

# Draft Implementing Regulation on the Access to Electricity Metering & Consumption Data Requirements

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A Eurelectric response paper

September 2022

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

### We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

**investing** in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

**transforming** the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

**accelerating** the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

**embedding** sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

**innovating** to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

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# Draft Implementing Regulation on the Access to Electricity Metering & Consumption Data Requirements

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## KEY MESSAGES

- We are concerned about the mandatory implementation of the proposed reference model, with many aspects as currently drafted coming into force within 20 days. The reference model should be used for mapping of national practices to achieve interoperability and not to harmonise national practices, following the negotiations of the Clean Energy Package. We understand Member States have not seen this model prior to the publication of this draft, and furthermore we propose an implementation period of no less than 24 months to allow all Member States to implement any specific requirements.
- The proposed reference model has been based off the retail market for household and small and medium enterprise (SME) customers, but the IR refers to “final customers,” which could be interpreted to include large industrial customers as well. The consumer protection rules in the retail markets for household and SME customers are significantly different from the consumer protection rule for large industrial customers. We would propose that the language scoping the proposed reference model be clarified to include only household and SME customers. The spirit of directive 2019/944, for example recitals 54, 55 and 56, is providing Smart Metering and access to Smart Metering data to consumers. The data exchange between large industrial customers and high voltage network operators is already well established and requiring similar approach to this data exchange as to residential consumers metering data could create unnecessary bureaucracy.
- Since metering and consumption data is related specifically to distributed energy and the connection between final customers and the grid, we feel that it is unnecessary to include ENTSO-E in collecting the reports and making the data practices available. We find this is outside of the scope of their responsibilities.
- The IR will significantly impact the work of system operators, and they have been well-included in the operation of the IR, but it will also significantly impact the operations of energy suppliers, and we feel that suppliers and service providers should be on equal footing regarding the advice relating to and the implementation of the IR.
- The wording consent versus permission should be carefully considered in the context of other horizontal EU Data legislation such as GDPR, the Data Act and the Data Governance Act.

**Specific areas of concern or proposed changes to the IR and its Annex:**

**Amendment 1**

Draft IR Language:

Recital (3)

This Regulation applies to metering and consumption data in the form of validated historical metering and consumption data and non-validated near-real time metering and consumption data. It lays down rules enabling final customers and eligible parties to access this data, in a timely, simple, and secure manner.

Proposed Change:

Recital (3)

This Regulation applies to metering and consumption data in the form of validated historical metering and consumption data and non-validated near-real time metering and consumption data. It lays down rules enabling ~~final customers~~ **household and small and medium enterprise customers** and eligible parties to access this data, in a timely, simple, and secure manner.

*Rationale*

We suggest the change from “final customers” to “household and small and medium enterprise customers” to clarify the scope and leave large industrial customers to be treated separately, as is required by the different market structures. A similar amendment is required in Article 1.

**Amendment 2**

Draft IR Language:

Recital (4)

Such data can be acquired for further use and processing by an energy management system, an in-home display, or another device which for the purposes of this Regulation is referred to as ‘near real-time data consumption system’.

Proposed Change:

Recital (4)

Such data can be acquired for further use and processing by an energy management system, an in-home display, **online** or another ~~device~~ **remote system** which for the purposes of this Regulation is referred to as ‘near real-time data consumption system’.

*Rationale*

We propose to substitute the word “device” since Article 20 of the parent legislation does not mention it. In fact, it proposes two alternative ways to access non-validated data, namely “standardised interface “ or “remote access”, neither of the two requiring a specific device. The possibilities given should be exhaustive and consistent with the rest of the text.

### Amendment 3

#### Draft IR Language:

Recital (7)

to determine the communication component and layers

#### Proposed Change:

Recital (7)

to determine the communication **and** component ~~and~~ layers

### Amendment 4

#### Draft IR Language:

Recital (9)

and the International Electrotechnical Commission's Common Information Model [footnote 3]

#### Proposed Change:

Recital (9)

and the International Electrotechnical Commission's Common Information Model ~~[footnote 3]~~ **[footnote 2]**

### Amendment 5

#### Draft IR Language:

Recital (11)

It is important that eligible parties have the possibility to test their products and procedures before deploying them. Metered data administrators should provide eligible parties access to facilities to test their products and services in advance before deployment, to avoid technical implementation problems, and to fine-tune their operations to ensure that their products and services run smoothly in line with the procedures of this Regulation.

#### Proposed Change:

Recital (11)

It is important that eligible parties have the possibility to test their products and procedures before deploying them. Metered data administrators **in cooperation with permission administrators** should provide eligible parties access to facilities to test their products and services **when possible** in advance before deployment, to avoid technical implementation problems, and to fine-tune their operations to ensure that their products and services run smoothly in line with the procedures of this Regulation.

#### *Rationale*

We suggest the added language to clarify that permission administrators have direct interactions and interfaces with the eligible parties.

### Amendment 6

#### Draft IR Language:

Recital (13)

#### Proposed Change:

Recital (13)

Therefore, this Regulation ensures that final customers have access also to non-validated near real-time metering and consumption data from smart metering systems in line with point (e) of Article 20 of Directive (EU) 2019/944.

Therefore, this Regulation ensures that final customers have access also to non-validated near real-time metering and consumption data from smart metering systems **if they request it** in line with point (e) of Article 20 of Directive (EU) 2019/944.

### *Rationale*

In order to give priority to those interested customers and be cost-efficient, we suggest to literally mention what article 20 (e) of Directive (EU) 2019/944 says regarding customer access (“if final customers request it”).

## **Amendment 7**

### Draft IR Language:

Recital (14)

Member States may choose how to implement the interoperability requirements in their national system reflecting national practices, in particular regarding aspects linked to the communication and component layer. While this ensures that the implementation model is based on existing national practices, it also makes it more difficult for eligible parties to understand how the reference model is implemented across the Union in the Member States, in particular with regard to the communication and component layer. This could lead to a barrier to entry for eligible parties who want to be active in other Member States. Therefore, a common repository of national practices should be established on how the reference model is implemented in the national practices of Member States and should be made publicly available. [...]

### Proposed Change:

Recital (14)

Member States may choose how to implement the interoperability requirements in their national system reflecting national practices, in particular regarding aspects linked to the communication and component layer. While this ensures that the implementation model is based on existing national practices, it also makes it more difficult for eligible parties to understand how the reference model is implemented across the Union in the Member States, in particular with regard to the communication and component layer. This could lead to a barrier to entry for eligible parties who want to be active in other Member States. Therefore, a common repository of national practices should be established on how the reference model is implemented in the national practices of Member States and should be made publicly available. **From each Member States at least one national practise should be mapped according to ANNEX of this regulation. Members State should choose the most relevant data sharing process to be mapped, making sure that at least one mapping is provided for all data access. [...]**

### *Rationale*

In the ANNEX of this IR it is clarified that only one national solution needs to be mapped. This is an important principle and should be clarified also in the main IR. For example there can be

several ways a customer can receive their metering data (from Datahub, from DSO, from supplier). It needs to be clear that it is sufficient to map only one way according to the ANNEX. Members State shall choose the most relevant data sharing process to be mapped, making sure that at least one mapping is provided for all data access.

### Amendment 8

#### Draft IR Language:

Recital (15)

“This cooperation would be based on the existing responsibilities of the two bodies, namely the responsibility of the EU DSO entity to contribute to the digitalisation of distribution systems and to support, in cooperation with relevant authorities and regulated entities, the development of data management, as well as the responsibility of the ENTSO for Electricity to contribute to the establishment of interoperability requirements and non-discriminatory and transparent procedures for accessing data as provided for in Article 24 of Directive (EU) 2019/944

#### Proposed Change:

Recital (15)

“This cooperation would be based on the existing responsibilities of the two bodies, namely the responsibility of the EU DSO entity to contribute to the digitalisation of distribution systems and to ~~participate support~~, in cooperation with relevant authorities and regulated entities, ~~to~~ the development of data management, as well as the responsibility of the ENTSO for Electricity to contribute to the establishment of interoperability requirements and non-discriminatory and transparent procedures for accessing data as provided for in Article 24 of Directive (EU) 2019/944 **and Article 30 and 55 of Electricity Regulation 2019/943**”

#### *Rationale*

As in Article 11 of this Implementing Act, the exact phrasing of the Elec. Regulation shall be used to ensure full alignment and legal certainty.

Art 55. 1 (f) of Electricity Regulation (2019) states that DSOs should participate in the development of network codes which are relevant to the operation and planning of distribution grids and the coordinated operation of the transmission networks and distribution networks pursuant to Article 59.

Art. 30. 1 (k) of Electricity Regulation (2019) states that ENTSO for electricity should contribute to the establishment of interoperability requirements and non-discriminatory and transparent procedures for accessing data as provided for in Article 24 of Directive (EU) 2019/944;

### Amendment 9

#### Draft IR Language:

Recital (16)

In order to ensure the application of interoperability requirements, this Regulation establishes a reference model for metering and consumption data that sets out the rules and procedures that Member States shall apply to enable interoperability, and lists the electricity market participants that

#### Proposed Change:

Recital (16)

In order to ensure the application of interoperability requirements, this Regulation establishes a reference model for metering and consumption data that sets out the rules and procedures that Member States shall apply **when mapping the existing national practises against the reference model** to enable

are concerned by this act and the roles and responsibilities they can assume separately or cumulatively as described in Articles 5, 6, 7 and 8 and in the Annex to this Regulation.

interoperability, and lists the electricity market participants that are concerned by this act and the roles and responsibilities they can assume separately or cumulatively as described in Articles 5, 6, 7 and 8 and in the Annex to this Regulation.

### *Rationale*

The Implementing Regulation shall set the goal to improving interoperability with a step by step approach by providing a clear mapping of national practices. The implementing regulation shall not require harmonisation of processes between Member States. This has been communicated as the role of these regulations and this shall be respected.

### **Amendment 10**

#### Draft IR Language:

Recital (16)

Relevant eligible parties should comply with their obligations under the relevant applicable EU rules

#### Proposed Change:

Recital (16)

Relevant eligible parties ~~should~~ **shall** comply with their obligations under the relevant applicable EU rules

#### *Rationale*

A stronger commitment could be achieved by adding a new article about responsibilities of eligible parties that could state the sentence above.

### **Amendment 11**

#### Draft IR Language:

Article 2.4

(4) 'near real-time metering and consumption data' means metering and consumption data provided continuously by a smart meter in a short time period, usually down to seconds or up to the imbalance settlement period in the national market values obtained in such a way shall be understood to be non-validated data

#### Proposed Change:

Article 2.4

(4) 'near real-time metering and consumption data' means metering and consumption data ~~provided continuously by a smart meter in a short time period, usually down to seconds or up to the imbalance settlement period in the national market~~ **as defined in the Article 2(26) of the Directive (EU) 2019/944**, values obtained in such a way shall be understood to be non-validated data, **and made available through a standardised interface or through remote access in line with Article 20(a) of the Electricity Directive (EU) 2019/944;**

## Amendment 12

### *Rationale*

Avoid copying a definition already included in the Electricity Directive, as it may change in the future.

#### Draft IR Language:

Article 2.7

(7) 'metered data administrator' means a party responsible for storing validated historical metering and consumption data and distributing these data to final customers and eligible parties;

#### Proposed Change:

Article 2.7

(7) 'metered data administrator' means a party responsible for storing validated historical metering and consumption data and distributing these data to final customers and and or eligible parties;

### *Rationale*

The definition of metered data administrator does not take into account there may be one entity responsible for distributing data to eligible parties and another entity distributing data to final customers. Also, definitions of data access provider and metered data administrator may be mutually exclusive. The definition of metered data administrator should be changed to reflect this.

## Amendment 13

#### Draft IR Language:

Article 4

Member States or, where a Member State has so provided, the designated competent authorities, shall report the national practices regarding the implementation of the interoperability requirements and procedures for access to data, according to Article 10, and ensure that these comply with the obligations set out in this Regulation.

#### Proposed Change:

Article 4

Member States or, where a Member State has so provided, the designated competent authorities, shall report the national practices regarding the implementation of the interoperability requirements and procedures for access to data, according to Article 10, **within 24 months after entry into force of this Implementing Regulation**, and ensure that these comply with the obligations set out in this Regulation.

### *Rationale*

The Implementing Regulation requests in Article 13 the guidance for the reporting of national practices 12 months after entry into force, therefore there should be a period for implementation after the issue of the guidance. 12 months is a too short period for adapting energy systems and provide access to near real-time data; it may be insufficient for many countries.

## Amendment 14

### Draft IR Language:

#### Article 4.1

In order to meet the interoperability requirements, electricity undertakings shall apply the reference models set out in the Chapter and in the Annex of this Regulation. Member States or, where a Member State has so provided, the designated competent authorities, shall report the national practices regarding their implementation of the interoperability requirements and procedures for access to data, according to Article 10, and ensure that these comply with the obligations set out in this Regulation.

### Proposed Change:

#### Article 4.1

In order to ~~meet the~~ **promote** interoperability ~~requirements, electricity undertakings shall apply the reference models set out in the Chapter and in the Annex of this Regulation.~~ Member States or, where a Member State has so provided, the designated competent authorities, shall report the national practices regarding their implementation of the interoperability requirements and procedures for access to data **by providing a mapping of national practices against the reference model defined in this regulation.** ~~according to Article 10, and ensure that these comply with the obligations set out in this Regulation.~~

### *Rationale*

We are concerned about the mandatory implementation of the proposed reference model. This has changed from previous versions quite drastically changing the scope and meaning of this implementing regulation.

In previous versions it is stated that: The reference model shall be a high-level description with due respect to established national practices and allow for different implementation details as appropriate for established national practices.

The Implementing Regulation shall set the goal to improving interoperability with a step by step approach by providing a clear mapping of national practices. The implementing regulation shall not require harmonisation of processes between Member States. This has been previously communicated as the role of these regulations and this shall be respected

We understand Member States have not seen this model prior to the publication of this draft, and we would propose an implementation period of no less than 24 months to allow all Member States the implement any specific requirements. Alternatively, the whole regulation should enter into force after 24 months after its adoption.

## Amendment 15

### Draft IR Language:

#### Article 5.1

In order to ensure seamless access to data for final customers and eligible parties, the metered data administrator shall: ....

### Proposed Change:

#### Article 5.1

In order to ensure seamless access to data for final customers and eligible parties, the metered data administrator shall: ....

(a) make validated metering and consumption data available to final customers and eligible parties through an online interface, on request, in a non-discriminatory way, and without undue delay

(b) ensure that final customers (i) can access their validated metering and consumption data; (ii) make it available to eligible parties and (iii) receive it in a structured, commonly used, machine-readable and interoperable format;

(c) keep a data access log up to date and make this available to final customers through an online interface, free of charge, without unnecessary delay, and on final customer's request;

(a) make validated metering and consumption data available **online** to **eligible parties and/or** final customers ~~and eligible parties through an online interface, on request~~, in a non-discriminatory way, and without undue delay

(b) ensure that final customers (i) can access their validated metering and consumption data; (ii) make it available to eligible parties and (iii) receive it in a structured, commonly used, machine-readable and interoperable format, **where applicable**;

(c) keep a data access log [...**outline here a non-exhaustive list of parameters that should be logged under which conditions, avoiding unnecessary administrative burden...**] up to date and make this available to final customers through an online interface, free of charge, without unnecessary delay, and on final customer's request;

### **Rationale**

Paragraph 1(a): If the purpose is to emphasise "online availability", it might be sufficient to simply include the word "online". Furthermore, "online" is more general than "online interface" and less restrictive when it comes to national situations. Changes relating to eligible parties and final customers are in line with suggested changes in the definitions part.

Data made available via online service doesn't necessarily need a separate request, just logging in. How should "a request" be interpreted here? We see "on request" could be removed.

Paragraph 1(b): Article 5 mentions machine-readable format for provision of metering and consumption data. While this is the case for consumer with electronic billing, some (especially older and vulnerable) consumers still wish to receive this information in a written form. In these cases, it is virtually impossible to fulfil requirements of this implementing act. Article 5 should allow for national specificities.

The interpretation of article 5 paragraph 1c in the document needs to be further explained since it is currently unclear. Depending how it is interpreted it could potentially mean, to our understanding, that every single access to meter information must be logged with what data is accessed and by whom. In addition to potentially create huge implications for updating existing IT-systems it could also impact integrity rules and regulations. Who has access to the meter information is to our understanding covered by other players in other articles and paragraphs.

## Amendment 16

### Draft IR Language:

#### Article 5.3

Metered data administrators shall give eligible parties access to facilities for testing the procedures in this Regulation before putting them into use.

### Proposed Change:

#### Article 5.3

Metered data administrators shall **cooperate with permission administrators to** give eligible parties access to facilities for testing **implementation of** the procedures in this Regulation **before putting them into use.**

### *Rationale*

We do not support the need for test systems as a specific requirement in the implementing regulation. If it remains included, we feel this compromise language clarifies that this concerns the testing of the integration by the eligible parties and that this could happen as good practice both in the planning and executing phases of said implementation.

## Amendment 17

### Draft IR Language:

#### Article 8.1

The permission administrator shall

(a) make metering and consumption data available online by granting permission to eligible parties and revoking permissions, without unnecessary delay, on final customers' request in accordance with the procedures described in the Annex;

### Proposed Change:

#### Article 8.1

The permission administrator shall

(a) ~~make metering and consumption data available online by~~ granting permission to eligible parties and revoking ~~ing~~ permissions, without unnecessary delay, on final customers' request in accordance with the procedures described in the Annex;

### *Rationale*

This seems to be an error. Making metering and consumption data available online is not in the role or permission administrator but in the role of Metered data administrator. Now there is double role on making data available online.

This should be deleted from this role.

## Amendment 18

### Draft IR Language:

#### Article 8.2

To ensure proper functioning of the reference model, permission administrators

### Proposed Change:

#### Article 8.2

~~To ensure proper functioning of the reference model~~ **To allow for eligible parties to test their**

should cooperate with eligible parties to facilitate testing of the processes necessary to implement the reference model before it is put into use.

**implementation of the functionalities enabled by the reference model**, permission administrators should cooperate with eligible parties to facilitate testing of the processes necessary to implement the reference model ~~before it is put into use~~.

### *Rationale*

We feel this language clarifies that this concerns the testing of the integration by the eligible parties and that this should happen both in the planning and executing phases of said implementation.

## **Amendment 19**

### Draft IR Language:

#### Article 9

In order to ensure access to non-validated near real-time metering and consumption data for final customers, through a standardised communication interface or through remote access, Member States shall apply the methods established according to Procedures 5 and 6 in the Annex of this Regulation.

### Proposed Change:

#### Article 9

In order to ensure access to non-validated near real-time metering and consumption data for final customers, through a standardised communication interface or through remote access, Member States shall apply, **at least 24 months after entry into force of this Implementing Regulation**, the methods established according to Procedures 5 and 6 in the Annex of this Regulation.

### *Rationale*

12 months is a too short period for adapting energy systems and provide access to near real-time data; it may be insufficient for many countries. Besides, as previously written, the Implementing Regulation requests (Article 13) the guidance for the reporting of national practices 12 months after entry into force, therefore there should be a period for implementation after the issue of the guidance.

## **Amendment 20**

### Draft IR Language:

#### Article 12

Tasks under the EU DSO and ENTSO for Electricity cooperation on data transparency

### Proposed Change:

#### Article 12

Tasks under the EU DSO **Entity** and ENTSO for Electricity cooperation on data transparency

## Amendment 21

### Draft IR Language:

ANNEX point I7 on page 4

at least one mapping for each model of smart meter deployed after July 4 2019 in a Member State must be applicable

### Proposed Change:

ANNEX point I7 on page 4

at least one mapping for each ~~model of~~ **interface specification in use for** smart meters deployed after July 2019 in a Member State must be applicable

### *Rationale*

In some Member States there are quite specific definitions of e.g. H1 port in the national legislation (including reference to standards) requiring same H1 port specification in all meters (e.g. in Finland). Thus, we see the wording of I7 could create unnecessary bureaucracy.

There is no justification to list all meter models and manufacturers if there is a common national definition/spec for the H1 port. The full information of meter models and manufacturers also seem like it would be sensitive information competition regulation wise.

Part I7 of the ANNEX should be reformulate in a way that all H1 solutions are mapped, but it wouldn't need to be done for each meter model separately if several models have the same specification. For example, a "default" mapping for the whole Member State could be required and additional mappings should only be required if a type of meter deviates from the "default". This way an exhaustive list of meter manufacturers and meter types would not be created, but eligible parties and customers would still receive all necessary information they need from the interface.

## Amendment 22

### Draft IR Language:

ANNEX point 6.3 on page 20

At the end of step 6.3, attributes of information object P must be available in a form that can easily be used in the follow-up processes. When mapping this step, it is not enough to refer to a standard - descriptions of all necessary steps must be provided exhaustively....

### Proposed Change:

ANNEX point 6.3 on page 20

~~At the end of step 6.3, attributes of information object P must be available in a form that can easily be used in the follow-up processes. When mapping this step, it is not enough to refer to a standard - descriptions of all necessary steps must be provided exhaustively.~~

### *Rationale*

The functioning of 'near real-time data consumption system' should not be in scope of the regulation. Only access to metering data that the 'near real-time data consumption system' can utilise. Step 6.3 should not be regulated, but should be left for markets to create services for customers based on data from step 6.2. There should be no requirement to map 6.3 or as a minimum the above paragraph should be deleted.

**Further comments relating to the Annex:**

Definitions used in the Annex should change identically to changes suggested above.

Regarding some “explicit” steps described in the Annex, such as permission revocation, this may not always be explicit but part of the service termination. This is one specific example proving that more flexibility in implementing requirements of the reference model is needed. The reference model should be used for mapping of national practices to achieve interoperability, as outlined before, and not to harmonise national practices.

Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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