

Riina Heinimäki

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Public Consultation: Draft Implementing Regulation on Access to data for switching electricity supplier

Finnish Energy thanks you for the opportunity to comment on the draft implementing regulation concerning access to data for switching electricity suppliers. Below, we present our feedback and recommendations for improvements that could clarify the proposed regulation.

We strongly support the goal of seamless customer switching, which minimises as much as possible the barriers to switching and ensures that consumers retain the freedom to choose their electricity supplier. We also want to emphasize that as mentioned in recital 3 this regulation shall purely focus on the data exchange required for final customers to switch electricity supplier and it shall not restrict contractual possibilities.

It shall take into account the national difference and different starting points regarding the functioning of retail markets in different Member States. The regulation shall, among other things, take into account hourly or quarterly remote reading and general contractual legislations, such as the parties' right to make oral agreements in distance selling.

Taking into account the aforementioned, we would like to respectfully propose some amendments to the draft regulation.

Amendment Proposals on Commission implementing regulation

Article 5 (a) states that the new electricity supplier shall:

- (a) verify the identity of the final customer requesting the switch of supplier through solutions using at least two authentication factors;

We propose that the provision be revised into a more general form, requiring suppliers to reliably identify the final customer without specifying the technical implementation in detail. In Finland, legislation does not impose any formal requirements for contract formation, and the majority of agreements are made orally over the phone and confirmed with a confirmation notice. This method is also preferred by customers. Naturally, the customer is reliably identified during the call. The regulation must not impose technical requirements for customer verification that would effectively prevent or unreasonably complicate oral agreements made via phone sales. This would not be in the best interest of the customer.

With that in mind, we would propose to redefine art 5(a) as “verify the identity of the final customer requesting the switch of supplier;”. This change should be similarly made in the annex in the respective sections.

Article 5 (f) states that the new electricity supplier shall:

- (b) (f) acquire a meter reading from the metered data administrator at the start of the supply to ensure accurate billing;

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This provision is not suitable for a system with Smart Metering as it does not consider smart hourly or quarterly metering, where time series data are retrieved from the meter instead of individual meter readings. The regulation should refer more generally to measurement data rather than meter readings.

With that in mind, we propose to redefine art 5(f) as “acquire measurement data from the metered data administrator at the start of the supply to ensure accurate billing;”

Amendment Proposals on Annex to the Commission implementing regulation

Table I

If the intention is that the mapping of national practices at national level includes all the information mentioned in Table I, we believe that rows I-s2 and I-s4 are unnecessary and should be removed as unclear. The preceding rows (I-s1 and I-s3) already require that information about active suppliers or balance responsible parties is published within the Member State. We do not see it as reasonable for such information to be additionally included in the national mapping. It is preferable to maintain and publish information about active suppliers separately from the national mapping. The mapping should only gather structural, relatively permanent information that does not change according to market conditions.

Table III.1 – rows 1.11 and 1.12

In Finland, oral agreements are possible and very common and often preferred by the consumers. The proposed text appears to refer to written form. This regulation cannot prohibit oral agreements. We propose that the section be changed to a more general form regarding the conclusion of agreements without specifying the form of the agreement.

With that in mind, we propose to redefine

1.11 "The new supplier sends an offer requested by the final customer, which may lead to a new electricity supply contract and the ending of the existing contract with the current supplier."

1.12 "The final customer concludes the contract for supply of electricity at the requested date."

Table III.1 – rows 1.20

This provision is not suitable for a system with Smart Metering as it does not consider smart hourly or quarterly metering, where time series data are retrieved from the meter instead of individual meter readings. The regulation should refer more generally to measurement data rather than meter readings.

With that in mind, we propose to redefine 1.20 as “Request measurement data” and “The new supplier requests measurement data at the start of the supply to ensure accurate billing;”

Table IV – E and M

Information objects E and M include the information of the balance responsible party. These shall be optional depending on national arrangements. In Finland, this information does not need to be exchanged in these supplier switching or cancellation messages, as it is maintained in our data exchange model separately as part of the balance settlement process. Exchanging this information as part of the supplier switching process is completely overlapping and therefore unnecessary. It could

even lead to unnecessary errors if the same information is overlappingly transmitted in different processes.

Sincerely

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About Finnish Energy

Finnish Energy represents approximately 260 companies that produce, acquire, transmit and sell electricity, gas, district heat and district cooling and offer related services in Finland. Finnish Energy is responsible for the management of collective labor agreements for the personnel of its member companies, and it provides advice and training for its members, conducts studies, and disseminates information.

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