SSES: ESA Regulations Consultation Response

citizens advice

Benedict Guindi & Colin Griffiths

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Executive summary:

Citizens Advice supports the introduction of minimum smart functionality standards for energy smart appliances. Establishing a consistent baseline across appliances in scope will be important for consumer confidence, interoperability and usability and we are broadly supportive of this direction of travel.

Experience from the EV smart charge point market, which is currently the most developed area of flexible demand, should be used to inform requirements for other appliances wherever possible. Applying these lessons to load control for heating and storage technologies will help avoid repeating known problems around usability, transparency and consumer trust.

Across our response, we emphasise the importance of smart and flexible functions working in ways that are understandable, predictable and controllable in practice. Smart operation must not undermine essential services such as heating, and households need to be able to understand when and why their appliances behave differently and to retain meaningful control, including the ability to override automated behaviour. Information and guidance requirements, including flexibility guidance packs, should be clear, consistent and available in accessible formats, including non-digital options.

We also highlight the need for clear accountability and consumer protections as these technologies are rolled out. Responsibilities across manufacturers and importers should be clear so that consumers are not left without routes to redress when things go wrong. The framework should support interoperability and avoid creating lock-in to single providers or restrictions on repair and maintenance.

Finally, we note that the Initial Impact Assessment relies on optimistic assumptions about consumer engagement. Distributional and Equality Act impacts should be kept under review, particularly for people who need predictable warmth, who may struggle with complex controls, or whose routines cannot easily shift in response to system signals.

Overall, the regulations should prioritise real-world usability, accessibility and consumer trust, so that smart and flexible technologies work for households as well as for the wider energy system.

1. Do you agree with the changes to the definitions for EVSCPs set out in regulation 2: Interpretation? Please provide further information to support your answer.

Nil response

2. Do you agree with the proposed definition for a heat pump for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

3. Do you agree with the proposed definitions for a hybrid heat pump and hybrid heat pump system for the purposes of the ESA regulations? If not, what elements of the definitions do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

4. Do you agree with the proposed definitions for a fuel boiler for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

5. Do you agree with the proposed definitions for an air-to-air heat pump and airbased heating system for the purposes of the ESA regulations? If not, what elements of the definitions do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

6. Do you agree with the proposed definition for a storage heater for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer

Nil response

7. Do you agree with the proposed definition for a heat battery for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

8. Do you agree with the proposed definition for a standalone direct electric hot water cylinder for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

9. Do you agree with the proposed definition for a centralised space heating device for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

10. Do you agree with the proposed definition for a hot water heat pump for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

11. Do you agree with the proposed definition for BESS for the purposes of the ESA regulations? If not, what elements of the definitions do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

Nil response

12. Do you agree that the Phase 1 ESA regulations should only apply to those manufacturers or importers who are placing a relevant ESA on the GB market as set out in regulation 6?

We agree that the Phase 1 ESA regulations should apply to manufacturers or importers who are placing a relevant ESA on the GB market, as set out in regulation 6, as this provides clarity about where responsibility for compliance sits.

However, this must not result in consumers being left without clear routes to redress or support when problems arise. In practice, consumers are unlikely to interact directly with manufacturers or importers and will typically raise issues with retailers, installers or energy suppliers.

To avoid gaps in accountability, you should:

- **Require that responsibility for compliance is clearly communicated across the supply chain**, so that legal accountability translates into clear and workable routes to redress for consumers in practice. Without this, there is a risk that consumers are passed between different organisations when something goes wrong, making it harder to resolve faults or seek redress.
- **Ensure that consumers are given a clear point of contact when problems arise**, rather than being directed between manufacturers, retailers and service providers without a clear route to resolution.

We agree that manufacturers should be responsible for producing the Flexibility Guidance Pack for the appliance, given their role in designing and specifying its smart and flexible functions. You should make this responsibility explicit and ensure there are clear expectations about how this information must be provided to consumers in practice.

There is also a risk that products sold directly to consumers from overseas or through informal online channels could fall outside these arrangements. You should ensure that the regulatory and enforcement framework addresses this risk, to prevent non-compliant products entering the GB market and leaving consumers without effective protections.

13. Do you agree with the duty to take corrective action in respect of non-compliant ESAs placed on the market (regulation 7)? Please provide further information to support your answer.

We agree with the duty to take corrective action in respect of non-compliant energy smart appliances placed on the market, as set out in regulation 7. This is an important safeguard to ensure that problems are addressed rather than leaving consumers with appliances that do not meet required standards.

However, corrective action must work in a way that is meaningful for households in practice, not only between regulators and manufacturers. Consumers are unlikely to be aware that an appliance is non-compliant unless they are informed, and may continue using it without understanding the implications for safety, performance or cost.

To ensure this duty delivers real consumer protection, you should:

- **Require that affected consumers are clearly informed when their appliance is found to be non-compliant**, including what the issue is and how it will be resolved. Without this, corrective action may take place without households understanding what has changed or why.
- **Ensure that corrective action is timely and proactive**, rather than relying on consumers to identify problems themselves or raise complaints.

- **Require that information about corrective action is provided in plain language**, so that households understand what has happened and whether they need to take any action.

Corrective action must also be designed to minimise disruption for consumers, particularly where appliances affect essential services such as heating or charging. Without clear communication and practical support, there is a risk that corrective action protects compliance on paper but leaves consumers confused about the status and operation of their appliance.

14. Do you agree with the proposal to require that relevant BESS must have a digital user interface as per regulation 10(3), as is the case for EHAs?

We agree with the proposal to require relevant battery energy storage systems (BESS) to have a digital user interface, in line with the requirement for electric heating appliances. Given that BESS can materially affect household energy use and costs, consumers need a clear way to see what their system is doing and to understand and adjust its operation.

However, this requirement will only improve outcomes for consumers if the interfaces provided are usable and accessible in practice. Relying solely on smartphone apps or online portals risks excluding some users and may leave households unable to access key information if connectivity fails or services are unavailable.

To ensure this requirement delivers real benefits for consumers, you should:

- **Require that digital user interfaces present key information in a clear and understandable way**, rather than in technical or specialist terms.
- **Ensure that consumers are not wholly dependent on a single digital channel to view or control their system**, so that basic information and functions remain available if apps or online services are disrupted.
- **Take into account accessibility and varying levels of digital confidence when designing and assessing these interfaces.**

Without these safeguards, there is a risk that systems meet the requirement in a narrow technical sense while still being difficult for households to use or understand in practice.

15. Do you have any comments regarding how regulations 9 to 13 are drafted? Please provide further information to support your answer.

We support the intent of regulations 9 to 13 in ensuring that users have visibility and control over smart and automated functions. These provisions are important for helping households understand how their appliances are operating and for maintaining confidence in smart and flexible technologies.

However, the way these requirements are drafted will only improve outcomes if they result in interfaces and controls that work well in practice. There is a risk that requirements could be met in a narrowly technical way while still producing systems that are complex, unclear or difficult to use.

To ensure these provisions deliver meaningful benefits for consumers, we would encourage the drafting of regulations 9 to 13 to be interpreted and implemented in a way that:

- **Ensure that user interfaces present information in clear, plain language rather than technical terms.**
- **Require that users can easily change or override smart or automated behaviour where needed.**
- **Ensure that compliance focuses on real-world usability and not only on technical specifications.**

If these requirements are applied in a way that prioritises technical compliance over practical usability, there is a risk that consumers will struggle to understand what their appliance is doing or why its behaviour has changed, which could undermine trust in smart and flexible operation.

16. Do you support the requirement in regulation 14 that manufacturers and importers must ensure relevant ESAs have device meters that are fully compliant with the obligations that MIR places on Class B active electrical energy meters, including conformity assessment (as per regulations 46-52B

and Schedules 1A, 1B, 1E and 1K of MIR 2016)? Please give reasons for your answer.

We broadly support the requirement in regulation 14 that relevant energy smart appliances must use device meters that are compliant with the obligations placed on Class B active electrical energy meters under the Measuring Instruments Regulations (MIR). Robust and standardised metering is important for ensuring that energy use is measured accurately and consistently.

However, this requirement will only improve outcomes for consumers if it results in measurements that people can **trust and understand in practice**. Where smart appliances are intended to help households save money or reduce energy use, consumers need confidence that the information they are shown reflects their real consumption and can be relied on when making decisions.

To ensure this requirement delivers meaningful benefits for consumers, you should:

- **Ensure that metering standards support accuracy and reliability in real-world use, not only technical compliance.**
- **Require that information derived from device meters is presented to consumers in a clear and intelligible way.**
- **Avoid approaches that create confusion about whether smart or flexible operation is genuinely reducing costs or energy use.**

Without this, there is a risk that consumers may struggle to interpret the information provided by smart appliances, which could undermine confidence in both the technology and any associated tariffs or services.

17. If you are a manufacturer or importer, do you currently produce or import ESAs that include a device meter? If so, is this device meter MIR Class B compliant?

Nil response

18. If you disagree with Question 16, do you support achieving the metering policy objective by alternative means? Which approach would be

preferable? What issues may arise? Please give reasons for your answers and include further approaches as appropriate.

We would not oppose alternative approaches to achieving the metering policy objective in principle. However, any alternative approach must deliver measurements that are accurate, reliable and capable of being clearly explained to consumers.

The specific technical method used is less important than whether the resulting measurements can be trusted and used in practice. Where smart appliances are intended to support savings or changes in energy use, households need confidence that the data they receive reflects their real consumption and can be relied on when making decisions.

For this to work effectively in practice, alternative measurement approaches will need to:

- Be subject to appropriate oversight and assurance.
- Be consistent and comparable with existing metering standards.
- Be accompanied by clear information for consumers about what is being measured and how.

Without these safeguards, there is a risk that alternative approaches could create confusion about whether smart or flexible operation is genuinely delivering savings, make it harder for consumers to identify or challenge errors, and undermine confidence in both the technology and any associated tariffs or services.

19. For EVSCPs, would you recommend that measured consumption excludes the electricity consumed by the charge point itself when in use? Is this in line with current practice?

We do not have a strong view on this

From a consumer perspective, however, the most important issue is clarity and transparency. Whatever approach is taken, it must be clear to households what is being measured and reported, and how this relates to what they are being charged for.

In particular, it will be important that you ensure that:

- Consumers can easily understand what the reported consumption figure represents.
- Any inclusion or exclusion of the charge point's own electricity use is explained in plain language.
- The approach is applied consistently across makes and models, so that figures can be trusted and compared over time.

Without this clarity, there is a risk that consumers may become confused about their actual energy use for charging, which could undermine confidence in both reported data and any associated cost or saving claims.

20. Do you support this clarification regarding global override? If not, please explain your answer.

We support the clarification of policy intent around global override, recognising the need to balance system needs with consumer choice and control. Clarifying that permanent disallowance of randomised delay was not the original intention is helpful.

However, consumer choice and control should remain central. There appears to be consumer demand for the option to permanently disallow randomised delay, which suggests that some households value certainty and predictability. If this option is no longer available, it will be important to explain clearly how randomised delay will now operate and what level of control consumers retain.

For this to work effectively in practice, it must be ensured that:

- **The circumstances in which randomised delay can be applied are clearly defined.**
- **Consumers are informed when randomised delay has been applied and what this means for their appliance's behaviour.**
- **There is clarity about where control sits between the household and external signals.**

Without this, there is a risk that global override and randomised delay could undermine people's sense of control over their appliances and reduce trust in

smart and flexible technologies. We explore some of the specifics of this in greater depth in our response to question 21.

21. Do you agree with the clarifications to the randomised delay considerations set out in the draft regulations? If not, please explain your answer.

Policies on randomised delay need to be clear and well understood by consumers. Differences in delay length are likely to be experienced very differently in practice, and this should be reflected in how products are designed and marketed.

For example, a potential delay of 10 minutes is likely to feel materially different to a potential delay of 30 minutes, particularly for time-sensitive uses such as charging or heating. If the choice between these delay ranges is made by the load controller, consumers must be told clearly what to expect.

To avoid misleading consumers, you must make sure that:

- **The maximum potential delay is clearly communicated up front.**
- **Product behaviour matches the expectations created by consumer-facing information.**
- **Consumers are not led to believe delays will be limited to 10 minutes when they may, in practice, experience delays of up to 30 minutes.**

There is also an issue of fairness in how randomised delay is applied. If delays are distributed unevenly, some households could consistently experience longer waits than others.

It will therefore be important that:

- **Delay is genuinely randomised across users.**
- **The distribution of delays does not systematically disadvantage particular households or devices.**
- **The overall design results in predictable average impacts for consumers over time (for example, a 10-minute delay policy leading to an average delay of around 5 minutes).**

Without clear rules on transparency, expectations and fairness, there is a risk that randomised delay could undermine trust in load-controlled products and reduce willingness to engage with smart and flexible technologies.

22. Do you support the introduction of the proposed requirements for ESAs in response to interruption to supply or communications as set out in Table 2? If not, please provide a rationale and options for improvement.

Yes.

23. Do you agree that the proposed recommendations should be introduced on a voluntary basis alongside Phase 1 regulations and become legal requirements with the introduction of Phase 2 ESA regulations? Please explain your answer.

We agree that the proposed recommendations should be introduced on a voluntary basis alongside Phase 1 regulations and then become legal requirements with the introduction of Phase 2 ESA regulations.

This phased approach provides an opportunity to test how the measures work in practice before they are made mandatory. It allows time to understand how manufacturers implement the recommendations and how consumers experience them in real-world use, rather than relying only on assumptions about behaviour or system performance.

To support better outcomes for consumers, this approach should be used to:

- **Assess whether the measures are being implemented consistently and effectively.**
- **Identify any unintended consequences for usability, control or costs.**
- **Gather evidence on whether consumers understand and can use the features as intended.**

Strengthening the policy from “best practice” to legal requirements will be important in the longer term, but introducing the recommendations voluntarily first should help ensure that Phase 2 requirements are better designed, more workable and more likely to deliver genuine benefits for consumers.

24. Do you agree with our proposed approach in regulation 16 to implement the ETSI 303 645 requirements? Please give reasons for your answer.

Nil response

25. Do you support the alignment of EVSCP requirements with the ETSI EN 303 645 cyber requirements? Do you have any concerns with this approach?

Nil response

26. Do you agree with our proposal to clarify the tamper protection requirements as set out in regulation 17? Please explain your answer.

This is a technical matter. From a consumer perspective, the key issue is that tamper protection should prevent unsafe or misleading behaviour without limiting consumers' ability to use or understand their appliance.

We support the aim of ensuring that smart and flexible functions cannot be interfered with in ways that could create safety risks, inaccurate measurements or unintended operation. However, it is important that tamper protection does not have unintended consequences for consumers in practice.

In particular, we beive that care will be needed to ensure that tamper protection requirements do not:

- Restrict legitimate repair or maintenance of appliances.
- Lock consumers into a single manufacturer or provider for repairs or updates.
- Create barriers for independent or licensed repairers to work on these products.

There is a risk that overly restrictive tamper protection could undermine principles of repairability and competition, potentially leading to higher repair costs or fewer options for consumers when faults occur. This would be particularly problematic for technologies such as EV charge points or other smart appliances that households rely on for essential daily functions.

We would therefore encourage an approach that:

- Distinguishes clearly between preventing harmful interference and enabling legitimate repair or servicing.
- Supports consumer rights to repair and maintain their appliances.
- Avoids creating de facto monopolies over repair or software updates.

Tamper protection should enhance safety and trust in smart technologies, not reduce consumer choice or increase costs by limiting who can lawfully repair or maintain these systems.

27. Do you have any comments regarding how regulation 19: Off-peak usage for charge points is drafted? Please provide further information to support your answer.

We previously supported the principle of encouraging off-peak usage for EV smart charge points as part of the Smart and Secure Electricity Systems consultation package, recognising the potential benefits for consumers and for system flexibility.

However, the effectiveness of regulation 19 will depend on how clearly it operates in practice. It needs to be fully clear how off-peak periods are defined for the purposes of default operational hours. If not, this could create uncertainty for households about when charging will occur and why particular times have been selected.

We therefore suggest that you should adopt an approach that ensures:

- **The basis for defining default off-peak hours is clear and transparent.**
- **Consumers can easily understand what "off-peak" means in practice for their charge point.**
- **Users are able to change or override default settings where these do not meet their needs.**

Without this clarity, there is a risk that consumers may be unsure why their charging behaviour has changed or whether it is aligned with their tariff or usage patterns. Clear definitions and user-facing explanations will be important to

ensure that off-peak charging supports, rather than complicates, consumer understanding and control.

28. Do you have any comments regarding how regulation 20: Energy smart function for EHAs is drafted? Please provide further information to support your answer.

Regulation 20 should ensure that energy smart functions for electric heating appliances operate in a way that is compatible with people's need for warmth, predictability and control, not solely system optimisation.

Heating is an essential service, and changes to its operation can have a direct impact on comfort, health and wellbeing. It is therefore important that smart and flexible functions do not result in behaviour that feels unpredictable or difficult to understand, particularly where heating patterns change in response to external signals.

In practice, this means that it should be made the case that:

- Households should be able to understand when and why their heating is operating differently.
- Users should retain meaningful control, including the ability to adjust or override smart operation where needed.
- Flexible operation should not compromise the ability to maintain adequate and consistent warmth.

Clear user-facing information and predictable system behaviour will be essential to ensure that energy smart heating functions support consumer confidence and engagement, rather than creating uncertainty or discomfort.

29. Do you agree with the proposed definition for an 'add-on' module for the purposes of the ESA regulations? If not, what elements of the definition do you recommend should be changed and why? Please provide evidence or reasoning to support your answer.

The key issue is that smart add-on modules should be regulated in the same way as built-in smart functionality, so that consumers receive the same protections and clarity regardless of how the technology is supplied.

We broadly support a definition that captures devices which add smart or flexible functionality to an appliance after manufacture, as this helps avoid gaps where similar functions are delivered through different technical routes.

The definition should:

- Ensure add-on modules are subject to the same requirements as integrated smart functionality.
- Prevent similar products being treated differently simply because of how they are attached or supplied.
- Provide clarity about what is covered by the regulations.

There is also a risk that an overly narrow definition could allow unregulated or non-compliant add-on devices, including those sold directly from overseas or through informal online channels, to enter the market. This could leave people exposed to products that do not meet minimum standards or that operate in unclear or misleading ways.

Framing the definition around what the device does, rather than how it is supplied, will help ensure consistent protections and reduce the risk of regulatory avoidance.

30. Do you have any comments regarding how regulations 21 and 22 relating to offpeak usage and responsiveness status for EHAs are drafted? Please provide further information to support your answer.

We support the aim of enabling off-peak and responsive operation for electric heating appliances, and welcome that the drafting includes user prompts and the ability to override settings.

However, for an essential service such as heating, it is crucial that flexible operation does not make systems unpredictable or difficult to manage in practice. People need to be able to understand when and why their appliance is operating differently, and to retain meaningful control over its behaviour.

In particular, requirements relating to “responsiveness status” should not be meaningful only to system operators. They should translate into clear and understandable behaviour for households, especially where this affects comfort or costs. If changes in operation are driven by external signals, these should be

visible and intelligible to users rather than appearing as unexplained or erratic system behaviour.

This will be important to ensure that smart and flexible heating supports confidence and engagement, rather than creating uncertainty or discomfort.

31. Do you agree with the proposal to apply the smart functionality requirements set out in Chapter 2 of Part 2 of the regulations to any relevant BESS sold as smart?

We agree that where a battery energy storage system is marketed or supplied as 'smart', it should be subject to the same smart functionality requirements as other energy smart appliances. This helps ensure that consumers receive consistent protections and can have confidence in how these systems will behave.

Applying these requirements to smart BESS will reduce the risk of similar products being treated differently based solely on how they are described or supplied, and will help avoid gaps in consumer protection where smart functionality is delivered through different technical routes.

It is also important that these requirements support interoperability, so that smart battery systems are not tied to a single supplier, platform or service over their lifetime. In practice, this means that it must be ensured that:

- Households should be able to switch energy supplier or flexibility service without losing core smart functionality.
- Future occupants of a property should be able to use and understand the system without being locked into a particular provider or ecosystem.
- Smart functionality should not depend on proprietary arrangements that restrict consumer choice or competition.

Ensuring that smart functionality requirements apply consistently to BESS sold as smart, and that they support interoperability in practice, will help prevent consumer lock-in and increase confidence that these systems will remain usable and beneficial over time.

32. Do you agree with the Off-peak usage requirement for BESS as set out within regulation 24? Please provide further information to support your answer.

We agree with the off-peak usage requirement for battery energy storage systems as set out in regulation 24, recognising the potential benefits for both system efficiency and consumer costs.

However, off-peak operation should support, rather than override, the primary purpose of a battery system for the household. People install or use battery storage in order to store and use electricity when it is most useful to them, and this function should not be undermined by inflexible or opaque charging behaviour.

In practice, this means that:

- Battery behaviour should remain predictable and understandable.
- Households should be able to access stored energy when they need it, particularly during peak demand or high-price periods.
- Off-peak charging should not conflict with consumers' reasonable expectations of how their system will operate.

Ensuring that off-peak requirements work in a way that aligns with household needs will be important to maintain trust in battery storage systems and to avoid situations where smart operation appears to prioritise system optimisation at the expense of usability or control.

33. Do you agree with the requirement for ESAs as set out within regulation 25: Provision of information regarding security? Please provide further information to support your answer.

We support the requirement for security information to be provided for energy smart appliances, as people need confidence that connected devices in their homes are appropriately protected.

However, the usefulness of this requirement will depend on whether the information provided is clear, accessible and meaningful for non-technical users. Security information that is overly technical or abstract is unlikely to help households understand the risks or what is expected of them in practice.

It is also important that this requirement does not place unreasonable responsibility on consumers to manage security risks themselves. While people should be informed about how their device is secured and what good practice looks like, security should primarily be built into the design and operation of the product rather than relying on user action.

Security information will only meaningful if it is accompanied by:

- Clear accountability for addressing vulnerabilities or failures.
- Appropriate routes to redress if security issues cause harm or disruption.
- Ongoing support where updates or changes are required to maintain protection.

Without these safeguards, there is a risk that providing security information alone could shift responsibility onto consumers without giving them the tools or protections needed to manage those risks effectively.

34. Do you agree that the flexibility guidance pack requirement in regulation 26 should also apply to EVSCPs and BESS?

We agree that the flexibility guidance pack requirement in regulation 26 should also apply to EV smart charge points and battery energy storage systems. These technologies can materially affect how and when households use electricity, so it is appropriate that consumers receive clear guidance on how their smart and flexible functions operate.

However, the value of this requirement will depend on how it works in practice. It would be helpful to have greater clarity about what the flexibility guidance pack is expected to include and how it should be presented. In particular, it will be important to understand whether there is an intention for the language and structure of these packs to be broadly consistent across different types of products and services, so that consumers are not faced with fragmented or contradictory information.

There is likely to be overlap between the information provided through flexibility guidance packs and the guidance given by flexibility service providers or other third parties. Drawing on existing thinking in this area, the guidance must:

- Explain clearly what the device or service will do and under what circumstances.
- Set out how flexible operation may affect costs, charging or discharge behaviour and availability of energy.
- Make clear what level of control the household retains and how settings can be changed or overridden.
- Use consistent and accessible language so that people can understand and compare how different systems work.

Applying the flexibility guidance pack requirement to EVSCPs and BESS should help ensure that consumers receive comparable protections and information across different smart energy technologies, provided the content is clearly defined and designed around how people actually use and manage these systems in practice.

35. Do you agree that the manufacturer should be responsible for producing the flexibility guidance pack, and that the entity placing the appliance on the market (manufacturer or importer) should ensure it is supplied with the appliance?

We agree that the manufacturer should be responsible for producing the flexibility guidance pack, and that the entity placing the appliance on the market (manufacturer or importer) should ensure it is supplied with the appliance. This provides clarity about responsibility and helps ensure that information about smart and flexible functions is accurate and linked to the design of the product itself.

However, it is important that guidance is provided in a form that consumers are likely to access and use in practice. Relying solely on digital formats risks excluding some users and reducing the likelihood that guidance will be read unless a problem arises. For this reason:

- Physical (paper) copies of guidance must also be easily available alongside digital versions.
- Guidance must be accessible and usable for people with different needs and levels of digital confidence.

Beyond manufacturer-produced guidance, consumers will also need access to independent advice and support on how best to use their equipment and how it may interact with other products or services supplied by different manufacturers. Smart and flexible systems do not operate in isolation, and households may need help understanding how their appliance works in combination with tariffs, apps or third-party services.

Ensuring that clear manufacturer guidance is complemented by independent, trusted sources of advice will be important in supporting confident and effective use of smart and flexible technologies in practice.

36. Do you agree with the Assurance requirement for ESAs as set out within regulation 27? Please provide further information to support your answer.

We support the inclusion of an assurance requirement for energy smart appliances, as consumers are not able to assess technical compliance themselves and must be able to trust that products placed on the market meet minimum standards for safety, security and smart functionality.

This requirement is an important safeguard to ensure that responsibility for compliance sits with manufacturers and importers, rather than with households who have no practical way of verifying whether an appliance meets regulatory standards.

However, it is also important that assurance mechanisms support accessibility and usability in practice. Compliance should not be treated solely as a technical or legal matter, but as something that results in products that can be safely and effectively used by a wide range of consumers.

In particular we would suggest that:

- Assured products should be usable by people with different levels of digital confidence and different accessibility needs.
- Information associated with assurance should be presented in a way that is clear and understandable, rather than only in technical or regulatory language.

Without this, there is a risk that appliances may meet formal assurance requirements while still being difficult for some households to use safely or

confidently. The assurance requirement should therefore support not only technical compliance, but also trust and accessibility for the people who rely on these products in everyday life.

37. Do you agree with the different documentation required (flexibility guidance pack, statement of compliance and technical file) as part of regulations 26 and 27? Please provide further information to support your answer.

We agree with the use of different types of documentation for different purposes, including a flexibility guidance pack for consumers, and a statement of compliance and technical file for regulatory and assurance purposes. This approach can help ensure that information is tailored to its intended audience rather than presented in a single, overly technical format.

However, the effectiveness of this approach will depend on whether the consumer-facing documentation is genuinely accessible and usable in practice. In particular:

- The flexibility guidance pack must be written in clear, plain language and avoid unnecessary technical detail.
- Information must also be provided in formats that are accessible to people with different needs and levels of digital confidence, including non-digital options where appropriate.
- Key messages about how smart and flexible functions work must be easy to find and understand, rather than buried within wider technical material.

Separating documentation by audience can be helpful, but only if this results in better-quality, more usable guidance for households. Without a strong focus on accessibility, there is a risk that compliance and technical documentation is prioritised while consumer-facing information remains difficult to engage with or understand

38. Do you agree with clarification of the register requirements? Please provide further information to support your answer.

We do not have specific comments on the detailed drafting of the register requirements. The key issue is that register arrangements should support effective enforcement and timely corrective action where products cause harm or fail to meet required standards.

From a consumer perspective, the value of a register lies in whether it helps regulators to identify non-compliant products and take action quickly, rather than in the register itself as a source of information for households.

It should therefore be ensured that register requirements:

- Enable regulators to monitor compliance effectively.
- Support prompt action where problems are identified.
- Contribute to preventing non-compliant or unsafe products from remaining in use.

If these outcomes are achieved, the register will play a useful role in strengthening consumer protection in practice, even if it is not something most consumers will interact with directly.

39. Do you have any comments regarding how regulations 30 and 31 on Service and Compliance Notice are drafted? Please provide further information to support your answer.

Nill response

40. Do you agree that the current powers are sufficient to address non-compliance? Please provide further information to support your answer.

Nill response

41. If you do not consider that the current civil penalties are sufficient, do you support the creation of criminal offences as set out in section 242(3)(a) of the Energy Act? Please provide further information to support your answer.

Nill response

42. Do you agree with the proposal to align the civil penalty calculation with the Ecodesign for Energy Related Products Regulations 2010?

Nill response

43. Do you agree that the enforcement notices – compliance notice, notice of intent and final notice – follow a clear and logical set of processes and procedures (regulations 31, 33 and 34)? Please provide further information to support your answer.

Nill response

44. Do you have any comments regarding how regulations 33 on Notice of Intent, 34 Final Notice, 35 Appeals against final notices and 36 Enforcement of a civil penalty are drafted? Please provide further information to support your answer.

Nill response

45. Do you have any comments regarding how regulations 37 on Enforcement undertaking, 38 on Contents of an enforcement undertaking, 39 on Acceptance of an enforcement undertaking, 40 on Discharge of an enforcement undertaking, 41 on Appeals relating to the discharge of an enforcement undertaking, 42 on Inaccurate, incomplete or misleading information and 43 on Non-compliance with enforcement undertaking are drafted? Please provide further information to support your answer.

Nill response

46. Do you have any comments regarding how regulation 44 on Publication of cases of civil sanctions and enforcement undertakings is drafted? Please provide further information to support your answer.

While public registers can support transparency, most consumers will not actively search for regulatory enforcement information. Their value, therefore, lies more in supporting oversight and deterrence than in directly informing consumer choice. There may also be value provided through third parties summarising the publicly available information to provide more consumer-accessible information

47. Do you agree with the application of the Consumer Rights Act Schedule 5 as set out in regulation 45: Amendment of the Consumer Rights Act 2015? Please provide further information to support your answer.

Nill response

48. Do you have any comments regarding how the regulations (46-49) in Part 4 are drafted? Please provide further information to support your answer.

Nill response

49. Please comment on these data, assumptions, and methodology used in the Initial Impact Assessment. Please also provide further views on distributional impacts, and potential Equality Act considerations.

The Impact Assessment provides a useful overview of expected costs and benefits, but its conclusions rely on assumptions about how households will understand and engage with smart and flexible technologies in practice. These assumptions appear optimistic when set against evidence that many consumers find smart energy systems complex and difficult to interpret.

In particular, the assessment assumes that:

- Consumers will be able to act on information provided by devices and services
- That projected savings and system benefits will be realised through changes in behaviour or automated operation.

In practice, the extent to which benefits are realised will depend heavily on:

- The clarity of information provided to households
- The usability of controls and interfaces
- The availability of support when systems do not behave as expected.

There is therefore a risk that expected consumer benefits will not materialise, while households may still be exposed to changes in system behaviour that affect comfort or costs.

On distributional impacts, the Impact Assessment concludes that there are no significant adverse effects. However, impacts are unlikely to be evenly distributed in practice.

Some households may be better placed to benefit from smart and flexible technologies, while others may face higher risks of confusion or unintended consequences. Distributional impacts should therefore consider differences related to:

- Digital confidence and the ability to engage with controls
- The predictability of household routines
- The extent to which people can adjust their energy use in response to system signals.

Without sufficient attention to these factors, there is a risk that benefits accrue disproportionately to more confident or well-resourced consumers, while others experience fewer benefits or greater disruption.

Equality Act considerations also warrant closer attention.

Smart and flexible operation may pose particular challenges for:

- People who require stable and predictable warmth for health reasons
- People with disabilities that affect their ability to use complex controls or digital interfaces
- Households whose routines cannot easily shift in response to time-based or automated signals.

The Impact Assessment would benefit from a more explicit consideration of how such groups may be affected in practice, and what safeguards are needed to ensure that flexible operation does not undermine comfort, control or safety.

Overall, while the Impact Assessment identifies potential benefits, these depend on assumptions about consumer understanding and system usability that should be treated with caution. Distributional and equality impacts should be kept under review as the regulations are implemented, with particular attention to whether benefits are realised in practice and whether some groups face higher risks of detriment.

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