

5 September 2022

European Commission

DG ENERGY, Unit B1
Attn. of Mrs Adela TESAROVA (Head of Unit)
and cc. to Mrs Constantina FILIOU (Senior Expert)

Rue De Mot 24 – Office DM24 03/022
B-1049 Brussels/Belgium

EU DSO Entity's reply to the Access to electricity metering and consumption data – requirements

Dear Mrs Tesarova,

On behalf of EU DSO Entity, I am pleased to share the observations below on the 'have your say' consultation the 'Implementing Regulation on access to metering and consumption data'. This letter has been elaborated by our internal Expert Group on Data Interoperability, currently co-ordinated by Mr Paul de Wit and Mr Georg Hartner, also liaising with ENTSO-E.

In general, EU DSO Entity welcomes the publication of this draft Implementing Regulation (IR). We will start giving our main comments (Part A), further on we will go into the specific articles that we would like to comment on (Part B).

(Part A) Main and general comments:

1. The EU DSO Entity welcomes the invitation of the European Commission regarding the possible role that the EU DSO Entity could play, jointly with ENTSO-E, in supporting the Commission in monitoring the implementation of the reference models and the further elaboration of any subsequent reference models. We are ready to start further preparations at any moment you indicate.
2. This draft Implementing Regulation includes an obligation to implement this reference model for metering and consumption data in the Union. Member States have not previously received this reference model, therefore, in our opinion, it is necessary to include an implementation term in this Implementing Regulation. We propose an implementation period of 12 months.
3. The scope of this reference model is applied to final customers. This includes household customers, small and medium enterprises, but also large industrial customers. This reference model is modelled for the retail market. The handling of metering and consumption data for large industrial customers is quite different in many Member States. The customer protection in the retail market is quite different from the customer protection for large industrial customers. Therefore, this model is, in our opinion, not suitable for large industrial customers. In the appendix of this document, we will give some examples. We propose that the scope of this reference model is limited to

household customers and small and medium enterprises. Since article 23(1) of Electricity Directive (EU) 2019/944 refers to the rules on the access to data of the final customer by eligible parties we propose that for the final customers not being the household customers or small and medium enterprises this Implementing Regulation specifies that for these customers a description is provided by the Member State describing the rules on the access to data by eligible parties. This way the handling of metering and consumption data for retail customers follow this reference model, but a description is available for the other customers.

(Part B) Specific comments related to individual articles

Implementing Regulation on interoperability requirements and non-discriminatory and transparent procedures for access to metering and consumption data

Whereas:

Recital 4:

For the purposes of this Regulation, near-real time data should involve meter readings coming from smart metering systems for which the start of works began after 4 July 2019, or which are put into use systematically after this date, in accordance with Article 19(6) and Article 20 of the Directive (EU) 2019/944. Such data can be acquired for further use and processing by an energy management system, an in-home display, or another system which for the purposes of this Regulation is referred to as 'near real-time data consumption system'.

Explanation: Article 20 of Directive (EU) 2019/944 talks about 'systems' and not 'devices'. The latter also implies separate *hardware* and is not anchored in other regulations at European and Member State levels. Therefore, we recommend replacing 'or another device' with 'or another system'.

Recital 9: (textual remark) footnote 3 is referred to in '... Common Information Model³...'. We think this should be footnote 2.

Recital 11: (suggestion, add text)

It is important that eligible parties have the possibility to test their products and procedures before deploying them. Metered data administrators and permission administrators should provide eligible parties access to facilities to test their products and services in advance before deployment as far as possible, 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.

Explanation: Eligible parties can only test their products and services correctly if they have access to testing facilities of both the metered data administrator and the permission administrators. With regards to the addition of 'as far as possible', tests should not represent a problem for existing systems, processes and already operational systems.

Recital 13:

It is important that not only eligible parties, but also customers have access to their own data, including data from smart metering. 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.

Explanation: 'if they request it' is already literally stated in point (e) of Article 20 of Directive (EU) 2019/944. This should be kept consistent.

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, 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"

Explanation: The wording should be kept in line with the Electricity Regulation. Art 55. 1 (f) of Electricity Regulation (2019) states that DSOs should **participate (not 'support')** 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;

CHAPTER 1 – SUBJECT MATTER AND DEFINITIONS

Article 1 Subject matter

Article 2 Definitions

CHAPTER 2 – INTEROPERABILITY REQUIREMENTS AND TRANSPARENT AND NON-DISCRIMINATORY PROCEDURES FOR ACCESS TO DATA

Section 1: Interoperability requirements - Reference model

Article 3 Implementation of the reference model

Article 4 Reference model and information on market organisation

Suggestion:

2. Member States ... shall report the national practices regarding the implementation of the interoperability requirements and procedures for access to data, ..., and ensure that these comply, within 12 months after entry into force of this Implementing Regulation, with the obligations set out in this Regulation.

Explanation: See our main comment number 2.

Suggestion:

3. The information referred to in paragraph 2 of this Article shall include the identification of those parties acting in the national market as the metered data administrators, the metering point administrators, the data access providers and the permission administrators, whose responsibilities are set out in Articles 5, 6, 7 and 8 of this Regulation.

Explanation: Each of these roles can be fulfilled by multiple actors in a Member State, therefore we think that the plural form should be used, otherwise they indicate singularity.

Article 5 Responsibilities of metered data administrator

Suggestion:

...

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

Explanation:

'The purpose here being to emphasize "online availability", 'online interface' might potentially be a bit misleading and unnecessarily restrict the solution space. Therefore, we propose to simply use the term "online".

...

3. Metered data administrators shall give eligible parties access to facilities for testing their implementation of the procedures in this Regulation.

Explanation:

This way it is, in our opinion, clearer that it concerns the testing of the integration by the eligible party, and not only before putting them into use but also during operation.

Article 6 Responsibilities of metering point administrator

Article 7 Responsibilities of data access provider

Article 8 Responsibilities of permission administrator

Suggestion:

(2) To allow for eligible parties to test their implementation of the functionalities enabled by the reference model, permission administrators shall cooperate with eligible parties to facilitate testing of the processes necessary to implement the reference model.

Explanation:

This way it is, in our opinion, clearer that it concerns the testing of the integration by the eligible party, and not only before putting them into use but also during the operation phase.

Article 9 Interoperability requirements and procedures for access to near real-time metering and consumption data

Suggestion:

Member States shall apply, at least 12 months after entry into force of this Implementing Regulation, the methods established according to Procedures 5 and 6 in the Annex of this Regulation.

Explanation: See our main comment number 2.

Section 2: Transparent and non-discriminatory procedures for access to data – Reporting and repository of national practices

Article 10 Reporting of national practices

Article 11 Cooperation on data transparency between the EU DSO entity and the ENTSO for Electricity

We appreciate the proposal to establish a formal co-operation between grid operators on this matter and are looking forward to cooperating with all the concerned stakeholders.

Article 12 Tasks under the EU DSO Entity and ENTSO for Electricity cooperation on data transparency

Textual remark:

Article 12

Tasks under the EU DSO Entity and

Suggestion to add a paragraph:

3. The costs related to these activities shall be borne by the system operators who are a member of the EU DSO Entity and the ENTSO for Electricity and shall be taken into account in the calculation of tariffs. Regulatory authorities shall approve costs that are reasonable and proportionate.

Explanation:

These are additional tasks for the EU DSO Entity. This way it is clear that in addition to Regulation (EU) 2019/943 53(7) these costs should also be remunerated.

Article 13 Guidance for the reporting of national practices

CHAPTER 3 – FINAL PROVISIONS

Article 14

ANNEX to the COMMISSION IMPLEMENTING REGULATION (EU).../...

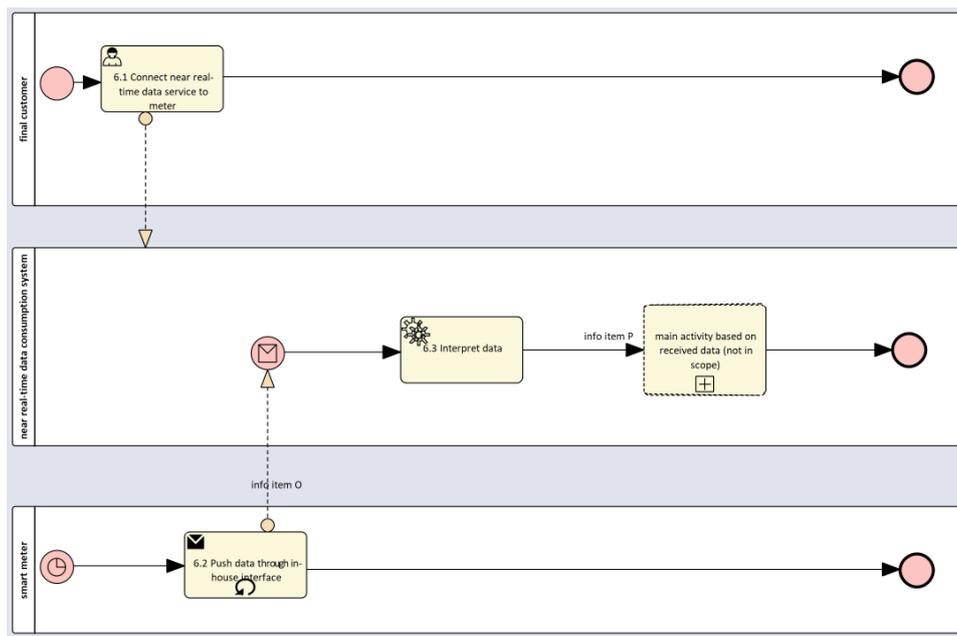
on interoperability requirements and non-discriminatory and transparent procedures for access to metering and consumption data

There are 2 points I3 on page one (1) I3 Information about metered data administrators... and (2) I3 Information about metering point administrators.... The latter should be re-indexed as I4.

Twice the term 'third parties' is used. We suggest changing this to 'eligible party'. Please see:

- Page 1, I3>Official Contact: "Contact details for data access by final customers or eligible parties"
- Page 1, I4>Official Contact: "Contact details for data access by final customers or eligible parties"

IMPORTANT: There is an issue with Diagram 6. This should be corrected to comply with the textual steps, which are correct. EU DSO Experts have corrected the source of the diagrams and are happy to assist with the updates/SVG raw files for further usage (as we did for the drafting of the EU Smart Grids Task Force advice). Even though the diagrams just have documentary nature, it is important that this gets corrected.



We remain available in case you or your team need additional clarification or information.

Yours sincerely,

EU DSO Entity

A handwritten signature in blue ink that reads "Peter Vermaat". The signature is written in a cursive style with a long horizontal stroke at the end.

Peter VERMAAT
Secretary General

Enclosure 1: APPENDIX (pertaining to remark no. 3 in part A of this letter)

APPENDIX (pertaining to remark no. 3 in part A of this letter)

Examples of the miss match of this model for large and industrial customers.

In many Member States, a different meter market exists for non-household or large industrial customers. In many Member States, the non-household customers sign a contract with the independent and certified metering company to install a meter (or multiple meters) and collect and distribute the metering and consumption data to the system operators and if necessary to the balancing responsible party and/or supplier. Below are a few examples of the mismatch of this reference model for metering and consumption data for the non-household customers.

- Handling of metered data is a commercial activity, therefore customers do not get access to their consumption data through a nominated meter data administrator.
- It is not common or useful to exchange metering and consumption data between the metering company and the non-household customer by using an identity service provider.
- Providing metering and consumption data to third parties (eligible parties) is a commercial activity.
- Providing near real-time data from the meter of a non-household customer is a commercial activity. Procedure 6 of the Annex should not apply to non-household meters. There is usually also no possibility to connect the non-household meter to an in-home display (recital 4).
- Meters installed for non-household customers are usually not considered smart meters. The meters used for non-household customers (especially large industrial customers) do not comply to the meter functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU (e.g. allow remote on/off control of the supply and/or flow or power limitation or include advance tariff structures in the meter display or remote tariff control functionality).
- Annex - Table I - General information on Member State environments, item 17.
It is rather useless and very difficult for Member States to map all the meter models of all the commercial independent metering companies with their detailed standardised interface or remote access being used.