7

INTERVIEW WITH THE MEDIATOR

Jean-Pierre Hervé



CAREER PATH

1986–2013

Gaz de France Group then
GDF SUEZ (projects;
negotiations; urban policy;
external relations; solidarity
policy)

2014

Mediator for the GDF SUEZ
Group

2016

Consumer Mediator for
the ENGIE Group

2021

Term of office renewed
for 5 years

Jean-Pierre Hervé, the ENGIE Group's Consumer Mediator since 2014, was one of the first independent mediators to be listed as “consumer mediators” in February 2016 for a term of five years. His term was renewed by the national commission in February 2021. Specialist in matters of mediation, consumer affairs, energy and energy efficiency, he draws on his expertise to serve all the claimants who refer to him and the stakeholders who assist them.



Read all the activity reports of
the ENGIE Group's Mediation service

How would you define the ENGIE Group's culture of mediation?

J.-P. H.: The ENGIE Group's Mediation service was set up 21 years ago, in close consultation with the consumer associations. The culture of mediation, and more particularly of consumer mediation, is thus fully accepted by the ENGIE Group nowadays. My annual discussions with the Group's divisions help me measure the benefits of alternative dispute resolution, both for the Group as for the claimants. I am given the resources I need to provide my mediation services with complete independence,

which enable me to handle the workload generated by consumer's increasing use of the Mediation service. Another sign of this maturity: the vast majority of the Group's divisions now follow the recommendations I make or the general improvements I suggest. More than 2,600 mediation cases have been processed since 1999, 90% of which resulted in solutions that were accepted and implemented, and 283 general recommendations have been made and implemented.

Was 2020 different from previous years?

J.-P. H.: Consumers' attitudes have changed, they are less fatalistic, more proactive and ready to contest and challenge the authority of services, institutions and companies. The health crisis has accentuated the frailty of civil society and the need for rapid solutions that are fair and tailored to people's circumstances. Against this backdrop, and if the parties to the dispute approach it with the will to resolve it, the Consumer Mediation service can offer a means of redress that gainsays some people's feeling of having been treated unfairly. In 2020 I also submitted two reports to the Consumer Mediation Assessment and Control Commission (CECMC): my so-called "efficacy" regulatory report on the activity of the Mediation service in 2018 and 2019, and my application for renewal of my "Consumer Mediator" accreditation, which was duly accepted.

What is your assessment of 2020?

J.-P. H.: In 2020 we handled roughly the same number of consumer mediation cases as in 2019. But they were not evenly spread over the year; we observed a sharp rise in the last quarter; therefore the effects of the health crisis have probably yet to be felt (in January 2021, we observed a 140% increase in cases qualifying for mediation compared with the same month in 2020!). The Mediation service will therefore keep a close watch on the flow of referrals in 2021: fearing a high volume of applications for mediation following the health crisis, the Mediation service is mobilizing to avoid extending time limits. I wish here to express my appreciation for all the ENGIE Group's Mediation staff who constantly meet the expectations of the parties in dispute, despite this onerous health context. To return to 2020, most of the consumer mediation cases concerned electricity supply offers. ENGIE Home Services ranks second after the DGP (consumers) Division's energy

“The ENGIE Group's Consumer Mediation service is an alternative to the law, not one to the handling of complaints”

offer. There was a sharp drop in cases involving the Regulated Tariffs Division following the discontinued sale of regulated tariff offers to residential customers in 2020. There are still issues concerning a lack of understanding of consumption levels, compounded by the deployment of smart meters (inversion of supply points, meters, etc.). Despite the increasing number of mediation cases, the quality of their treatment has been maintained: 9 out of 10 mediation cases resulted in an agreement between the parties and implementation of the solution. The level of satisfaction based on a survey is 90%. This high level of quality is due firstly to the significant commitment of all my dedicated team's members on a daily basis: let me take this opportunity to thank them warmly. Regarding the processing time for mediation cases, in 2020 it averaged 63 days. Lastly, 15 general recommendations for improvement were made to the ENGIE Group's divisions this year, all resulting from an analysis of the mediation cases handled in 2020.

Has the number of referrals changed?

J.-P. H.: It's important to mention it: the number of consumer referrals fell by some 19% compared with 2019. This very promising figure is due in part to the improvements made to the online referral form. Claimants are better guided and informed, which has resulted in fewer referrals reaching the mediation service too soon. I should point out, however, that, with the agreement of consumer organizations, I assist claimants by referring their cases that arrive too soon to the relevant ENGIE entity, unless claimants state that they refuse such assistance. And the Mediation service reminds claimants that if they are dissatisfied with the ENGIE Group's response they can refer the matter to me again, or refer it to the National Energy Mediator if they wish to engage in mediation. This is a crucial point: this process avoids the Mediation service handling complaints. This rigour maintains a mediation service the aim of which is to offer an alternative to the law, not to the company's complaints processing services.

A multidisciplinary TEAM

The ENGIE Group mediation team is made up of complementary profiles that assume the various aspects of mediation. Each team member has their own portfolio of mediation cases, under the benevolent eye of the Mediator, who oversees the quality of case investigations and the appropriateness of the proposed solutions.



From left to right: Audrey Bouquet, Sandrine Regnault, Patrick Joly, Nathalie Cadier, Théotime Arthus, Fanny Guillot-Buckenmeyer, Farida Mazari, Ariana Brun-Picard, Tess David, Faycal Nakib, Jean-Pierre Hervé, Michel Le Men.

The Mediator surrounds himself with persons having experience in customer relations, marketing and communication, but also lawyers. According to their skills, the team's members are given specific assignments drawing on their respective areas of expertise. Some are in charge of quality processes and the procedures required for the smooth running of the service, while others focus on relations with internal and external ENGIE Group entities. Similarly, certain team members handle the Mediator's communication, in particular on his website, to ensure greater clarity about his activity, while others are legal experts. On 2020, the Mediation service hired a new senior corporate lawyer specialized in consumer law and energy law, taking the total number of people on permanent employment contracts to six.

A team open to students

The ENGIE Group's Mediation service regularly takes in students on work-study programmes and trainees. In 2020, the Mediator took in students in law, a Master's 2 student studying competition law and consumer law, and one student from Sciences Po. They bring a fresh approach to practices, complementing that of the rest of the group. Furthermore, the team's members can draw on the

knowledge and know-how of their team-mates when faced with a specific issue. This fosters natural solidarity and real harmony in the workplace.

From common-core training to in-service training

In addition to their area of specialization, the Mediator's staff all receive the same common-core training. This aims to create a common set of skills enabling each team member to adopt the reflexes and operating rules needed to see a mediation case through to a successful conclusion. In-service training is also provided to best meet the demands inherent in working with claimants. Being receptive, a much sought-after faculty among staff who join the team, is thus at the heart of basic and in-service training.

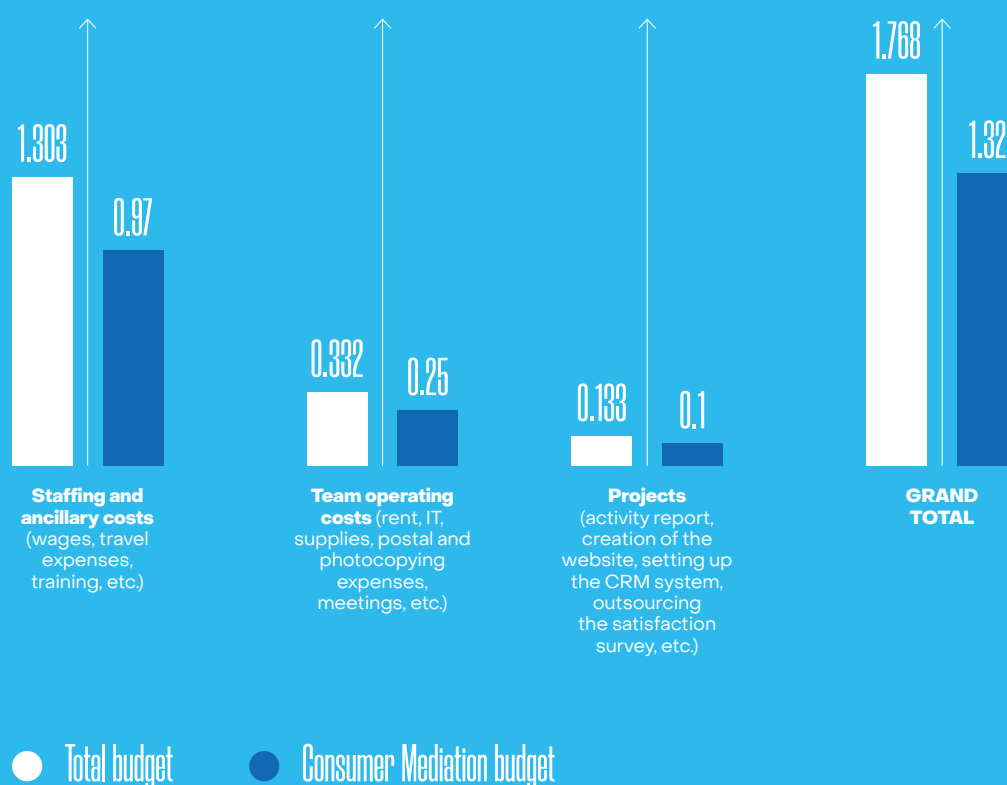


More information
on the team

Increase in funding

The Mediation service's budget totalled 1.63 million euros in 2020, 75% of which was allocated solely to Consumer Mediation.

The reason for this increase in the budget was the increase in the amount of mediation work in 2019. In 2020, the Mediation service absorbed the consequences of this heavier workload of mediation cases by recruiting a senior corporate lawyer, whose position was made permanent on 1st January 2021. Furthermore, expenditure on digitalization and IT security also increased, due to the radical transformation of working modes, accelerated by the constraints of the health crisis.



The 8 values of Mediation

What is the main strength of consumer mediation the ENGIE Group?

Accessibility, active listening and empowerment of the parties.

Survey of the 8 values put into practice on a daily basis by the ENGIE Group's Mediation service.



Neutrality

The Mediator ensures that each of the parties has an opportunity to express their opinion to the other party.

Respect

Respect comes in two forms: scrupulous respect for individuals, without bias or judgement, and respect for a due hearing of all parties with their agreement.



Active listening

Balanced, accessible and personalized. The Mediator takes into consideration the circumstances of each person. If necessary he restores the balance between the two parties and endeavours to discern their real issues and expectations.



Fairness

A rule or practice, even when correctly applied, may be unfair or even intolerable in certain cases. Fairness strives for what is just.

Transparency

An annual assessment of the Mediator's work is presented in a legally framed report available to everyone, and on his independent website.



Impartiality

The Mediator never takes sides.



Independence

The corporate mediator's independence is guaranteed by law, by compliance with legislative criteria, but also by an independence of mind. Therefore official status and stance complement each other.



Privacy

The details of the case (the Mediator's observations and the statements he records) remain confidential; the proposed solution is not.

The Mediator ensures that each of the parties has an opportunity to express their opinion to the other party.

The Mediation team examines all the referrals it receives and handles them according to their nature.

After assessing whether they qualify and are admissible for mediation, these referrals are:

- if they do not qualify (under law), passed on to the Group's relevant departments to be processed, unless the claimant disagrees;
- if they qualify, in the last form of amicable resolution, they are handled by the Mediation team. In that case, the Mediation team personally contacts the claimant. In an initial telephone contact with the customer, "the 8 values of Mediation" are presented to the claimant. After an in-depth examination of the case, a personalized solution is ultimately proposed to the claimant by letter.

Commitment to quality of service

“Regard active listening as an essential act”

François Lachgar, a key player in consumerism at the Confédération nationale du logement (CNL) and member of the joint committee that appointed the Consumer Mediator for the ENGIE Group, gives us his view of the quality of the treatment of disputes.



François Lachgar

CONSUMERISM STAKEHOLDER
AT THE CNL

What in your view are the priority projects for the coming years?

It is essential that we continue in this way, a holistic approach enhanced by common lines of thinking and work, structured around a sustainable process respecting the principles and values of mediation. The ambition of consumer associations is to uphold the highest possible level of requirements and preserve the proximity of expression and concerted action put in place both with the ENGIE Group's Mediation service and with the ENGIE company itself.

“
Being a good listener and letting consumerism stakeholders voice their view to guide our efforts”

customer experience within the ENGIE Group. Improved good practices offer users high-quality mediation, which is also a mark of confidence for consumers.

Can you briefly tell us about the French mediation platform?

A French mediation platform came into being in 2016 (see box). A standard for quality mediation was developed by the latter's members and stakeholders. Its author set themselves the goal of inventorying quality indicators that currently reflect the good practices of professional mediation. For the members of the platform, this is a “membership standard” driving the quality of mediation. It is also an information guide freely available to all mediation stakeholders.

What is your assessment of 2020?

The French have never spent as much time at home as in 2020. In that respect the health crisis and Covid-19 have underlined the importance of quality listening and the need for the disputes of French people to be settled by the Mediation service within a short time frame. This realization demonstrates the need to regard active listening first and foremost as an essential act, not just a legal act.

What's your opinion of the ENGIE Group's customer experience?

At the CNL we observe high expectations of consumers with regard to the quality of listening, even though that is not the only parameter for settling consumers' disputes. Over the past two decades of partnerships with consumer associations, many decisions have been made then implemented in practical terms to improve the

Facilitating access to mediation

The French mediation platform was set up in September 2012 by seven federations or associations representing the diversity of mediation in France. In 2016, the Platform published a “Standard for quality mediation”, a practical framework for mediation, more particularly concerning consumer mediation. The Mediator for the ENGIE Group represents the Public Service Mediators' Club and has contributed to the platform's work.



Visit this
platform

ACCESSIBILITY, a factor of paramount importance for mediation

Professionals from all trade sectors are under a regulatory obligation to appoint a consumer mediator and make him or her known to their customers. The Mediator's accessibility is thus a key issue, even for the ENGIE Group.

Accessibility to consumer mediation is firstly a regulatory obligation (articles L. 612-1, 614-1 to 3, and L. 616-1 to 3 of the French Consumer Code). The Mediator's obligations include everything that contributes to consumers' right to information, in particular a communication obligation. The aim is to protect the consumer and guarantee a high level of quality and consistency in the treatment of consumer mediation cases.

An obligation that is also an opportunity

Mediation has developed widely in Europe and in France over the past twenty years. And more particularly since the publication of European Directive 2013/11/EU on alternative dispute resolution for consumer disputes in 2013, transposed into French law in 2015. Quick, free of charge, effective, often fairer and less distressing than judicial remedy, mediation meets a twofold need: that of consumers being more involved in the decisions concerning them, and that of inspiring confidence in exchanges within the European common market.

As mediation is the last possible form of amicable resolution before potential legal proceedings, it is essential that consumers who wish to resort to it know not just how to do so but also when to do so. Because mediation cannot be an alternative to the complaints process.

It comes into play when the different customer complaints handling levels have failed to satisfy the customer's written complaint, either because the customer did not receive a reply within two months, or because the reply from each level

was unsatisfactory. To ensure that customer complaints process is as effective as possible, the ENGIE Group's subsidiaries have established as a matter of principle that customer complaints only qualify for mediation if they have already complained at two levels:

the customer service then the service consumers. This is one of the conditions of admissibility for mediation. The ENGIE Group's Mediation service has therefore ensured that in their general terms of sale, contracts, invoices and letters and on the Group's website, all ENGIE Group entities do indeed include a notice stating that customers can refer their issue to the Mediation service and instructions on how to contact it.

45%

of mediation cases in 2020 were referred to the Mediator through the simplified online form in 2019.

The Mediator's website, a tool serving consumers

The Mediation service has made its website a communication tool for consumers and energy and mediation stakeholders. Over the years, the Mediator's site has been enriched, always better answering consumers' questions and providing them with clear, comprehensive and updated information on mediation. And to reach as many people as possible, the site was reworked in 2020 (see p. 40). However, more important changes are expected in 2021 to bring it into compliance with the RGAA (general standard for government accessibility), ensuring easier access for persons with disabilities. The referral form will also be redesigned in stages during the year, to facilitate verification of the admissibility of claims. Lastly, the Questions & Answers section will be recast to be more interactive with consumers.

A QUALITY legal framework

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Quality is firstly the translation of a legislative imperative in matters of consumer mediation efficacy. Article 613-1 of the Consumer Code stipulates that “the consumer mediator fulfils his remit with due care and competence, with complete independence and impartiality, within the framework of a transparent, effective and fair procedure”. To clarify the different aspects of the mediation process, the Consumer Mediation Assessment and Control Commission (CECMC) has produced “legal precedents” papers, i.e. positions of principle it has taken to clarify the law when the texts are insufficiently clear.

The Mediator is not given any instructions from external entities and makes a point of fulfilling his duties without yielding to any pressure. He does not favour either party. He is mindful of any conflict of interests liable to influence his investigation. This is a guarantee of the quality of mediation. Added to which is the framework desired by the Consumer Mediation Assessment and Control Commission (CECMC). To understand it, we should study the various factors characterizing the quality of mediation: a voluntary and clearly defined procedure, with clearly established admissibility criteria, at the end of which a solution is necessarily

provided. This structured and transparent process guarantees the quality of the mediation process.

Mediation, a voluntary procedure

Article L. 612-1 of the French code of consumer law states that “All consumers are entitled to refer their case to a consumer mediator free of charge with a view to resolving their dispute with a professional out of court”. As access to mediation is a right, it is therefore a voluntary process. It is up to the professional to guarantee the consumer effective recourse to the consumer mediation process. It is precisely because mediation is voluntary that the parties can opt out of the process at any time without needing to give a reason. Another consequence of its voluntary nature is that one cannot include a contractual clause stating that referral to a mediator is mandatory before referring the matter to a judge. However, with a view to promoting mediation and for disputes involving less than 5,000 euros, article 750-1 of the Code of Civil Procedure stipulates that the dispute can only be referred to a judge after an attempt

“The ENGIE Group's Mediation service ensures that the solutions are duly implemented and strives to improve the quality of his service through satisfaction surveys at the end of each mediation process”

at alternative dispute resolution has been made. Mediation is a voluntary process, as the article makes no mention of any obligation to resort specifically to it. Indeed, the consumer can still opt for conciliation or a participative procedure.

Admissibility guaranteed by clearly defined criteria

The first admissibility criterion is that the request for mediation must be made by a consumer. In other words, such requests cannot be made by professionals. If this criterion is not met, there is no need to continue assessing admissibility, the case does not qualify for mediation. On the other hand, if this initial criterion is met, the other criteria must be verified. For the case to qualify for mediation, the claimant must not have referred it to a judge or another mediator. Furthermore, the consumer must first have sent the professional a written complaint. If the claimant cannot prove he or she has already lodged a complaint, the Mediator may urge him or her to "send the relevant customer service a written complaint and will give the claimant all the information needed to facilitate this process" or may forward the complaint directly to the relevant service if the consumer agrees. It should be noted that the consumer cannot be asked to ascertain whether the case file is complete to declare it admissible. If the Mediator, who alone can decide whether a request qualifies for mediation, deems that the case file is incomplete, he is at liberty to request additional documents. Such documents must be strictly necessary for an examination of admissibility. When the Mediator rejects a request, he must give reasons for his decision.

A clearly defined mediation process

The CECMC's legal precedents of 18 October 2019 state that "le Mediator act(s) as an intermediary until the case is closed [...]". He is the single contact for the duration of the mediation process, which guarantees personalized follow-up. Because "[...] his role is not confined to notifying his proposed solution to the parties. It is then up to him to personally ascertain that the parties agree to this proposal. Therefore, it is prohibited to ask the professional to contact the consumer directly and ask whether the latter accepts or refuses the Consumer Mediator's proposal." In the interests of clarity, the stages of the ENGIE Group Mediation service's process are described verbally when the consumer is contacted, and in writing in an appendix to the letter confirming referral to mediation, in accordance with the Consumer Code.

DISPUTE INVOLVING GRDF

New in 2020

Since 1st March 2020, at the request of the Energy Regulatory Commission, the ENGIE Group's Mediation service no longer deals with requests for mediation involving only distributor GRDF. For the request to be considered, the dispute must have a contractual link to a group subsidiary in addition to the distributor. However, very few referrals of this type reach the Mediation service. But if they do, the request would be redirected to the National Energy Mediator.

A solution is necessarily proposed

Barring amicable agreement, the Mediator is duty bound to propose a solution. He sets a deadline for accepting or refusing it (10 to 15 days), and specifically explains how the lack of response from the parties will be interpreted. The parties are at liberty to accept or refuse the proposed solution. If accepted, the mediation process ends. The solution is then implemented. If refused, the Mediator's involvement ends. The claimant is at liberty to ask for an out-of-court resolution of the dispute (the National Energy Mediator) or legal means of recourse. The solution proposed by the ENGIE Group's Mediation service can then no longer be implemented. The parties revert to the positions they were in before they entered into mediation. The confidential nature of the mediation process, imposed by the Consumer Code, is recalled in the header of the letter proposing the solution. It applies to all the Mediator's findings and the statements recorded during the process, as well as to the proposed solution, which in practice appears in a distinct part. Either party's refusal to enter into mediation or withdrawal therefrom is also subject to confidentiality. In addition to scrupulously respecting the law, the ENGIE Group's Mediation service ensures that the solutions are duly implemented and strives to improve the quality of his service through satisfaction surveys at the end of each mediation process.

THE SPECIFICS

of the ENGIE Group's Mediation service

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The Mediation service seeks to find an amicable solution, with the aid of the parties to the dispute. To that end, the mediation officer must be able to build a relationship of trust. The ENGIE Group's Mediation service does all it can to create this favourable climate.

The ENGIE Group's Consumer Mediation service is a humane mediation process. The Mediator Jean-Pierre Hervé (see p. 10) is surrounded by a multidisciplinary team made up of a variety of profiles and trained within the Mediation service. As an institutional Mediation service, it is duty bound to adhere to a regulatory framework and strict processes. This guarantees due observance of the values and principles of mediation, such as prioritizing personal and individualized treatment of claimants. Accordingly, people are at the heart of the process.

An organization enabling a personalized relationship

With the ENGIE Group's Mediation service, the claimant is not in contact with the platform but benefits from a single dedicated contact throughout the investigation of his or her case. Easy access to the mediation officer and the continuity of exchanges are components essential to the success of the mediation service: they build a relationship of trust and

90%

**In 2020,
90% of
claimants say
they are
satisfied with
the proposed
solution.**

make the situation easier to understand for the claimant. If the solution is not what the claimant had imagined at the outset, this organization enables the latter to review him or her position.

Transparency is also a key notion that we endeavour to underline with a clear explanation of the mediation process from the first call. The values of mediation, the work methods and the stages of investigation of the case are explained to the claimant with a view to jointly constructing the solution with him or her. The aims are to empower the claimant and favour the latter's acceptance of the solution. Moreover, the ENGIE Group's Mediation service takes all the time needed to investigate the case. The Group's entities are queried in a predefined format and return all the documents of the case being investigated, in principle within no more than one month. The mediation officer then finds time to complete the necessary round trips with the entities and the claimant, asking its questions then proposing a solution. Finding the necessary time is essential investigate, explain, be clear and above all propose a fair solution of quality. This account for the level of satisfaction and acceptability of the solutions by claimants referring their cases to the ENGIE Group's Mediation service.

Actively listening to the parties

There may be a degree of imbalance between the ENGIE company and the claimant. This is because ENGIE has a deep understanding of energy sector and the rules of law, and its subsidiaries have set up efficient processes for handling large numbers of enquiries and complaints, which nonetheless appear complex to private individuals. That is where active listening by the mediation officer, the single contact of the claimant throughout

the treatment of the latter's case, is of great importance. When he takes on the case, he calls the claimant and lets the latter give free rein to his/her emotions: anger, exasperation, the need for consideration, fears... This "active" listening consists in simply acknowledging and responding to the claimant's need to be heard. This does not mean that the mediation officer vindicates the claimant; he never takes sides. He simply listens, takes notes and tries to understand the claimant's expectations. He then checks that he has fully understood them and reassures the claimant, explaining all the stages of the mediation process. He is available at each stage of the investigation and can answer the claimant's questions at the slightest prompting. The latter is thus kept informed of the progress of the case and can also forward any documents (s)he considers relevant, or reiterate any aspect of the dispute (s)he considers important.

The diversity of means of communication offered, namely calls and e-mails, also ensures dialogue without any time constraints.

The pace of exchanges is not controlled by the imperatives of the mediation officer but by the needs of the claimant, on the one hand, and the ability of the entities to provide the requested evidence, on the other.

This single point of contact is essential to the quality of the listening, as all the information is provided directly by the claimant, without any intermediaries, which avoids any leak or loss of information. What is more, when ENGIE's customer enters into mediation with us, his or her designated mediation officer becomes the single contact for both the customer and the entity or entities concerned.

This creates a genuine relationship of trust between the claimant and the mediation officer, the former being reassured that the latter has a good understanding of the dispute. Trust does indeed need to be established with the Group's entity to foster a constructive dialogue regarding compensation for the losses identified with regard to a dispute. Hence the importance of the mediation officer's impartiality!

A solution shared by all

Various factors contribute to the satisfaction of claimants, both during the investigation and at the end of the mediation process. First of all, the mediation officers engage in an in-depth dialogue with the Group's entities. The latter's implication thus furthers the acceptance of solutions devised both by the Group's

“The specific and personal approach put in place by the ENGIE Group's Mediation service delivers excellent results, as 89% of the proposed solutions are accepted”

subsidiaries and by the distributor and claimants.

In consumer mediation, the mediation officer is under an obligation to negotiate for the parties in a neutral and objective manner, in law and fairness, without wronging either party or representing their respective interests. As such, the consumer mediation officer successively plays a number of roles: mediator, impartial third party reconciling the parties, but also at times and conscientiously, he momentarily sets aside his role as mediator and acts as a legal adviser on the applicability of certain regulations, or as an energy expert, identifying problems in the entities' acts or documents or explaining to the claimant how energy works.

When the information has been provided and balanced relations restored, the mediation officer reverts to his role as impartial third party, and with this in mind he constructs the solution with the claimant and proposes the solution. These negotiations with the parties require their active participation. It is through a clear understanding of the dispute then consultations with the Group's subsidiaries and distributors involved, and through their considerable amount of work, that a detailed, precise, fitting and fair solution emerges.

Flexibility serving alternative dispute resolution

These are the steps followed by the Consumer Mediator in connection with an admissible request for mediation.



Committed to efficacy

“The Mediator for the ENGIE Group's impartial recommendations spur us on to improve the customer experience”

The views of Carmen Pinto, Head of the Complaints & Consumer Service at ENGIE Home Services.



Carmen Pinto

HEAD OF THE COMPLAINTS
& CONSUMER SERVICE AT ENGIE
HOME SERVICES

“
Each mediation case is an opportunity to call into question the customer experience and related processes”

continuous quality improvement process. As head of the Consumer Service, my exchanges of views with the Mediation service help me better comprehend each dispute, irrespective of the type of recourse. The legal arguments and positions are shared with the sector to help them in their handling of complaints. This sharing heightens awareness at all levels: adviser, team leader, agency manager, district manager, regional manager, etc.

Has the Mediation service changed your Division's outlook on the handling of complaints since 2014? if so, in what way?

Every year we see significant improvements in all the indicators monitored by the Customer Relations division. In 2020 we did some in-house brainstorming on overhauling the entire complaints handling process. From that we have drawn many lessons for improving and simplifying the handling of complaints. The Mediator's recommendations have indeed made a significant contribution to this thinking. So this spurs on the Customer Relations division onto improve the customer experience. Each recommendation is relevant and improves the experience of our customers. Beyond the Customer Relations division, these recommendations mobilize all the divisions of ENGIE Home Services. This process must be sustained, daily conversations nourish the quality process, and the annual assessment gives us an overview to take stock of the progress we have made and the next step to climb in the following year.

Is the mediation process for resolving disputes accepted by the front-line teams?

The mediation process is not called in question. It is accepted and understood by all the stakeholders, who see it as a stage in the treatment of disputes and as a way of regaining our customer's trust, which is our shared goal. Furthermore, the Customer Relations division has included the following notions in the “complaints handling” component of the initial staff training programme: the Mediator's mission (film) and his independence, the aims of a mediation process and the Mediator's recommendations. Therefore all staff dealing with customers are aware of them.

Beyond the Mediation service's general recommendations, do you directly draw lessons for progress for your Division?

Each mediation case is an opportunity to call into question the customer experience and related processes. Areas for improvement are then identified and provide input for the

HIGH STANDARDS

of mediation maintained!

Despite a high number of mediation cases, the quality of their treatment has been maintained. Figures on the activity of the ENGIE Group's Consumer Mediation service in 2020.

When the ENGIE Group's Mediator receives a referral, he initially examines it to check that it falls within his remit. You will recall that, as required by the Consumer Code (article L. 616-2), and more precisely by contractual provisions between ENGIE and its customers, the Mediator intervenes in instances where:

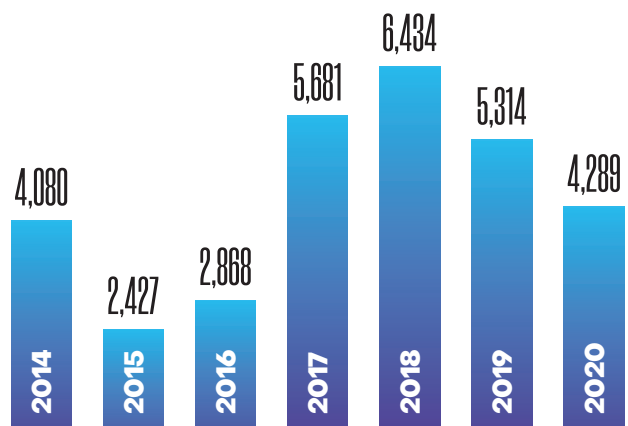
- customer services (level 1) and national consumer

services (level 2) have responded to the complaint by replying to the customer (on a durable medium) (or they failed to reply within two months);

- the customer is dissatisfied with the reply (in which case a dispute arises).

In any event the claimant should refer (or re-refer) the case to the Mediation service and request an amicable settlement of the dispute, even if it was initially declared inadmissible as it reached the Mediation service too soon. Within 48 hours on average, a letter is sent to the claimant confirming that his or her request has been received and qualifies for mediation (on the basis of the available information). If the claimant sent his or her request to the wrong body, a letter informs the claimant, on the basis of the information at the disposal of the Mediation service, of the entity that will reply (unless the claimant wishes otherwise). The different stages of the process and the

Annual number of referrals from residential customers



52%

of claimants submitted their case to the Mediator by post in 2020.

different cases that arise are presented in the section headed "The mediation process" on page 20.

In most cases, it is the customer who refers the matter directly to the ENGIE Group's Consumer Mediator. However, if ENGIE Group companies are at deadlock with the claimant, they can also refer the matter on to the Mediator. That notwithstanding, the consumer's agreement for the dispute to enter into mediation must always be sought.

Fewer referrals, the same amount of mediation cases

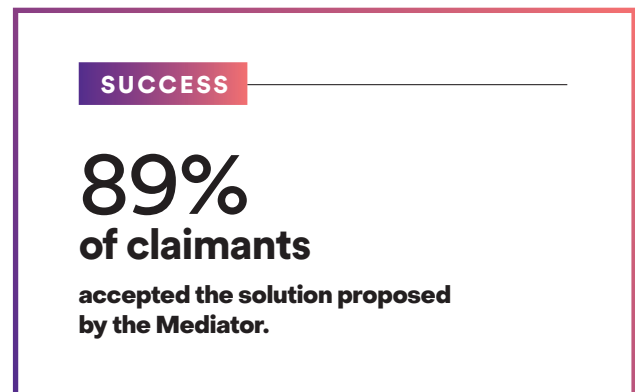
In 2020 fewer referrals were made to the Mediator (a total of 4,289 cases from residential customers, down 19% on 2019). Correlatively, the number of mediation cases held steady, 383 cases qualifying for mediation in 2020 (down 6.6% on 2019).

ENGIE Energy supply: 77.5% of mediation cases concerned residential customers

ENGIE's energy supply subsidiaries (with the regulated tariff offer, the Regulated Tariff division – DTR; or the market offer, the Consumers division – DGP; or ENGIE Happ-e for low-cost tariffs), manage several million customers and energy contracts. They are extensively cited: 77.5% the mediation cases from residential customers received by the Mediator concern them. The remaining 22.5% concern the ENGIE Home Services, FideloConso, ENGIE Mes Dépanneurs and GRDF subsidiaries (see the breakdown graph below).

Reasons for disputes: billing and payment come first

As in 2019, mediation cases predominantly concern billing or payment problems (66.8% in 2020 against 74.9% in 2019) due to

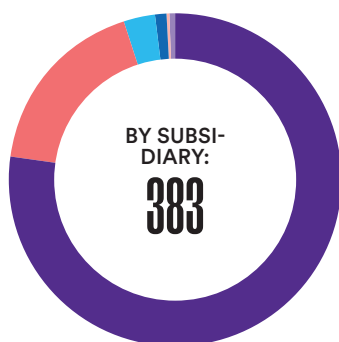


a lack of understanding of gas and electricity usage levels, and also metering problems.

As last year, electricity-related cases predominate.

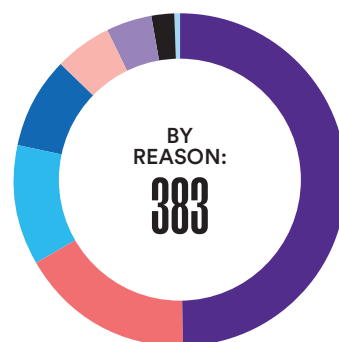
The “energy equipment” category concerning among other things requests in connection

Requests qualifying for mediation from residential customers



- 76.5% ENGIE Fourniture d'énergie Particuliers*
- 17.8% ENGIE Home Services
- 3.1% ENGIE Entreprises & Collectivités (FideloConso offer)
- 1% ENGIE Happ-e
- 0.5% GRDF
- 1.1% ENGIE Professionnels, ENGIE Mes dépanneurs, ENGIE Solutions, ENGIE INEO Digital

* (excluding Happ-e)



- 49.8% Billing & Consumption
- 17% Payment
- 11.8% Energy equipment
- 8.9% Contract
- 5.5% Energy offer
- 4.4% Technical distribution
- 2.3% Complaint follow-up
- 0.3% Customer care, advice and guidance

with the installation, repairs or servicing and maintenance of individual boilers, heat pumps or solar panels is up 10 percent (11.8% in 2020 against 2% in 2019). On the other hand, all the other grounds for mediation levelled off or declined in 2020.

The FideloConso offer marketed by ENGIE Entreprises & Collectivités, a new cause for disputes in 2015, was still a source of complaints but less so in 2020, with only 12 mediation cases (the same as in 2019) against 16 in 2016.

This offer consists in individualizing heating and hot water costs for dwellings with collective heating by natural gas. For this offer, since 2015 the ENGIE Group's Mediation service has made a number of general recommendations that continue to bear fruit.

Concerning mediation cases from supplier ENGIE Energy Supply (DTR, DGP or Happ-e), most of the reasons for referrals to the Mediator are the same as those in 2019: disputed consumption, inversion of supply points, faulty meters or incorrect meter readings, and finally problems concerning the payment of energy efficiency certificate premiums. In 2020, the Mediation service again noted an increase in mediation cases (68 in 2020 vs in 38 in 2019) concerning the ENGIE Home Services subsidiary, which provides boiler maintenance services for residential customers.

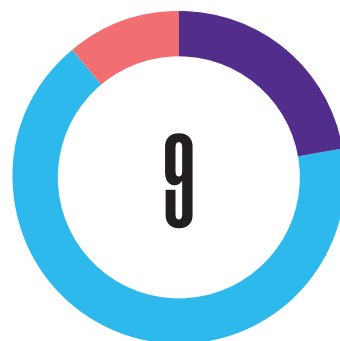
Consistently high standards of mediation in 2020

In 2020 the Mediator maintained the high standards of treatment of cases that he had set himself in December 2014. 52% of cases are processed within two months of receiving the request, **even if the case files are incomplete.**

In 2020, out of the 383 referrals for mediation from residential customers¹, 374 (against 376 in 2019) qualified for and went to mediation and 9 (vs 34 in 2019) were "inadmissible". In 2020, the ENGIE Group's Mediation service also processed 75 mediation cases in respect of referrals received at the end of 2019. So in 2020 the ENGIE Group's Consumer Mediation team handled 449 mediation cases², 4.2% more than in 2019 (430). They break down as follows:

- 360 admissible mediation cases closed:
- 355 of which were seen through to completion with a response sent to the claimant:
 - 317 with the solution accepted by the parties (vs 315 in 2019);
 - 38 with the solution rejected by one of the parties (vs 35 in 2019)
- 5 of which were not seen through to completion.
- 89 mediation cases still under investigation at the beginning of 2021 (received at the end of 2020).

Requests from residential customers not qualifying for mediation



- Referred on to the NEM by the Mediation service: 2
- Claimant chose the NEM: 6
- Claimant could not be contacted and lack of understanding of the request: 1

The proportion of "dismissed" referrals for mediation from residential customers in 2020 is down on 2019 (2% in 2020 against 8% in 2019). The reasons for dismissal of these 9 referrals, summarized in the above graph, are as follows:

- 1 referral where the claimant's dispute was not explicit in the request, so it could not be defined;
- 2 referrals to the National Energy Mediator (NEM), under the agreement signed with the ENGIE Group's Mediator in 2015;
- 6 referrals for which the claimant chose the NEM after applying simultaneously to both Mediators.

5 mediation cases were interrupted in 2020, making 1.3%¹ of accepted requests for mediation (vs 0.8% in 2019). In the end these mediation cases were beyond the remit of the ENGIE Group's Consumer Mediator.

The average processing time for a mediation case¹ was 63 days in 2020. 52% of mediation cases were settled in under 60 days and 83% in under 90 days (the most complex ones). Despite the difficult period due to the Covid-19 pandemic, the average was 63 days in 2020 (vs 64 in 2019). You will recall that the time limit specified by the Consumer Code is 90 days.

For the ENGIE Group's Consumer Mediation service, the starting point for this period is the date it receives the request, even if the case file is far from complete.

It should be noted that the vast majority of cases received for mediation were complex cases with several simultaneous issues, which considerably prolongs the investigation time, both for suppliers or distributors and for the Mediation service.

The percentage of disputes settled out of court¹ this year was 89% (against 90% in 2019). This sustained high quality is accounted for in two ways. By the ongoing strong commitment of the entire ENGIE Group Mediation team to finding a just, fair and legal agreement between the two parties, but also by the mediation process itself. Because this process presupposes close proximity with each claimant. First of all, to listen to them and factor in their real expectations, but also to empower claimants in resolving their disputes, by "questioning them to enable them to question themselves". Mediation cases with refused solutions rose slightly in 2020 to 11% (against 10% in 2019). In 2020, 52% of mediation cases stemmed from referrals by post (vs 62% in 2019), 3% from

OVERWHELMING MAJORITY

93% of mediation cases stem from residential customers

In 2020 fewer cases were referred to the Mediator (a total of 4,569 cases (down 17% on 2019), 4,289 from residential customers. Correlatively, the number of mediation cases received held steady, with 413 requests qualifying for mediation in 2020 (down 2% on 2019), 383 of which from residential customers and 30 from other claimants (professionals, companies

and local authorities). In total, the Mediation service handled 491 mediation cases in 2020, up 2.9% on 2019. Again this year, the majority of the mediation cases were referred by residential customers (93%, 383 out of the 413 referrals received). Professionals account for 5.8% of the requests for mediation, which qualify for mediation under the Energy Code.

Quality criteria in decree no. 2015-1382 of 30 October 2015 on consumer dispute mediation

Criteria	Definitions	Value % in 2020
a/ The number of disputes referred for mediation and the reason for the dispute	Number of mediation cases and reasons (type of complaint)	383
c/ The proportion of disputes refused for mediation and an assessment (expressed as a percentage) of the different reasons for refusal	% of mediation cases rejected = Referrals not referred to mediation "refused by the Mediator" outside his remit/Total mediation referrals received	0%
d/ The percentage of interrupted mediation processes and the main reasons for such interruption	% of mediation cases interrupted = Aborted/processed mediation cases	1.4%
e/ The average time taken to resolve disputes in days	Average dispute resolution time	63
h/ For mediators paid or employed exclusively by a professional, the percentage of solutions proposed in favour of the consumer or professional, and the percentage of disputes resolved with an amicable solution	% of solutions in favour of the claimant = (mediation cases accepted and rejected - referral to the NEM - Refusals by the subsidiary)/(mediation cases accepted and rejected)	95.5%
	% of solutions in favour of the claimant = % satisfied with the Mediator for the ENGIE Group's intervention	90%
	% of disputes resolved amicably = mediation cases accepted/(mediation cases accepted and rejected)	89%

Satisfaction of the claimant, a constant concern

Every year since 2009 the ENGIE Group's Mediation team has surveyed claimants to measure their degree of satisfaction about the handling of their cases. These are the main results.

For claimants whose referrals were processed (a 59% response rate, 193 responses out of 327 investigations), we were able to analyse their degree of satisfaction concerning:

- processing time: 82% in 2020 (against 74% in 2019);
- comprehension of their dispute: 91% in 2020 (against 84% in 2019);
- the quality of discussions while their case was being examined: 90% in 2020 (against 86% in 2019);
- the quality of the solution put forward to resolve the dispute: 77% in 2020 (against 69% in 2019).

Broadly speaking, the rate of satisfaction with the Mediator's intervention is still high and steady compared with 2019: 90% of claimants were satisfied with the mediator's intervention (against 86% in 2019, 84% in 2018, 85% in 2017 and 75% in 2016).

The improvement in consumer satisfaction was mainly due to the commitment shown by the Mediation team in resolving the requests, while claimants were more demanding.

Lastly, 86% of claimants (against 74% in 2019 and 76% in 2018) said they would recommend the Mediator to their family circle.

This level of demands on the Mediation service explains why 89% of claimants accepted the proposed solution to their dispute.

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7

an e-mail in the name of the ENGIE Group's Consumer Mediation service and 45% from the online form simplified at the end of 2019.

The percentage of solutions in favour of the claimant¹ held steady at 96.1% (against 96.9% in 2019). This percentage is consistent with the reasoning set out in the 2015 activity report as presented in February 2016 to the Consumer Mediation Assessment and Control Commission. When the claimant and supplier accept the solution proposed by the Mediator, it is adopted in most cases. There were only 16 cases in which the solution was not adopted in 2020. They concerned claimants in disagreement with the proposed solution who either abandoned their claim or referred it to the NEM.

As for ENGIE entities, they apply 100% of the solutions proposed by the ENGIE Mediator. On the other hand, if one considers that the percentage of solutions proposed in favour of the claimant reflects satisfaction in the Mediator's work, the percentage is 90% (see the ENGIE Group Mediation service's 2020 satisfaction survey).

That is why the mediator suggests that this percentage should be defined more precisely and standardized in a future version of the 2015 decree.

1. See the corresponding criterion in the table entitled "Quality criteria of decree 2015-1382 dated 30 October 2015" p. 26.
2. 458 taking into account rejected mediation cases.

Agreement between the National Energy Mediator and the ENGIE Group's Consumer Mediator

As provided for by the agreement between the National Energy Mediator (NEM) and the ENGIE Group's Consumer Mediator, an assessment was made of its operational implementation, as is done every year since it was signed. The agreement's provisions included:

- each Mediator highlighting the contact details of the others to inform consumers of their possible options of recourse and choose their mediator;
- reciprocal referral of cases they cannot handle because they fall outside their remit;
- an annual assessment of the agreement and publication of the assessment in each mediator's annual report.

All these criteria have been met, as:

> Concerning the highlighting of their respective contact details:

- both mediators refer to the other on their website;
- they have put the signed agreement online;

● in addition, the ENGIE Group's Consumer Mediator has informed claimants who apply to him, both in these replies by post and by e-mail, that if they refuse the proposed solution they can also refer their case to the National Energy Mediator.

> Concerning cross-referrals, there were fewer than last year:

- the mediators have referred cases outside their remit to the other mediator;
- they have also queried each other, and referred cases where relevant, when claimants have submitted their case to both of them simultaneously;
- lastly, and as also provided for by the Energy Code (article L. 122-1), the National Energy Mediator has handled the cases of claimants who applied to him because they disagreed with the amicable solution proposed by the ENGIE Group's Consumer Mediator.

More specifically, the following cases were transferred in 2020 (Source: ENGIE Group's Consumer Mediation service and NEM):

Transfers	Outside remit/ competence	Claimants who applied to two mediators in parallel or whose case was first submitted to the NEM	Claimants submitting their case to the NEM after mediation by ENGIE
From the ENGIE Mediator to the NEM	2 (changes in supplier or another supplier involved)	6	16 (source: NEM)
From the NEM to the ENGIE Mediator	3 (source: NEM)	0	

Committed to progress

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“Helping inspire confidence in the functioning of the common market”

The views of Jean-Pierre Hervé, Consumer Mediator for the ENGIE Group, on the efficacy of the recommendations process, a driver of progress for the entire ENGIE Group.



Jean-Pierre Hervé

CONSUMER MEDIATOR
FOR THE ENGIE
GROUP


Nearly 290 general recommendations have been made since 1999 by the ENGIE Group's Mediation service”

For over twenty years now the ENGIE Group's Consumer Mediation service has understood the significance of playing a part in ENGIE's progress. It has thus made nearly 290 general recommendations since 1999, including those in respect of 2021. Another instance of efficacy in this improvement process: we regularly meet with the divisions of the ENGIE Group these general recommendations concern in order to convince them of our proposals: the company can then choose how to implement the recommendation in practical terms, as long as the new process avoids the disputes in question. Naturally, at first the company was reluctant to accept proposals that did not stem directly from itself, from its own existing quality process, but from an independent third party like the Mediation service. But the customer-centric approach it has adopted has smoothed out this aspect. The Mediation service notes that nowadays, and for several years now, our proposal for progress is very positively received: the proof of this is that the vast majority of them are adopted and implemented. For 2020, the ENGIE Group's Mediation service made 15 general recommendations. And the 7 made in 2019 have been fully implemented to date.

My experience as Mediator since 2014 allows me to affirm that the fact that the consumer mediation process can indirectly (on account of his independence) play a part in the company's improvement process, without it being part of its quality control system, makes it particularly effective, in particular for the benefit of consumers in Europe.

There is distinctive feature of consumer mediation that constitutes its originality, but above all its strength and benefits, both for consumers and for companies: the Consumer Mediator can make general recommendations to the company to avoid the recurrence of common disputes he has encountered! And the ENGIE

Group's Consumer Mediation Service fully embraces this approach.

An approach that is not open to mediation in general. And one that from this point of view makes consumer mediation particularly effective. In two respects: firstly by the fact that differences are settled through an alternative dispute resolution process filed by the Mediator with an independent national commission, a process governed by regulations (9 out of 10 cases are settled the ENGIE Group's Mediation service). Secondly, by the fact of indirectly contributing to the company's quality improvement and progress cycle. The European Commission has perceived the benefits that consumer mediator can

bring to help improve the processes put in place by companies and professionals. And thereby help inspire confidence in the functioning of the common market. And the transposition into French law of this possibility wanted by Europe gives the consumer mediator this right: “The mediator also puts his annual report activity report with the following information at the disposal of the public on his website or sends it on request: 1° The number of disputes referred to him and their subject-matter; 2° The most common questions encountered in the disputes submitted to him and his recommendations for avoiding them; 3° etc.” (article R. 614-2 of the Consumer Code).

In 2020, the recommendations were properly implemented

All year long the Mediator discusses with the ENGIE Group's divisions and with consumer organizations to define areas for improvement of the company. The outcomes of measures based on the recommendations made by the ENGIE Group's Consumer Mediation service in 2019 are very encouraging, as all the divisions concerned stated that they intended to follow them.



- 88% of the recommendations made in 2019 have already been applied
- 12% of the recommendations made in 2019 are in the process of being implemented

FRANCE PARTICULIERS*

CUSTOMER CARE, ADVICE AND GUIDANCE, COMPLAINTS FOLLOW-UP

“No longer draft letters that are too succinct when replying to the consumer service”



BILLING & CONSUMPTION

“Re-examine the process for inverting supply, usage or estimation points, to avoid errors and shorten processing time”



FRANCE PARTICULIERS*

BILLING & CONSUMPTION

“Show the change of meter on the bill”



CUSTOMER RELATIONS

“Train advisers on the Elec Weekend offer”



* France Particuliers covers the following consumer subsidiaries for energy supply offers: DGP (Consumers), DTR (Regulated Tariffs) and Happ-e.

ENGIE HOME SERVICES

CUSTOMER CARE, ADVICE AND GUIDANCE, COMPLAINTS FOLLOW-UP

“ENGIE Home Services must create a red circuit when the dispute involves more than four service call-outs”



ALL DIVISIONS

CUSTOMER CARE, ADVICE AND GUIDANCE, COMPLAINTS FOLLOW-UP

“Systematize a proposed solution in the reply to the mediation service's request for evidence”



ENEDIS

CUSTOMER RELATIONS

“Quickly inform customers when a Linky meter is not (yet) transmitting”



Targeted and relevant recommendations

In 2020 most of the reasons for cases referred to the Mediator for ENGIE supplier cases were the same as those in 2019. Review of the recommendations inspired by scenarios encountered by the Mediation service in 2020.

BILLING AND CONSUMPTION

ENEDIS

"If a meter reading appears to be inconsistent, Enedis should alert the customer before correcting the reading."

Observations

Following a meter reading, if the figure appears to be inconsistent compared with previous usage readings, the distributor proposes and records an estimated reading.

Recommendation

When a physical reading is taken, the figure should only be estimated if the claimant has already been alerted of the correction. It would thus be preferable for the Mediation service to publish the reading directly, so that any problem on the indoor installation is known and detected as soon as possible, to avoid any loss both for the claimant and for the supplier.



Consumer Division (DGP)

"Facilitate the interpretation of supplier ENGIE's 'Ma conso' service for the customer."

Observations

The "Ma conso" service offered by supplier DGP assists customers in controlling their consumption. The transmitted data must be clearly explained to reduce customers' interpretations.

Recommendation

Improve the display of information concerning the "Ma conso" service for the WE offer. In order to facilitate the reading of daily data in this "Ma conso" service, guide the claimant to the Enedis site for an up-to-date daily reading or tell the claimant that the daily consumption recorded by Enedis is not uploaded to the supplier's information system "in real time". As a result, in certain periods daily consumption is calculated as monthly consumption divided by the number of days, in particular when the supplier has not received the readings transmitted by the Linky meter due to a technical transmission hitch.



France Particuliers*

"For disputes involving complex billing, insert a detailed statement of account in the reply to the Mediation service requests for information."

Observations

ENGIE Particuliers (residential customers) takes some time to draft replies to the Mediation service (between 3 and 6 weeks on average). While statements of account are needed to devise a proposal for a solution, certain cases involving complex billing can slow down the Mediation service.

Recommendation

At our request and for the most complex cases, ENGIE Particuliers will attach a statement of account to the reply to the Mediation service's request for evidence, which is likely to improve the Mediation service's case processing times.

*France Particuliers covers the following consumer subsidiaries for energy supply offers: DGP (Consumers), DTR (Regulated Tariffs) and Happ-e.



BILLING AND CONSUMPTION

ENERGY EFFICIENCY PREMIUM

GRDF

“In the event of a prolonged fault on a Gazpar meter, in particular on the readings transmission function, introduce a process at GRDF that ensures that real readings are produced for billing purposes.”

Observations

The lack of a read reading over a long period when Gazpar meter is installed but cannot be read remotely or accessed generates bills that can be underestimated. The distributor only took readings sent by the claimant into account. The billing does not reflect actual consumption and in due course causes payment difficulties where as the distributor is under an obligation to produce actual readings and take the consumer's readings into account.

Recommendation

Secure the process in the event of a fault on the transmitting part of Gazpar meters; in the event of prolonged faults, organize real (physical) readings and/or accept the readings taken by the customer to ensure correct billing.



DGP (Consumers), DTR (Regulated Tariffs)

“Improve application of the French energy transition law (LTE), in particular by billing adjusted consumption of distributor GRDF without waiting for the next cyclical bill.”

Observations

The distributor can at any time issue natural gas adjustment flows to supplier ENGIE, in accordance with the law. And yet, depending on the date on which such flows are taken into account by supplier ENGIE, this adjusted consumption may be subject to the French energy transition law (LTE) if the bills arrive belatedly, in particular for customers billed annually.

Recommendation

The supplier must include adjustment flows in its annual billing without waiting for the (annual) cyclical bill. This is to avoid having to cancel consumption in respect of the 14 months of the LTE.



Consumer Division (DGP)

“State more clearly the formal requirements for refusing an application for energy efficiency premiums.”

Observations

The dedicated site and the correspondence with the applicant for energy efficiency premiums must restate more clearly the consumer information concerning the du maximum deadline (additional deadline of 7 months or a total time limit of 10 months) for submitting a complete and compliant application.

Recommendation

On the relevant page of the dedicated site and a receipt of the application (within 3 months): state the information required with the required degree of precision, on pain of refusal, and the additional allotted time of 7 months (or a total time limit of 10 month) submitting a complete and compliant application.



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15

recommendations
were made in 2020.

CUSTOMER CARE, ADVICE AND GUIDANCE, COMPLAINTS FOLLOW-UP

GRDF

“When the gas supply is cut off due to climatic events, the distributor must so inform the customer.”

Observations

Distributor GRDF intervenes during a natural disaster to cut off the gas supply of meters as a safety measure. When the danger has passed, the technicians visit residential customers to reactivate their meters. If customers are absent, they must leave documents in their letterbox warning them that their gas supply has been cut off and that they should get in touch with the distributor to have it restored. When the situation returns to normal, it is up to the customer to contact the distributor. Sometimes customers do not understand because they do not know why their home gas supply has been cut off.

Recommendation

When a home's gas supply is cut off for climatic reasons, the distributor should warn the customer by e-mail, text message or letter and send a follow-up message one month later if the customer still has not contacted the distributor. Furthermore, sending an e-mail, text message or letter ensures that the distributor has written proof that it duly warned the customer of the gas cut-off and the reasons for its intervention.



Consumer subsidiaries

“Improve the complaint circuit with professionals to avoid the Mediation service having to substitute for a complaints service.”

Observations

The Mediation service processes a large number of referrals for consumer mediation that in fact are complaints.

Recommendation

Professionals must improve their complaint circuit to avoid referrals to the Mediation service further to complaints without any proof of a prior attempt to resolve the issue or a lack of response to written complaints within two months.



ENGIE HOME SERVICES

“Cut the time taken to implement the Mediation's service solutions accepted by claimants.”

Observations

In a number of disputes between a consumer and ENGIE Home Services that go to mediation, when the solution has been accepted and the letter closing the mediation case has been sent for implementation, we note that the agency can take several weeks (at times five or six) to acknowledge the Mediation service's conclusion then another five to six weeks to repair or compensate. So the claimant can wait for nearly three months for the accepted solution to be implemented. This lead time seems abnormally long to the Mediation service and leads to a loss of confidence and disappointment on the part of the consumer. At times the beneficial effect of mediation in restoring the commercial relationship is thus wrecked by this long lead time.

Recommendation

The Mediation service's recommendation is that the letter closing the mediation case should be processed by the agency the dispute concerns within no more than five working days from receipt of the letter. And that the circuit for implementing the solution should be optimized (call back the customer and make an appointment within one week if this is part of the solution, strive to cut compensation payment times to a maximum of one month).



“

We regularly meet with the divisions of the ENGIE Group these general recommendations concern in order to convince them of our proposals”

Jean-Pierre Hervé

CONSUMER MEDIATOR
FOR THE ENGIE GROUP

CUSTOMER CARE, ADVICE AND GUIDANCE,
COMPLAINTS FOLLOW-UP

CONTRACT

ENGIE Solutions

“The ENGIE Solutions site should provide clearer information on the complaint circuit and the possibility of referral to the Mediator for the ENGIE Group, avoiding premature referrals.”

Observations

There is a customer complaint form on the ENGIE Solutions website. The complaint circuit is not presented and the possibility of referral to Mediator for the ENGIE Group is not easy to discern. Such lack of information can lead to appeals for mediation being sent to the Bercy Business Mediator. Such appeals are thus regularly forwarded to us by the Bercy Business Mediator.

Recommendation

ENGIE Solutions must improve its information on the complaint circuit on its website so that companies can appeal to the ENGIE Group's Mediation service more easily and intuitively without going through other mediation bodies, and for all that avoiding premature referrals that circumvent the complaint handling levels.



Consumer Division (DGP)

“Explanation of the inversion of a supply point (PDL in French).”

Observations

Inversions of supply points (PDL) can occur when a contract is activated. This gives rise to underbilling or overbilling of the claimant, inasmuch as the bills no longer reflect the energy supplied to the billed customer. The fact is that, like an address, each supply point corresponds to a single home and thus identifies the point of delivery and electricity usage. Consequently, a PDL inversion results in billing the electricity usage of another home and gives rise to underbilling or overbilling of the customer actually billed. Customers don't understand this complex technical situation and should be better assisted by distributors and suppliers to avoid disputes. Consumers must understand how the situation has been restored, and why the rebilling is not unfair, more particularly with regard to application of the French energy transition law (LTE).

Recommendation

When an inversion of a PDL is detected, the Mediation service proposes that the supplier provides a detailed explanation of the inversion in writing and corrects its billing. The correction must be done in accordance with the LTE, which limits billing adjustments to the 14-month period preceding the last meter reading, when this applies. Sending a corrected bill without an explanation does not suffice.



Consumer Division (DGP)

“When a joint holder is added to an energy supply contract, the supplier must obtain the written agreement of the joint holder.”

Observations

The claimant took out several contracts on his customer account due to different house moves and requested joint holders to be added to his contracts. The supplier thus added the joint holders to the contract, as requested by the claimant. However, the joint holders were not asked to confirm in writing their willingness to be joint holders. Similarly their signatures, nonetheless essential for subscribing, were not obtained.

Recommendation

When a customer wishes to add a joint holder to his or her contract, the supplier must obtain the written agreement of the joint holder. The joint signatures of the two obligors is essential and formally records their consent, in particular that of the new joint holder.



CONTRACT

ENGIE HOME SERVICES

“Better promote the servicing and maintenance offer to property letting agencies.”

Observations

EHS offers consumers servicing and maintenance contracts for their residential properties. Such contracts include restrictive conditions only in favour of residential customers. “Professional” persons benefit from such contracts for rental properties. However, in the event of a fault, even though such contracts include no clause providing for compensation for loss of revenue, certain customers claim such compensation during prolonged breakdowns of boilers, which is impossible. The presentation of the offer for residential customers must also clearly target this market segment.

Recommendation

EHS could better promote its servicing and maintenance offer for energy equipment intended for professionals, in particular for property rentals, to avoid any compensation for lost revenue not provided for in the residential customers' offer.



Consumer Division (DGP)

“Taking the date of dispatch into account to verify allotted times.”

Observations

When a customer signs a contract and returns it to the supplier, there are cases where the contract is received rather belatedly. Therefore, ENGIE sometimes decides to consider a contract application invalid due to the belated receipt of the contract with regard to the allotted time limit.

Recommendation

So ENGIE should check that the deadline of signing the contract is met by referring to the date of issue of the contract signed by the customer, not the date of receipt by ENGIE. The idea is that the customer should not be held responsible for postal delays.



ENGIE HOME SERVICES

“Formalize by contract the address for correspondence of a customer renting out his or her property to a third party.”

Observations

In the absence of an address-for-service clause (or e-mail address), when a person signs a contract for a specific property, correspondence (advance notices and non-delivery notices) must be sent to the said address for it to be binding on the person, and not to the address of the property.

Recommendation

When the owner of a property rented out to a third party has signed the boiler servicing contract, the said owner must stipulate that “all correspondence concerning such services should be sent to the address of the installation unless specifically stated otherwise by the customer”.



Committed for the future

3
7

The Mediation service's sources and resources

The views of Jacques Salzer, senior lecturer retired from the university of Paris-Dauphine and from Cnam, on the place of mediation in society.

To err is human. Injustice and unfairness should not be human. And yet, they too are human. How to remedy?



Jacques Salzer

SENIOR LECTURER RETIRED FROM
THE UNIVERSITY OF PARIS-DAUPHINE
AND FROM THE CNAM.

“
**The intermediary
can make a safe space
and available time”**

3
8
Strange is the destiny of the word mediation that, like a sea serpent, seems to disappear then reappear and regain ground in history. Let's allow ourselves the fantasy of considering a selection of words that shed light on what mediation can achieve before returning to its use in the rigour and policies of organizations in search of a balance acceptable to all.

Language, according to Aesop (6th century BC), can be the best and worst of things. Language can give rise to and fuel conflicts through the meanings and interpretations give to the same words, on the basis of everyone's personal history, both in everyday life and in contracts and their applicability. Words, whether spoken or written, can also repair and restore equity.

The root of the word “mediator” (med-) in Ancient Greek meant “in the middle”, “between”... It is incorporated into a number of socially valued words, which refer to health care and carers: doctor (between the patient and the illness), medical and remedy to remedy the illness.

It evokes for us the function of all services rendered by intermediaries (when there are not too many in

the chain). But without an intermediary, products cannot be distributed, there are no messengers, no diplomacy, no “Mr do-gooder”... It also evokes the function of time: the immediate, where we do not make time and respond immediately, compared with going through the mediate of processing time, thinking time and time for dialogue before a decision is made.

The media (between the world and the public) and the press inform us and make us think (there too if there is rigour in providing verified and verifiable information). As for “institutional mediators” (between companies and customers or users) and other consumer mediation bodies, recognized by the Ministry of Finance, 92 in France, they are at the disposal of their companies and

the latter's customers, to regulate them in their rights and duties. They ascertain whether laws and rules have been properly applied, but also, in particular cases of human destiny, should the law and the general rule become unfair, to adapt to particular cases. They also detect malfunctions in the organization, and can propose remedies for the benefit of everyone.

Let's look at the world. We then see, as I have had the opportunity to study and experience it, that this is a groundswell, like a culture of relations in search of solutions for a better life. This mediation movement has emerged elsewhere: in the family (couple, parents and children, inheritances, etc.), housing and the neighbourhood, joint ownership, schools and universities, working relationships, business relations between companies, the environment, politics (within and between parties), international relations and relations between political blocs, etc.

We shouldn't dream – we cannot change the world or balances of power in the decisions that lead this world – but let's dream too. If erring is human, if a decision has led to an injustice (the law and rules settle this) but also a lack of understanding or iniquity (not settled), so much the better if above or beside us a benevolent mediation service makes a point of being the go-between and explaining, making itself clear and where appropriate repairing the “between us” in the substance and in the relationship. Faced with pure confrontation in abrupt power relationships, the intermediary can make a safe space and available time to explain himself, before helping to make a better decision.

THE CHALLENGES OF MEDIATION

EEMG

In 2020, European energy mediators have maintained the link

3
9

Against a difficult backdrop IN 2020 when all European countries were hit by the health crisis, European energy mediators, members of a collective called the European Energy Mediators Group (EEMG), had to adapt their communication methods.

Their activity slowed down in the first half of 2020, as firstly they were all preoccupied about maintaining a remote activity that had to be adjusted and adapted, while seeing to the safeguarding and proper management of the teams. You will recall that the EEMG is an out-of-court resolution of disputes for 62 millions consumers in Europe. And in 2019, the Mediators of the EEMG received 12,500 referrals and acted as mediators in more than 3,600 cases, with a 75% rate of satisfaction. The EEMG nonetheless maintained its annual seminar, which was held remotely for the first time. On 8 October 2020, all the EEMG's members attended a videoconference that lasted nearly four hours. There were many items on the agenda. They started by sharing their results and the trends observed in the previous year and in the first half of 2020. Among other things, the predominance of billing issues and the expected increase in disputes about billing

and payment of bills further to the health crisis. Other topics also emerged: digitalization and the securement of communication systems, issues about installations and the maintenance of heating systems, or even disputes about own consumption.

Subsequently, some time was found to compare the way each country had been affected by the health crisis. On the whole, the mediation services in the energy sectors of European countries managed to adapt quickly and ensure continuity of business online. They encouraged claimants to refer to their Mediators online, as most of the work was done by home-working. Also observed was a 20% increase in mediation cases on average, varying according to country and period.

Lastly, the EEMG devoted some thinking to ways of maintaining the group's cohesion (and of meeting its requirements) and the link with European bodies in a context where physical contact is no longer possible and where the European activity takes place in a smaller circle.

Website

Improvements made in 2020

Every year, the ENGIE Group's Mediation service endeavours to improve its website to better serve consumers. Set up in 2014, the site has ever more visitors, with 120,070 pages read in 2020, up nearly 65% on 2019.

A new logo, a reduced and redesigned colour palette, white added for better legibility... The Mediation service's new design guidelines were applied to the site at the end summer 2020. Pages considerably modified? The less cluttered home page, from which the Mediation service's 20-year anniversary banner has been replaced with a message on the main characteristics of the ENGIE Group's Mediation service. The FAQ, a particularly popular page, has also been reorganized to facilitate searches. Furthermore, the option to access the referral process online has also been added with at least two entries each page. The referral form for its part has been simplified, the legal basis for personal data processing having been redefined and no longer requiring the prior consent of consumers referring their cases to the Mediation service.

In 2020, readers showed increasing interest in questions revolving around billing, payment deadlines, understanding consumption and



the options available in case of payment difficulties. These topics have indeed become particularly worrying for certain consumers who have seen their income diminish and their consumption increase during the lockdown period and due to home-working. It should also be noted that in 2020 consumers used mobile phones more than computers (54% vs 43%) to consult the Mediation service's site. So the team is always careful to verify the compatibility of developments and the rendering of the content on different types of device using different browsers.

Finally, still in 2020, the website suffered cyber-attack attempts; so the security of hosting of the site has been stepped up.

2021 will again be a year of major changes, with the migration of the website to a new Wordpress base, faster; more efficient and offering more graphics options. This project will be an opportunity to rework the site's visual rendering, by adjusting the design guidelines to incorporate the site's accessibility constraints for the visually impaired. Lastly, the referral form will be further enhanced, improvements that you will discover in the year!

65%

The rise in the number of pages read on the website in 2020 compared with 2019.



Surf on the Mediator's site

Public Service Mediators Club

Promoting quality mediation

The Mediator for the ENGIE Group is a member of the CMSP (Public Service Mediators' Club). He is this association's vice-chairman and secretary.

The Public Service Mediators' Club's members include 28 institutional mediators or mediators in government departments, major public services or social welfare organizations (see p. 42). In 2019, the mediator members of the Club received a total of 180,000 requests for mediation, breaking down as follows: 60,000 for the institutional mediators and 120,000 for consumer mediators.

The Club's mediator members share common values, principles and goals. In particular, demanding standards of quality for their mediation cases, always based on their independence, impartiality and neutrality, and due observance of very strict professional ethics and processes. The principle of free mediation, available to everyone as the last form of amicable resolution, also applies for all claimants. Furthermore, as a result of the requirement for accountability, each Mediator publishes an annual activity report. The common values and principles are set out in a charter, the reference standard for mediation as practised by the members of the Public Service Mediators' Club.



Read the Club's
charter

Communication

The Mediation service's asserted independence

This has been in the pipeline for some time; we made it a reality in 2020! The Mediator for the ENGIE Group wanted to assert his independence vis-à-vis the ENGIE Group more clearly: it's now done with his new visual identity.

While the ENGIE Group's Mediation service deals with commercial dispute, mainly between consumers and ENGIE Group subsidiaries, as far as consumer mediation is concerned it is only accountable to the Consumer Mediation Assessment and Control Commission (CECMC), an independent national commission emanating from the Ministry of the Economy, Finance and Recovery.

As the Mediation service is embodied by one person, the Mediator, accredited, moreover, by the CECMC, which lists him in the register of European Consumer Mediators for a term of 5 years, the new logo below has been proposed. The Mediation service has worked with a small agency to be in a position to propose a text that better reflects the Mediator's legitimate independence (which is one of the key conditions for his accreditation) and to strike a better balance for closer relations, but sufficiently differentiating, with the fact that the Mediation service only deals with disputes concerning the ENGIE Group.

This new logo has been an opportunity to rethink the entire design guidelines of the Mediation service and give the Mediator's website a thorough facelift to make it less cluttered, more modern and easier to use for consumers.

Le Médiateur
POUR LE GROUPE ENGIE



The detailed fact sheets of each of the Club's mediators



CLUB DES MÉDIATEURS
DE SERVICES AU PUBLIC



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Le Médiateur

POUR LE GROUPE ENGIE

To write to the ENGIE Group's Mediator:

Online by filling out the form available at
www.mediateur-engie.com

It's easy, free of charge and quick. You can attach all the supporting evidence required for your case.

By second-class post,
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