



## European Commission’s proposal for a revised Electricity Directive

### ESMIG proposals for amendments

#### Amendment 1 :

Text proposed by the Commission	Amendment
Article 2 paragraph 18 18. ‘smart <b>metering system</b> ’ means an electronic <b>system</b> that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data for information, monitoring and control purposes, using a form of electronic communication;	18. “smart <b>meter</b> ” means an electronic <b>device</b> that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data for information, monitoring and control purposes, using a form of electronic communication;

#### Amendment 2:

Text proposed by the Commission	Amendment
Article 2 paragraph 18 a (new)	18 a. “ <b>Smart metering system</b> ” is a system that includes one or more smart meters and collects, validates, and distributes metering data.

#### Justification amendments 1 and 2:

In the proposal, the smart metering system is not distinguished from the smart meter, which can cause confusion in implementation.

#### Amendment 3

Text proposed by the Commission	Amendment
Article 12 paragraph 1 1. Member States shall ensure that a customer wishing to change supplier, while respecting contractual conditions, is entitled to such change within <b>three weeks</b> .	1. Member States shall ensure that a customer wishing to change supplier, while respecting contractual conditions <b>and right of withdrawal</b> , is entitled to such change within <b>seven days</b> . <b>This timeline should be shortened to 24 hours over a transition period of 5 years.</b>

Justification:

The right to switch supplier quickly is a new possibility offered by smart metering technology. Nevertheless, three weeks is too long to bring any dynamism into the market and to be beneficial to consumers. As there is no technical barrier to a shorter timeframe, ESMIG recommends simply a 24-hour transition period. The consumers' right of withdrawal can still be respected even with this short switching period.

**Amendment 4:**

<b>Text proposed by the Commission</b>	<b>Amendment</b>
Article 13 paragraph 4 4. Member States shall ensure that final customers are entitled to receive all relevant demand response data or data on supplied and sold electricity <b>at least once per year.</b>	4. Member States shall ensure that final customers are entitled to receive all relevant demand response data or data on supplied and sold electricity <b>of the last year at least every three months or within a month of asking.</b>

Justification:

This statement refers to all data of the year, but it can be confused with the obligation to provide meters' data to the consumers every three months<sup>1</sup>.

**Amendment 5:**

<b>Text proposed by the Commission</b>	<b>Amendment</b>
Article 19 paragraph 1 1. In order to promote energy efficiency and empower customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and aggregators optimise the use of electricity, inter alia by providing energy management services, developing innovative pricing formulas, or introducing <b>interoperable</b> smart metering systems <b>or smart grids</b> , where appropriate.	1. In order to promote energy efficiency and empower customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and aggregators optimise the use of electricity, inter alia by providing energy management services, developing innovative pricing formulas, or introducing smart metering systems <b>interoperable with a Consumer Energy Management device or system</b> where appropriate.

<sup>1</sup> DIRECTIVE 2012/27/EU on energy efficiency, annex VII, 1.1. Billing based on actual consumption

Justification:

Paragraph 1 of this article mentions the introduction of “interoperable smart metering systems or smart grids”. This statement is too vague and it is not clear with what “the smart metering systems or smart grids” should be interoperable with. Moreover, “smart metering systems or smart grids” is a confusing statement and only smart metering systems should be mentioned in this paragraph.

**Amendment 6:**

<b>Text proposed by the Commission</b>	<b>Amendment</b>
<p>Article 19 paragraph 5</p> <p>5. When the deployment of smart metering is negatively assessed as a result of cost-benefit assessment referred to in paragraph 2, Member States shall ensure that this assessment is revised <b>periodically</b> in response to changes in the underlying assumptions and to technology and market developments. Member States shall notify to the responsible Commission services the outcome of their updated economic assessment as it becomes available.</p>	<p>5. When the deployment of smart metering is negatively assessed as a result of cost-benefit assessment referred to in paragraph 2, Member States shall ensure that this assessment is revised <b>two years after the directive is passed and every five years after that</b> in response to changes in the underlying assumptions and to technology and market developments. Member States shall notify to the responsible Commission services the outcome of their updated economic assessment as it becomes available.”</p>

Justification:

ESMIG supports the obligation for the Member States to revise the cost benefit assessment (CBA) stated in paragraph 5, but the term “periodically” is too vague and a specific timeline should be added. Considering the speed with which technologies evolve and markets develop, we recommend a first review 2 years after the directive is passed for those Member States that had a negative CBA, and if this analysis is still negative, there be a review at least every five years thereafter.

**Amendment 7:**

<b>Text proposed by the Commission</b>	<b>Amendment</b>
<p>Article 20 paragraph a</p> <p>(a) the metering systems accurately measure actual electricity consumption and provide <b>to</b> final customers information on actual time of use. That information shall be made easily available and visualised to final customers at no additional cost and at near-real time in order to support automated</p>	<p>(a) the metering systems accurately measure actual electricity consumption and provide final customers <b>with</b> information on actual time of use. That information shall be made easily available and visualised to final customers at no additional cost and at near-real time in order to support automated energy efficiency programmes, demand response</p>

energy efficiency programmes, demand response and other services;	and other services; <b>consumption feedback and information should be provided by at least two channels: One of these feedback channels should be an In-Home Display (IHD) or smart phone app that is continuously updated. The other channel can be a website or an informative bill.</b>
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Justification:

It is crucial for the consumers to have an easy and free access to the information on their actual time of use at near real time to support demand response. The term “*easily available*” should be specified to avoid misinterpretation. In some Member States, the consumer must connect to the supplier website to check his energy consumption, and refresh the page to have updated data. This procedure cannot be considered as a way to make the information “easily available”. Therefore, ESMIG suggests to specify this term.

**Amendment 8:**

<b>Text proposed by the Commission</b>	<b>Amendment</b>
Article 21 paragraph 1 1. Where smart metering is <b>negatively assessed as a result of cost-benefit assessment referred to in Article 19(2), nor systematically rolled out</b> , Member States shall ensure that every final customer is entitled to have installed or, where applicable, to have upgraded, on request and under <b>fair and reasonable</b> conditions, a smart meter that complies with the following requirements:	1. Where smart metering is <b>only partially rolled-out</b> , Member States shall ensure that every final customer is entitled to have installed or, where applicable, to have upgraded, on request and under <b>similar</b> conditions, a smart meter that complies with the following requirements:

Justification:

ESMIG welcomes the new right for every customer to get a smart meter on request. Nevertheless, the technical feasibility and the cost of this proposal is in question. Indeed, it will be very costly to install only few smart meters and be of questionable value for consumers and the network. Therefore, ESMIG suggests to restrict the scope of this article to the Member States with a partial roll-out.

Moreover, similar conditions should apply to the consumers which are part of the full roll-out and consumers that request a smart meter.

**Amendment 9:**

<b>Text proposed by the Commission</b>	<b>Amendment</b>
<p>Article 23 paragraph 1</p> <p>1. When setting up the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the eligible parties which may have access to data of the final customer with their explicit consent in accordance with Regulation (EU) 2016/679. For the purpose of <b>this Directive</b>, data shall include metering <b>and consumption</b> data as well as data required for consumer switching. Eligible parties shall include at least customers, suppliers, transmission and distribution system operators, aggregators, energy service companies, and other parties which provide energy or other services to customers.</p>	<p>1. When setting up the rules regarding the management and exchange of data, Member States or, where a Member State has so provided the designated competent authorities shall specify the eligible parties which may have access to data of the final customer with their explicit consent in accordance with Regulation (EU) 2016/679. For the purpose of <b>article 23 and 24</b>, data shall include <b>commercial</b> metering data <b>which includes energy consumption and generation data</b>, as well as data required for consumer switching. Eligible parties shall include at least customers, suppliers, transmission and distribution system operators, aggregators, energy service companies, and other parties which provide energy or other services to customers.</p>

**Justification:**

ESMIG welcomes the proposal to create a European data format and would be delighted to help the European Commission in this task. However, there is no need to have a European data format for technical data. This article should only apply to commercial metering data, which includes energy consumption and generation data, as well as data required for consumer switching.

**About ESMIG**

ESMIG is the European voice of the providers of smart energy solutions. Our members provide products, information technology and services for multi-commodity metering, display and management of energy consumption and production at consumer premises.

Our activities are focused around systems for Smart Metering, consumer energy management and safe and secure data transfer.

We work closely with EU policy makers and other EU associations to make Europe's energy and water systems cleaner, reliable, more efficient and the European consumer informed, empowered and engaged.