

## **The Defensora del Pueblo wants to strengthen consumers' guarantees before their electricity is cut off for non-payment or fraud**

- *The Ombudsman Office has recommended the Government that consumers struggling to pay for electricity may be able to make allegations, that they are allowed to split the debt and the Administration's intervention in situations of vulnerability.*
- *The Defensora del Pueblo highlighted the large number of resolutions made and accepted by the Administration and she advances the development of new case studies.*

Madrid 18/03/2014. The Defensora del Pueblo, Soledad Becerril, has recommended the Government to establish a procedure prior to any suspension of power supply to strengthen consumers' guarantees.

This was announced today during her appearance before the Joint Committee on Relations with the Ombudsman in order to present the Annual Report 2013.

The Ombudsman Office wants –before companies cut off power for non-payment or fraud– consumers to be able to make claims in their defence and the presumption of innocence to be respected.

In a recommendation to the State Secretariat for Energy on the 6<sup>th</sup> of March, the Defensora del Pueblo also requested to allow consumers to split the payment of the debt. The recommendation assumes that power supply is essential for a decent life, so its deprivation leads people to a situation of social exclusion.

Currently, the suspension of power supply for fraud is carried out after a procedure in which the company itself determines the defrauded amount, without granting a hearing to the person concerned.

The Ombudsman Office has also repeatedly drawn the attention to the mistakes of the companies, which sometimes suspend power supply and claim the payment of the debt to the wrong person.

Furthermore, unless the supply is declared essential, the current procedure does not provide for the intervention of the Administration or any judicial body. Therefore, the Defensora del Pueblo has recommended that the intervention of the competent authority is required and also the intervention, in certain cases, of social services to assess the extent to which situations of fraud or non-payment respond to serious economic difficulties.

### **Large number of resolutions made to the Administration**

In her appearance to present the Annual Report, the Defensora del Pueblo highlighted the large number of resolutions that the Ombudsman Office has presented to the Administration in 2013. The recommendations and suggestions increased by 37 % compared to the previous year.

As the Defensora del Pueblo explained, “the main philosophy over this year has been to give utmost importance to getting positive answers from the administrations”. As shown in the Annual Report, out of all the resolutions that have already been answered by the Administration, the 73.4 % of the recommendations and the 79.3 % of the suggestions have been accepted.

Among the topics covered by the Ombudsman Office last year, the Defensora del Pueblo highlighted the acceptance of the recommendations made after the approval of the **Court Fees Act**, of which the acceptance has led to a reduction of the variable rates of a 80 % and also the advancement of the Legal Aid Act's effects.

Besides, the actions carried out following the introduction of the **pharmaceutical copayment** were also important. The Ombudsman Office looked for a greater equity and progressiveness of the system. In this way, it recommended gratuitousness for people with disabilities and also the avoidance of the existence of big differences in the payment percentages depending on the income level. The Ministry has committed to reconsider the payment percentages at the Interregional Healthcare Council.

The Defensora was also pleased with the **acceptance of some recommendations** by the Ministry of Finance and Public Administrations: so that **civil servants whose children had serious illnesses** have the right to the work permit in the same conditions as those parents included in the General Social Security Scheme, and that the allotted funds for the debt payment of the Administration are directed, in

first place, towards the payment of the **debts incurred by companies that provide care services**.

In economic terms, the Defensora del Pueblo emphasized the actions carried out on **taxes** (the VAT return on paper, municipal capital gains), on **preferred shares** and in order to reinforce the **Claims Service of the Bank of Spain**.

She also recalled that the Government has committed to present before the next European Union's Councils of Justice and Home Affairs Ministers her petition on the regulation of **insolvency proceedings of individuals acting in good faith**.

As for housing, the Defensora del Pueblo guaranteed that now the results of the recommendations made in the report "**Empty Public Dwellings**" are assessed. The result of this monitoring will be recorded in another study that will be published in the next months.

With respect to Immigration, the Defensora del Pueblo claimed a **common policy for Europe's southern frontiers** and she pointed out that a European Agency for external borders was not enough.

In addition, she asks for clear **action plans for the Estate Security Forces and Bodies because of the irregular entry's attempts**. She also warned that "the return can only be carried out with legal assistance in accordance with the legislation in force, which shall process the National Police Force".

Lastly, Soledad Becerril highlighted the necessity **to identify immigrants of vulnerable groups** and she was pleased with the acceptance of a suggestion made by the Ombudsman Office that has allowed two minors to reunite with their mother –**a presumed trafficked person**– after three years.

### **Next reports**

The Defensora del Pueblo concluded her intervention by announcing that the Ombudsman Office she is directing prepares several studies. The reports are related to the telecommunications sector, the asylum procedure, the situation of the Spanish prisoners abroad, the processing of town planning licenses and hospital emergencies.

Another report will analyse the right of minors to be heard and it will also defend the respect of their best interest regarding the opposition to protection and family measures.