

## **ESB Response to Consultation on Article 19 (Fees For The Use of Means of Payment) and Article 22 (Additional Payments) of Directive 2011/83/EU on Consumer Rights**

ESB ("ESB") welcomes the opportunity to respond to the Department of Jobs Enterprise and Innovation's ('the Department') consultation ('the consultation') on Articles 19 and 22 ('Articles') of Directive 2011/83/EU on Consumer Rights ('the Directive').

ESB would like to make one observation relating to Paragraphs 48 and 50 of the consultation document. In Paragraph 50 it says that:

"Security deposits required of customers who pay by means other than direct debit, however, are more clearly a fee in respect of the use of a given means of payment and, as such, would appear to come within the scope of Article 19."

ESB does not regard the taking of a refundable deposit as a "fee" on the basis that, provided the customer has a satisfactory payment record for a period of months, the deposit is refunded in full and the customer does not suffer a loss.

For this reason ESB believes the taking of refundable deposits does not come within the scope of Article 19.

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