



Review of the Regulation of the Non-Domestic Energy Retail Market

Position Paper

31 May 2024



About the Utility Regulator

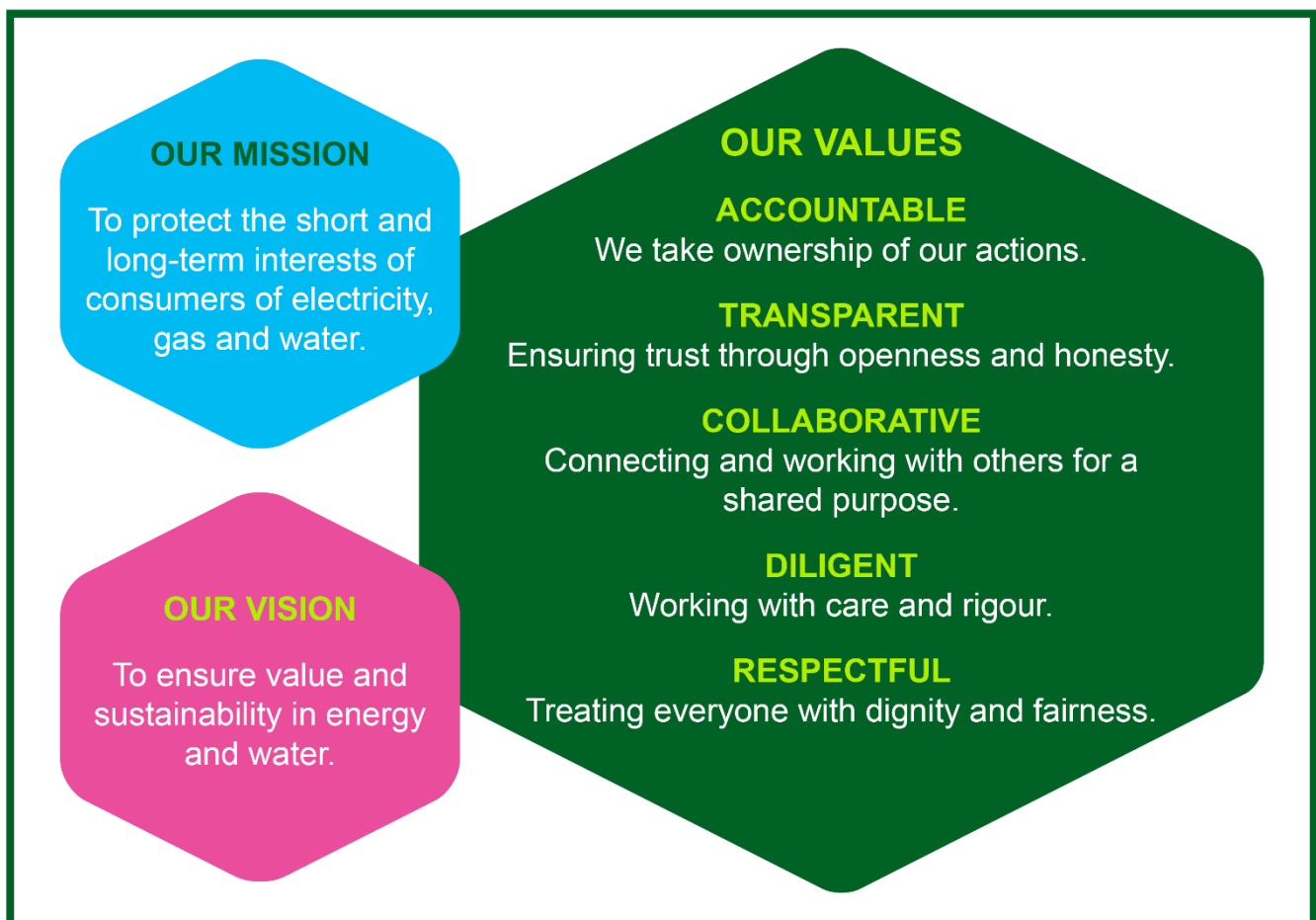
The Utility Regulator is the economic regulator for electricity, gas and water in Northern Ireland. We are the only multi-sectoral economic regulator in the UK covering both energy and water.

We are an independent non-ministerial government department and our main duty is to promote and protect the short-and long-term interests of consumers.

Our role is to make sure that the energy and water utility industries in Northern Ireland are regulated, and developed within ministerial policy, as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly.

We are based at Queens House in Belfast. The Chief Executive and two Executive Directors lead teams in each of the main functional areas in the organisation: CEO Office; Price Controls, Networks and Energy Futures; and Markets and Consumer Protection.





Abstract

In December 2023, UR published a Call for Input as part of the 'Review of the Regulation of the Non-Domestic Energy Retail Market'.

The aim of this piece of work was to identify areas where the existing regulations are inadequate and require strengthening or enhancement to provide sufficient protections to non-domestic consumers.

This paper summarises the stakeholder responses to the Call for Input. It outlines UR projects that will seek to remedy the gaps identified in the existing non-domestic regulatory framework, to ensure fair engagement and outcomes in the retail energy market for business consumers.

Audience

This document is likely to be of interest to a wide range of stakeholders, including non-domestic consumers, advice and protection agencies, non-domestic representative organisations, energy suppliers and the wider energy industry.

Consumer impact

The projects identified are expected to have a positive impact on non-domestic electricity, gas and water consumers. The costs and benefits of each project will be identified during the scoping phases of the individual projects.

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Executive Summary

In May 2023, UR committed to launching a 'Review of the Regulation of the Non-Domestic Energy Retail Market'. As part of this review, we undertook a programme of research to gather information on the non-domestic energy market in Northern Ireland in order to help identify key concerns and issues within the market.

Following the programme of research, a Call for Input (CfI) was published in December 2023 to formally commence the project. The feedback enabled UR to further explore the four areas of focus highlighted throughout our research. The findings are briefly summarised below:

- **Operation of Third-Party Intermediaries (TPIs):** TPIs were found to continue to play an important role in assisting non-domestic customers negotiate energy contracts by operating as an interface between suppliers and their customers. However, respondents highlighted concerns such as lack of transparency in pricing and commission earned.
- **Treatment of debt:** Responses suggested that the treatment of non-domestic consumers in debt remains a concern. Issues were highlighted such as lack of information and support available to those in debt, aggressive approaches to debt collection including threats of disconnection, and reluctance to offer reasonable payment plans, causing distress and harm to businesses.
- **Transparency and information:** Respondents raised several concerns in this area such as a lack of transparency and clarity of communications, unavailability of market information, lack of consumer market knowledge and understanding, and lack of engagement from consumers.
- **Contract terms:** Unfair contract terms and conditions remain an area of concern with highlighted issues such as long notice periods, lack of cooling off periods, high fixed-term deals and non-standard contract formats making it difficult for consumers to engage fairly.

Following responses to the CfI, we will address concerns within each of these areas of focus through a combination of (i) non-domestic specific projects or workstreams, (ii) broader consumer protection projects and (iii) areas of further research. The new CPP for 2024 – 2029¹ (CPP24), launched March 2024, for the first time included themes and projects aimed at enhancing consumer protection for non-domestic consumers. The table below maps each area of focus to the relevant project(s) within CPP24 (additional information on the CPP projects can be found in Annex 2)

¹ [Consumer Protection Programme: 2024-2029 - UR](#)

intended to address current concerns within that area. In these projects we will consider factors such as the size of the non-domestic business and we may frame remedies or actions accordingly.

Area of Focus	CPP Projects addressing area	CPP Project Ref #	Project start	Project end
Regulatory protection for engaging with TPIs	Third Party Intermediaries in the Non-domestic Retail Market	22	Y1 Q4 (Jan 2025)	Y2 Q4 (Mar 2026)
Treatment of non-domestic consumers in debt	Review of the Energy Supplier Codes of Practice	19	Y2 Q1 (Apr 2025)	Post CPP Mid review
	Consumer Energy Charter each Winter	18	Y1 Q3 (Oct 2024)	Y1 Q4 (Mar 2025)
Unfair contract terms and conditions	Improving Non-domestic Consumer Experience	23	Y1 Q1 (Apr 2024)	Y2 Q4 (Mar 2026)
Transparency and information	Energy Literacy Project	6	Y2 Q1 (Apr 2025)	Y3 Q4 (Mar 2027)
	Review of the Energy Supplier Codes of Practice	19	Y2 Q1 (Apr 2025)	Post CPP Mid review
	Improving Non-domestic Consumer Experience	23	Y1 Q1 (Apr 2024)	Y2 Q4 (Mar 2026)
	Non-domestic energy market forum	10	Y1 Q1 (Apr 2024)	Y1 Q4 (Mar 2025)
Areas of further research	Farming Sector (Engagement and Research)	12	Y2 Q1 (Apr 2025)	Y2 Q4 (Mar 2026)
	Domestic Consumers Supplied by Non-domestic Contracts	11	Y3 Q1 (Apr 2026)	Y3 Q4 (Mar 2027)

Stakeholder responses to the Cfl, the non-domestic energy market research, along with anecdotal evidence from stakeholders and consumers themselves, indicated that there were also potential new areas that would require research projects. These included the Farming Sector and domestic consumers supplied by non-domestic contracts. Research for these areas will be performed in years 2 and 3, respectively, of CCP24.

It is intended for this programme of work to remain flexible and adaptable to changing circumstances when necessary. Therefore, the scope of work will be reviewed periodically and will not be limited to the four areas identified. In addition, the CPP24 includes a mid-term review point during year 3 of the programme to allow adaptability to fit changing circumstances, where necessary, and to be responsive to

consumer needs as they emerge. This review will establish the workplan for years 4 and 5.

1. Introduction and Background

- 1.1 Protecting consumers is at the heart of the Utility Regulator’s (UR) role and we pursue this, where appropriate, through promoting effective competition in the Northern Ireland energy markets. UR operates to ensure consumers are adequately protected in these markets through competition, alongside regulation if that competition is not deemed effective enough to adequately protect consumers.
- 1.2 UR’s Consumer Protection Programme (CPP) has played a pivotal role in ensuring domestic consumers in Northern Ireland are protected. The CPP is a central element of our Corporate Strategy and is our principal vehicle to deliver positive outcomes for electricity, gas, and water consumers in Northern Ireland.
- 1.3 The new CPP for 2024 – 2029² (CPP24), launched March 2024, for the first time included themes and projects aimed at enhancing consumer protection for non-domestic consumers. This change reflects our enhanced focus on issues facing non-domestic consumers as the organisation reshapes to meet the current and future challenges of the energy market in Northern Ireland.
- 1.4 In May 2023, UR committed to launching a ‘Review of the Regulation of the Non-Domestic Energy Retail Market’. As part of this review UR undertook a programme of research to gather information on the non-domestic energy market in Northern Ireland, in order to help identify key concerns and issues within the market. This research included:
- a non-domestic Tracker Survey published in May 2023;
 - a series of structured interviews performed from September to November 2023; and
 - a desk-top research exercise assessing the current regulation of the non-domestic energy market in GB.
- 1.5 Based on the programme of research, a Call for Input (Cfi) was published in December 2023, formally commencing UR’s ‘Review of the Regulation of the Non-Domestic Energy Retail Market’³ aiming to help shape the future regulatory framework for non-domestic consumers.

² [Consumer Protection Programme: 2024-2029 - UR](#)

³ [Review of the Regulation of the Non-Domestic Energy Retail market: Call for Input - UR](#)

Strategic Aim and Objectives

1.6 The strategic aim of this review was to:

Identify and remedy gaps in the existing non-domestic regulatory framework to ensure fair engagement and outcomes in the retail energy market for business consumers.

1.7

1.8 This aim aligns with UR's Corporate Strategy 2024-2029⁴: 'Strategic Objective 4 - Providing the highest level of consumer service and protection.'

1.9 In order to achieve the Strategic Aim, the 'Review of the Regulation of the Non-Domestic Energy Retail Market' had the following objectives:

1. **INFORM** stakeholders of the high-level findings of the recent research related to the non-domestic energy retail market in Northern Ireland;
2. **GATHER** a broad spectrum of information relating to the current regulation of the non-domestic energy retail market in Northern Ireland;
3. **IDENTIFY** any areas where the existing regulations are inadequate or need strengthened to provide sufficient protections to non-domestic consumers;
4. **DEVELOP** a range of options for measures which could be implemented to strengthen the protections for non-domestic consumers (if required). These may range from measures which could be implemented promptly, or alternatively the identification of longer-term projects that may require further investigation (i.e. identifying future CPP projects);
5. **CONSIDER** the regulatory policy implications of any such measure (such as the requirement for consultations, licence modifications, and / or amendments to Codes of Practice); and
6. **IMPLEMENT** any required changes and monitor outcomes.

Scope

1.10 This review focused on the experience of all non-domestic consumers of both gas and electricity; including all sizes and sectors. However, the scope was flexible for refinement as the project progressed, should evidence indicate that particular consumer groups required additional consumer protection measures or research.

⁴ [UR Corporate Strategy 2024 – 2029](#)

1.11 As the focus of the review was the retail energy market in Northern Ireland, we expected outcomes to be primarily focused on the protections afforded to non-domestic consumers through supply licence conditions and related supplier Codes of Practice.

Call for Input

1.12 The purpose of the Cfl was to gather responses from a wide range of stakeholders on the questions posed within the paper; particularly from non-domestic consumers, business consumer advice and protection agencies, Business Representative Organisations, energy suppliers, and the wider energy industry.

1.13 In the Cfl, we set out the four areas of focus where the existing regulations may be considered inadequate or to need strengthened to provide appropriate protections to non-domestic consumers:

- Operation of Third-Party Intermediaries (TPIs);
- Treatment of debt;
- Transparency and information; and
- Contract terms.

1.14 The four areas had been highlighted to us through our research and interviews with Business Representative Organisations. While we focused on gathering views on these areas, we encouraged any other relevant input.

1.15 Eight non-confidential written responses to the Cfl were received from the following organisations:

- Consumer Council (CCNI)
- Firmus Energy (FES)
- Flogas
- Federation of Small Businesses (FSB)
- Hospitality Ulster
- Power 2 Business
- Power NI
- SSE Airtricity

1.16 A copy of each respondent's full submission has been published alongside

this paper and can be found on our website (uregni.gov.uk).

Structure of this Paper

- 1.17 Section 1 of this paper outlines the strategic aim, objectives, and scope of the 'Review of the Regulation of the Non-Domestic Energy Retail Market'.
- 1.18 Section 2 provides a summary of the responses received to the CfI and UR comments.
- 1.19 Section 3 establishes our position on the areas of focus and outlines the projects and research that aim to address concerns within these areas, as well as our next steps.

2. Summary of Call for Input Responses

2.1 This section contains a summary of the responses received in relation to each question posed to stakeholders. The summary of the responses to each question is also followed by 'UR Comment' which provides a view on the responses and identifies the areas which may require further review or research. Section 3 expands upon these areas and provides detail on the CPP24 projects that will address these concerns, and any next steps.

2.2 The UR Comments below describe how we will address each area of concern through three paths introduced within CPP24:

- **Path 1: Non-domestic specific projects / workstreams** – New non-domestic specific projects.
- **Path 2: Broader consumer protection projects** – Non-domestic consumers being given consideration and having issues addressed under a range of wider projects.
- **Path 3: Areas of further research** – Specific areas or consumer groups have been highlighted throughout the course of the review where more research is required.

2.3 A number of CPP24 projects are referenced below, further information on the delivery timelines associated with these can found in Annex 2 - Delivery Plan for Years 1 – 3.

Approach

Question 1. Do you agree with the four areas of focus identified in this paper? Please provide any additional information to support your view, including any additional areas that you consider should be of focus.

2.4 All respondents agreed that the four themes identified in the Cfl were appropriate areas for UR to focus our non-domestic work. However, one respondent stated their concern that the paper did not address how the areas would be prioritised.

2.5 Some respondents suggested additional topics for inclusion such as reasons for consumer unwillingness to switch, understanding the views of non-domestic consumers on green energy, attitudes to prepayment options, and concerns over the use of the market message system by suppliers which stops sites moving.

2.6 Another respondent suggested that there were other topics for consideration

in the non-domestic market outside of consumer protection such as decarbonisation and electrification.

UR Comment

- 2.7 We welcome the support of respondents for the four areas of focus identified in the paper and have taken on board the various comments made in relation to additional topics.
- 2.8 We acknowledge that consideration must continue to be given to decarbonisation targets and this will be addressed in CPP24 projects such as 'Supporting the Just Transition to Net Zero' and wider UR workstreams in both the Forward Work Programme and the new UR Corporate Strategy.
- 2.9 Following review of responses, we have prioritised our work areas for the next three years as set out in the CPP24 decision paper and explained in Section 3 (the CPP24 delivery plan is included in Annex 2).
- 2.10 In terms of other areas highlighted, the scope of UR's work will not be limited solely to the four areas identified. It is our intention to maintain a flexible programme of work that can adapt to fit changing circumstances when necessary, therefore we will keep these under review for any issues arising. The programme of work in CPP24 has been set out for the next three years and at the end of year three we plan to conduct a mid-term review of the programme to ensure that we can develop workstreams and projects for the remaining two years that are relevant and responsive to consumer needs as they emerge.

Question 2. Do certain groups of customers require specific additional levels of protection (e.g. small and medium sized businesses) beyond what is currently provided? Please provide your rationale.

- 2.11 Most respondents (five out of the seven that addressed this question) suggested that certain groups of customers do require specific additional levels of protection. Three respondents stated that there is a particular need for smaller non-domestic consumers to receive additional levels of protection. Several respondents commented that Large Energy Users have additional resources that they can allocate to energy management resulting in increased engagement, knowledge and oversight of their energy consumption.
- 2.12 It was noted by one respondent that protection is already in place through the relevant Codes of Practice (CoP), but it was suggested by several others that there are opportunities for additional protections to be provided.
- 2.13 Another respondent commented that there is a need for tariff transparency

and CCNI confirmed that awareness and use of the CCNI's small business tool remains low. It was suggested that publication of non-domestic tariffs on suppliers' websites would provide an additional source of information for the small non-domestic consumer and could make the market more competitive.

- 2.14 One respondent noted that careful consideration is needed prior to introducing new levels of protection to ensure that it encourages consumers to continue to engage directly with suppliers rather than assuming that full protection is provided by regulation.

UR Comment

- 2.15 We understand the concerns outlined above. The findings of the latest Non-domestic Consumer Insight Tracker⁵ found that 61% of small and medium sized businesses were not aware of the minimum standards of customer service. This lack of knowledge suggests that these consumers may require additional regulatory support. Also, in several of our interviews with Business Representative Organisations we were informed that small businesses, in sectors such as hospitality in particular, had a similar level of resources and understanding of the energy market as domestic consumers.
- 2.16 Therefore, we will take into consideration factors such as the size of the business consumers at the project level to ensure that the levels of protection provided to different groups of consumers is adequate. These concerns will be addressed through Path 1 (CPP24 Project Reference 23), and further detail can be found in Section 3.

Question 3. Is the current level of competition in gas and electricity retail markets sufficient to produce positive outcomes for non-domestic consumers? i.e. around matters such variety of contract offers, tender responses, supplier service, etc. Please provide any additional information to support your view.

- 2.17 Out of the six respondents that addressed this question, five felt there was a sufficient level of competition while one noted that there was sufficient competition within retail electricity markets but not within gas retail markets.
- 2.18 One respondent highlighted issues with the competitive environment due to lack of consumer knowledge, understanding and switching ability. Another also expressed concern around the lengthy timeframe associated with changing supplier.

⁵ [2022 Non-Domestic Consumer Insight Tracker Survey - UR](#)

2.19 CCNI suggested that non-domestic tariff transparency should be mandated by UR. Furthermore, it stated that there should be an increase in the frequency of tariff updates provided by suppliers to CCNI for use in their business tool. This would enable non-domestic customers to make more informed decisions, as currently CCNI does not have the information or powers to ensure that the small business tool is being updated appropriately.

UR Comment

2.20 We acknowledge that the majority of respondents were content with the level of competition present in energy markets for non-domestic consumers. Competition is an area that UR will keep under constant review through our market monitoring.

2.21 In terms of market monitoring, in our Forward Work Programme 2024-2025 we committed to completing a review of the monitoring of retail electricity and gas markets. Here we will undertake a review of the metrics used in the reports, and design enhanced publications, with a view to including additional information that will improve transparency in the retail market across both domestic and non-domestic.

2.22 We note the concerns raised over tariff transparency, and this is an area we have committed to review under CPP24 (Path 1: Project References 10 & 23; Path 2: Project References 6 & 19). Further detail on this can be found in Section 3.

TPIs / Brokers

Question 4. Do non-domestic consumers require regulatory protection when engaging with TPIs in the energy market in Northern Ireland? Please provide any information to support your answer.

2.23 This question garnered a mixed response. Of the six respondents that addressed the question, half agreed that non-domestic consumers require regulatory protection when engaging with TPIs in the energy market in Northern Ireland.

2.24 Of the respondents that agreed that additional regulatory protections were required, it was suggested that there are issues in relation to transparency of pricing and commissions earned when acting on behalf of non-domestic customers.

UR Comment

2.25 In terms of the overall views of TPIs from our research, some respondents held a generally positive view, stating that they are a valuable tool and have

an important role in supporting businesses and providing them with information to enable them to find suitable energy contracts and related services. However, other respondents expressed concerns over transparency of tariffs and commissions.

- 2.26 In relation to the question of enhanced regulatory protections, we note that there was support for further protections expressed by a variety of stakeholders; including Business Representative Organisations, suppliers and a TPI.
- 2.27 It is essential that all consumers are adequately protected throughout their engagement with TPIs to ensure fair outcomes. We have committed to undertake a piece of work exploring the role and impact of TPIs in the Northern Ireland energy market (Path 1: CPP24 Project reference 22). Further detail on this can be found in Section 3. This work will further build on the research, consultation and subsequent decision published in 2018⁶. We will also continue to monitor the progression of TPI work by Ofgem⁷ and acknowledge that further research may be required in Northern Ireland.

Question 5. If you answered yes to Q4, what additional protections do you feel would benefit non-domestic consumers in Northern Ireland? Please provide examples to support your answer where necessary.

- 2.28 Respondents suggested a number of additional protections for consumers to cover perceived current inadequacies such as transparency and clarity of bills, contracts, commission, the best deal available and knowledge of who should be contacted regarding specific issues.
- 2.29 One respondent suggested that there is a risk that TPIs could potentially prevent small businesses from knowing what the best deal is for them.
- 2.30 Several respondents suggested the introduction of a voluntary CoP for TPIs (if a mandated CoP was not possible). However, one supplier noted that regulated suppliers are subject to the existing Marketing CoP for Non-Domestic Customers which ensures customers are correctly sold the product that they signed up for, and therefore the customer should receive the same level of detail from a TPI as they would through a direct sale.
- 2.31 One supplier asked for consideration to be given to the scheme introduced by Ofgem in Great Britain (GB); where suppliers must only work with TPIs that are registered with a qualifying alternative dispute resolution scheme

⁶ [Third Party Intermediaries in the Retail Energy Market Decision – UR](#)

⁷ [Final impact assessment on non-domestic market review policy changes – Ofgem](#)

and are registered with the Energy Ombudsman.

- 2.32 Two respondents stated that where a TPI is being paid a commission by the supplier that this should be detailed in both the letter of authority for the TPI to act on behalf of the client and the supply contract. One supplier also suggested that publication of commissions should be mandatory on bills.
- 2.33 A supplier objected to the inclusion of commission in any contractual documentation for the customers (which is stipulated in the voluntary code recently released in GB) as it felt it should not be the responsibility of the supplier to “police” any relationship between the customer and TPIs.

UR Comment

- 2.34 The development of additional protections for non-domestic consumers engaging with TPIs will require further consideration. As highlighted above, we intend to undertake a piece of work that will explore the role and impact of TPIs in the Northern Ireland retail energy market (Path 1: CPP24 Project reference 22). We will take this feedback into consideration as we scope the project.

Treatment of debt

Question 6. What are your views / experiences of the treatment of non-domestic consumers in debt by suppliers in the retail energy market in Northern Ireland? Please provide examples where possible.

- 2.35 Several respondents expressed concerns in relation to the treatment of non-domestic consumers in debt. For example, incidents of threats of disconnection from suppliers without adequate warning. CCNI commented that there is a high number of businesses referred to it in relation to debt issues (10% of all business contacts).
- 2.36 Two suppliers indicated that they provided the same/similar treatment to both domestic and non-domestic customers in debt. One stated that they endeavour to apply the same CoP Minimum Standards on Payment of Bills to both customer groups and offer a variety of payment solutions and debt management plans. This respondent indicated that only in very exceptional circumstances would they ever seek to disconnect any customer.
- 2.37 However, several suppliers also expressed concern with a lack of customer engagement and cited difficulty in getting engagement from customers to enable a discussion on their debt and a way forward. One respondent suggested that the onus should be on the customer to engage.
- 2.38 One respondent suggested that there is an issue with a lack of clear

information available to non-domestic consumers in debt. Suggestions for additional information included signposting to points of contact, what support is available from suppliers and whether repayment plans can be modified based on affordability.

- 2.39 The importance of debt prevention was also highlighted, with one respondent commenting that keypad metering for non-domestic customers had already been explored and they were “disappointed” that it was not progressed. The respondent suggested that it might be included in the smart metering design for micro-SMEs.

UR Comment

- 2.40 Suppliers have the right to recover the cost of supplied energy. However, during our engagement with non-domestic consumers and Business Representative Organisations we were provided with anecdotal examples where a supplier’s approach to the collection of the debt was said to have caused distress and harm to non-domestic consumers.
- 2.41 We acknowledge the concerns in relation to the treatment of non-domestic consumers in debt by suppliers in the retail energy market in Northern Ireland. We have committed to explore this through projects under CPP24 (Path 2: Project References 18 & 19). Any work in this area will seek to encompass the range of views expressed in these Cfl Responses. Further detail on our workplan can be found in Section 3.

Question 7. Are there specific supplier behaviours and / or debt collection processes that require enhanced regulation to better protect non-domestic consumers? If so, please specify, with examples.

- 2.42 One respondent suggested the introduction of a consumer energy charter for non-domestic consumers, as has been implemented for domestic consumers. For example, this could involve capping the level at which suppliers can ask non-domestic consumers to pay back debt during Winter months.
- 2.43 Several suppliers expressed difficulties in encouraging customer engagement. Responses noted that their credit control activities for non-domestic consumers are similar to that of domestic. One respondent suggested voluntary codes to promote engagement similar to the Energy Engage Code⁸ for domestic consumers in Ireland.

⁸ [Energy Engage Code - Electricity Association of Ireland](#)

2.44 One response expressed concern in relation to the occurrences of deposits being requested by suppliers “unnecessarily”, such as in situations where customers can avail of a contract rate on a variable / market tracker product.

UR Comment

2.45 As discussed above, Cfl responses and our interviews with Business Representative Organisations highlighted concern over debt among non-domestic consumers and the approach to the collection of that debt.

2.46 Separately, suppliers expressed concerns over difficulties in relation to lack of consumer engagement, particularly in cases where debt had been accrued.

2.47 Under CPP24 (Path 2: Project References 18 and 19), UR will further explore the highlighted concerns over debt, which will include the processes in place for debt collection as well as suppliers’ concerns over consumer engagement. Further detail on this can be found in Section 3.

Question 8. Should certain non-domestic consumers (such as small and microbusinesses) be provided a similar level of protection as domestic consumers regarding treatment of debt? (e.g. as is provided in CoP on the Payment of Bills).

2.48 Of the six respondents that addressed this question, four agreed that certain non-domestic consumers (such as small and microbusinesses) should be provided a similar level of protection as domestic consumers regarding treatment of debt.

2.49 One supplier noted that it endeavours to apply the same principles to non-domestic customers as domestic such as the CoP Minimum Standards on Payment of Bills.

2.50 However, another supplier commented that they would be concerned about prescriptive requirements being imposed on suppliers as businesses by their nature, can differ significantly.

UR Comment

2.51 As highlighted above, UR has committed to further explore concerns over non-domestic customers in debt, and supplier processes in place for debt collection, under CPP24 projects (Path 2: Project References 18 & 19). These are detailed in Section 3.

Transparency and information

Question 9. To what extent do you believe the communications from suppliers to non-domestic consumers are clear and transparent (e.g. billing, renewal agreements, etc)? Please provide examples where possible.

- 2.52 Several respondents highlighted issues around the transparency and clarity of communications leading to lack of consumer knowledge and understanding in relation to bills, contract terms and tariffs.
- 2.53 CCNI commented that it will look to engage with UR and suppliers to consider creating more detailed informational resources for non-domestic consumers.
- 2.54 With regard to bills, a need was expressed for improved clarity, transparency and standardisation to enable comparisons between tariffs and to increase consumer understanding of the components. One respondent suggested that energy bills should contain contact details for organisations that small businesses can approach for help and advice.
- 2.55 However, one supplier stated that the information provided follows the CoP on non-domestic bills and statements⁹ and whilst the information can be complex, it is a licence condition that suppliers must fulfil. It was suggested that this CoP may need to be reviewed.
- 2.56 As in previous questions, a lack of tariff transparency was raised by several respondents. One respondent suggested that a review of CCNI's energy price comparison service for small businesses is required as it is not being regularly updated by suppliers meaning that it is not providing an accurate representation of available tariffs. CCNI also suggested that updating the tariffs should be mandated for suppliers as the lack of consistency in the frequency of information provided could mean that it is misleading to consumers.
- 2.57 One respondent noted that tariff information not being provided in consistent formats by suppliers made comparisons and negotiations difficult.
- 2.58 In addition to providing tariff data to CCNI, it was also suggested that suppliers should publish this information on their websites to form a layer of protection for the small business customer and potentially make the market

⁹ [2017-07-05 FINAL non-domestic bills and statements CLEAN - Annex 5.pdf \(uregni.gov.uk\)](#)

more competitive for them.

- 2.59 One supplier stated that transparency does not appear to be an issue across their customer base as the main source of customer contact they receive in respect of bills is in relation to estimated meter reads rather than any content of the bill itself.

UR Comment

- 2.60 In order for the non-domestic market to function well, it is essential that contracts, bills and tariffs are clear and transparent, enabling consumers to understand their terms and make the best decisions suitable for their circumstances.
- 2.61 We note the concerns that have been raised by a range of stakeholders regarding the knowledge and understanding of non-domestic consumers and acknowledge that the transparency and clarity of all communications will require further consideration. We will address these concerns through several projects contained within CPP24 (Path 1: Project References 10 & 23; Path 2: Project References 6 & 19). Further detail on these projects can be found in Section 3.

Question 10. Do you believe that there is sufficient market information available for non-domestic consumers to make informed choices around their energy needs? Please provide details and your reasons.

- 2.62 Five out of eight respondents felt that there was insufficient market information available for non-domestic consumers to make informed choices around their energy needs.
- 2.63 Another response argued that there is a “clear and growing need for the establishment of a non-domestic energy market stakeholder group in Northern Ireland—at least on a temporary basis”. This would, according to the response, provide an equal forum to update members on progress, increase understanding and share ideas as the process develops.
- 2.64 One respondent suggested that it would help stakeholders understand the non-domestic energy market if UR undertakes (or commissions) a comparison of GB, Northern Ireland and Ireland non-domestic regulations – to include specific proposals and protections for microbusinesses in those respective jurisdictions.
- 2.65 Several other areas of improvement were suggested by one respondent, such as delivery of a more robust price comparison framework and a review of the Marketing CoP for Business Customers to assess the need for a comparison beyond unit rate, including how energy products of varying risk

profile are presented to customers.

- 2.66 One respondent suggested that contracts as far as possible (tariffs and bills also) should be presented by all suppliers in a standardised, comparable format, avoiding complex wording.

UR Comment

- 2.67 We acknowledge that many respondents felt that there was insufficient market information available for non-domestic consumers to make informed choices around their energy needs.
- 2.68 There were several areas of improvement highlighted in the Cfl responses which require further consideration such as business consumer engagement and energy literacy. We will further investigate these via projects contained within CPP24 (Path 1: Project References 10 & 23; Path 2: Project References 6 & 19). Further detail on these projects is provided in Section 3.

Contract terms

Question 11. Are you aware of any onerous or unfair contract terms which impact a non-domestic consumers ability to engage with the retail energy market in Northern Ireland fairly, or are there any contract terms and conditions that you have concerns about? Please provide evidence for your views and details of any specific examples.

- 2.69 Several responses highlighted areas of concern around contract terms.
- 2.70 Two respondents noted the length of notice periods exercised by some suppliers as an issue. One respondent believed this to be a negotiation tool, stating examples of customers having signed a contract with a new supplier being told by the existing supplier that they had to serve a three month notice period before being allowed to leave, and during this time they would be charged out of contract deemed rates. However, if the consumer signed a new contract with the existing supplier this could be avoided. Another respondent commented that: "Practices like this hinder a customer's ability to engage effectively within the market and drive competition".
- 2.71 One respondent suggested that a cap on excessive cancellation fees and early exit fees within contracts would be an improvement to the market.
- 2.72 Another respondent stated that a contractual cooling-off period is necessary and should be a requirement to ensure that a consumer is given time to understand the terms. However, a supplier stated that it did not support the introduction of a cooling-off period for non-domestic customers as offerings

are fixed price products, which are hedged at receipt of contract based on market pricing.

UR Comment

- 2.73 Respondents have highlighted several areas of concern in relation to contract terms and conditions. It is essential that the terms and conditions of contracts are not unduly onerous and should be both transparent and appropriate to enable a well-functioning non-domestic retail market.
- 2.74 We will give consideration to these areas identified under CPP24 (Path 1: Project Reference 23). Further detail on how we will address these concerns through our workplan can be found in Section 3.

Overall view

Question 12. In terms of protecting the short-term and long-term interests of non-domestic consumers, is there anything else not covered by questions 1-11 that UR should consider?

- 2.75 Additional suggestions made in terms of protecting the interests of non-domestic consumers included further development of an accessible tariff comparison tool, customer education, affordable tariffs and focus on decarbonisation.
- 2.76 One respondent commented that suppliers, as a key stakeholder, were not invited to participate in the market research and provide a supplier viewpoint as part of the structured interviews which they believe may have led to suppliers being portrayed in an unfavourable manner.

UR Comment

- 2.77 We have considered all Cfl responses and stakeholder feedback received and have taken into consideration the additional items raised in terms of protecting the short-term and long-term interests of non-domestic consumers.
- 2.78 We agree that suppliers are a key component of this review process. However, UR has regular ongoing engagement with energy suppliers, and the interviews were designed to understand the concerns of non-domestic consumers and were used to initiate the project. We are keen to receive feedback from all stakeholders throughout the process.
- 2.79 Also, as highlighted above, the scope of UR's work will not be limited solely to the four areas identified. It is our intention to maintain a flexible programme of work that can adapt to fit changing circumstances when

necessary. A mid-term review is planned for CPP24 to allow the programme to be adaptable to fit changing circumstances where necessary and to be responsive to consumer needs as they emerge. This review will establish the workplan for years 4 and 5.

3. Utility Regulator Position and Next Steps

Areas of focus

- 3.1 We welcome the feedback of respondents which has enabled us to further explore the areas of focus highlighted through-out our research. The findings within these four areas (Operation of TPIs, Treatment of debt, Transparency and information and Contract terms) are discussed below.
- 3.2 We intend to address concerns within each of these areas of focus through a combination of non-domestic specific projects/workstreams, broader consumer protection projects and areas of further research. The projects are further described in the subsequent sections. Figure 1 below maps each area of focus to the relevant project(s) intended to address concerns identified within it.

The projects described below will give consideration to other factors such as the size classification of non-domestic organisations for example, the project may frame different remedies or actions for microbusinesses (compared with larger businesses).

Figure 1: Areas of focus mapped to CPP24 projects

Area of Focus	CPP Projects addressing area	CPP Project Ref #	Project start	Project end
Regulatory protection for engaging with TPIs	Third Party Intermediaries in the Non-domestic Retail Market	22	Y1 Q4 (Jan 2025)	Y2 Q4 (Mar 2026)
Treatment of non-domestic consumers in debt	Review of the Energy Supplier Codes of Practice	19	Y2 Q1 (Apr 2025)	Post CPP Mid review
	Consumer Energy Charter each Winter	18	Y1 Q3 (Oct 2024)	Y1 Q4 (Mar 2025)
Unfair contract terms and conditions	Improving Non-domestic Consumer Experience	23	Y1 Q1 (Apr 2024)	Y2 Q4 (Mar 2026)
Transparency and information	Energy Literacy Project	6	Y2 Q1 (Apr 2025)	Y3 Q4 (Mar 2027)
	Review of the Energy Supplier Codes of Practice	19	Y2 Q1 (Apr 2025)	Post CPP Mid review
	Improving Non-domestic Consumer Experience	23	Y1 Q1 (Apr 2024)	Y2 Q4 (Mar 2026)
	Non-domestic energy market forum	10	Y1 Q1 (Apr 2024)	Y1 Q4 (Mar 2025)
Areas of further research	Farming Sector (Engagement and Research)	12	Y2 Q1 (Apr 2025)	Y2 Q4 (Mar 2026)
	Domestic Consumers Supplied by Non-domestic Contracts	11	Y3 Q1 (Apr 2026)	Y3 Q4 (Mar 2027)

Operation of TPIs

- 3.3 TPIs continue to play an important role in assisting non-domestic customers negotiate energy contracts by operating as an interface between suppliers and their customers.
- 3.4 However, respondents highlighted concerns such as lack of transparency in pricing and commission earned. One respondent suggested a need for clearer communication of the process that TPIs are required to follow when acting on behalf of non-domestic customers. It is essential that consumers are adequately protected throughout the contracting process and we must ensure there is transparency and accountability.

UR Commitment

- 3.5 In 2025, UR will commence a project looking at TPIs in the retail energy market in Northern Ireland. Responses to the Cfl identified several potential interventions related to TPIs and consumer protection issues. We intend to explore these options, amongst others, and determine their suitability for the Northern Ireland market. This project will develop our understanding of the operation of TPIs in the Northern Ireland non-domestic energy retail market, as well as ensuring a sufficient and consistent level of protection (CPP24 Project Reference 22).

Treatment of debt

- 3.6 As evidenced in our latest Non-domestic Consumer Insight Tracker¹⁰, the treatment of non-domestic consumers in debt remains a concern amongst that cohort of consumers, which has been exacerbated by the ongoing cost of living crisis.
- 3.7 Issues were highlighted such as lack of information and support available to those in debt, “aggressive” approaches to debt collection including threats of disconnection and reluctance to offer “reasonable” payment plans, causing distress and harm to businesses.
- 3.8 It is essential that suppliers have transparent and fair standards and practices in place, enabling reasonable debt recovery for all consumers. There also needs to be early engagement with consumers in debt and provision of access to support and advice to alleviate the situation.

UR Commitment

- 3.9 This area of concern will be addressed by CPP24 project ‘Review of the Energy Supplier CoPs’ (Project Reference 19). This project will review each of the existing CoPs and update them accordingly to ensure that they are fit for purpose. This review will also consider non-domestic consumers and determine whether any protections need amended/expanded to reflect that.
- 3.10 For example, non-domestic debt concerns specifically can be addressed under the review of Payment of Bills CoP, which currently only covers domestic consumers.
- 3.11 Under CPP24 project ‘Consumer Energy Charter each Winter’ (Project Reference 18), we propose to continue to engage with stakeholders on the set of commitments in the Consumer Energy Charter ahead of the winter

¹⁰ [Non-Domestic Consumer Insight Tracker Survey - UR](#)

period, each year, to ensure each charter continues to provide effective additional support and enhanced protections to consumers. As part of this project, we also plan to explore the potential for a Non-domestic Energy Charter in advance of Winter 2025 in the form of additional commitments specific to non-domestic consumers to enhance protections.

Transparency and information

3.12 Transparency and information provision is essential in a well-functioning retail market to enable consumers to make well informed decisions. There have been several concerns raised within the area of transparency and information, including:

- Additional levels of protection required for particular groups;
- Lack of transparency and clarity of communications; bills, contracts, deals available;
- Unavailability of market information; points of contact regarding issues, tariff transparency;
- Lack of market knowledge and understanding; and
- Lack of engagement from business consumers.

UR Commitment

3.13 These concerns will be addressed via a number of CPP projects:

- *Energy Literacy Project* – (CPP24 Project Reference 6) Through the Energy Literacy Project, we intend to improve the consumers' ability to access energy related information, to understand this information and to use this information to make decisions in their best interests and engage fully in the market. This will include consideration for non-domestic consumers.

This project can address the concerns raised around lack of market knowledge and understanding, transparency and clarity of communications (regarding bills, contracts, deals available) and the unavailability of market information (points of contact regarding issues and tariff transparency).

- *Improving Non-domestic Consumer Experience* – (CPP24 Project Reference 23) Responses to the December Cfl identified several areas where non-domestic consumers were being impacted adversely. For example, concerns in relation to lack of tariff transparency. We will explore whether a range of options can mitigate

these issues and improve the overall experience of non-domestic consumers.

- *Non-domestic energy market forum* – (CPP24 Project Reference 10) We will establish a regular non-domestic energy market forum with relevant stakeholders to facilitate discussion on the experience of non-domestic consumers, as well as pertinent market information and UR work relevant to non-domestic consumers.

Contract terms

- 3.14 Unfair contract terms and conditions remain an area of concern with highlighted issues such as long notice periods, lack of cooling off periods, high fixed-term deals and non-standard contract formats making it difficult for consumers to understand the terms.

UR Commitment

- 3.15 Contract issues will be addressed through the CPP24 project ‘Improving Non-domestic Consumer Experience’ (CPP24 Project Reference 23), where we will explore options to mitigate those issues highlighted in the Cfl responses and improve the overall experience of non-domestic consumers.

Areas of further research

- 3.16 Stakeholder responses to the Cfl and the non-domestic energy market research—along with anecdotal evidence from stakeholders and consumers themselves—indicated that there were potential new areas that would require research projects such as Domestic Consumers Supplied by Non-domestic Contracts and the Farming Sector. These have been included in the CPP24 as follows:

- *Domestic Consumers Supplied by Non-domestic Contracts* – (CPP24 Project Reference 11) This aims to improve our understanding of the various types of domestic consumers being supplied by non-domestic contracts. We will undertake research to evaluate both the types and number of these consumers; and the impacts or additional challenges that domestic consumers supplied by non-domestic contracts might face.
- *Farming Sector (Engagement and Research)* – (CPP24 Project Reference 12) This sets out a program of work to develop our understanding of the farming sector’s engagement and experiences with the utilities market, including the identification of any issues faced. This project will help UR identify and remedy any potential gaps in the existing regulatory framework for these customers to

ensure fair engagement and outcomes in the retail energy market for the farming sector.

Next Steps

- 3.17 This paper marks the formal end of the ‘Review of the Regulation of the Non-Domestic Energy Retail Market.’
- 3.18 The projects outlined in Section 3 of this paper will progress by reference to CPP24, seeking to remedy the gaps identified in the existing non-domestic regulatory framework to ensure fair engagement and outcomes in the retail energy market for business consumers.
- 3.19 It is intended for this programme of work to remain flexible and adaptable to changing circumstances when necessary. Therefore, the scope of work will be reviewed periodically and will not be limited to the four areas identified. CPP24 will be delivered across a five-year programme period between 2024 and 2029. However, to ensure that the plan is sufficiently agile to adapt to emerging challenges and changes, we also have included a mid-term review of CPP24 which would be conducted at the end of year three. This will allow UR to develop workstreams and projects for the remaining two years that are relevant to emerging consumer needs.
- 3.20 Following our programme of projects and research outlined in this paper, we endeavour to undertake a further review of the non-domestic retail market in 2028.

Annex 1 – Glossary

CCNI	The Consumer Council for Northern Ireland
Cfi	Call for Input
CoP	Code of Practice
CPP	Consumer Protection Programme
CPP24	Consumer Protection Programme 2024-2029
GB	Great Britain
NI	Northern Ireland
TPI	Third Party Intermediary
UR	The Northern Ireland Authority for Utility Regulation or the “Utility Regulator”

Annex 2 – Delivery Plan for Years 1 - 3

Ref	Project	Year 1				Year 2				Year 3				Post the Mid Review
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
1	Domestic Tracker	→				→				→				
2	Non-Domestic Tracker	→								→				
3	Research into the consumer issues arising as part of the Energy transition. Energy Transition and Consumer Issues									→				
4	Debt and affordability (Outworking's of our lived experience energy debt research) • Establish a roundtable working group on debt and affordability. • Explore self-disconnection and how best to measure and address this.	→				→				→				
5	Private Rented Sector research (Research)									→				
6	Energy Literacy –(Qualitative Research)	→												
7	Consumer Experience of Smart Meter Rollout	→												
8	Social Tariff (Evidence Base)					→				→				
9	Supporting the Just Transition to Net Zero	→				→				→				
10	Establish Non-domestic Energy Market Forum	→												
11	Domestic Consumers Supplied by Non-domestic Contracts									→				
12	Farming Sector (Engagement and Research)					→								
13	Improving Energy Literacy					→				→				
14	Plan for the Implementation of Smart Meters and Systems	→				→				→				
15	Best Practice Framework (BPF) – Implementation of a new mandatory Code of Practice (CoP) for Consumers in Vulnerable Circumstances.	→												
16	BPF - Implementation of a new Customer Care Register (CCR) structure	→				→				→				
17	Implementation of Updated Electricity Guaranteed Standards of Service (GSS) and Overall Standards of Performance (OSP)	→												
18	Consumer Energy Charter													
19	Review of the Energy Supplier CoPs: - Payment of Bills - PPMs - Marketing - Complaints - Potential for new CoPs					→				→				→
						→				→				→
20	Company Vulnerability Strategies									→				→
21	Bereavement Support									→				
22	Third Party Intermediaries (TPIs) in the Non-domestic Retail Market					→								
23	Improving Non-domestic Consumer Experience	→				→								