



– Consultation Response –

Call for feedback on the European Commission proposal for the Implementing Regulation on interoperability requirements and non-discriminatory and transparent procedures for access to data required for customer switching

Brussels, 15 February 2024 | Europex, specifically its members who act in the capacity of delegated operators, are proposing the following amendments to the draft Commission Implementing Regulation on interoperability requirements and non-discriminatory and transparent procedures or access to data required for customer switching, to take into account existing roles of "delegated operators" across Europe. The exact tasks of delegated operators differ throughout Europe, nevertheless we ask the European Commission to consider the following additions for the upcoming Implementing Regulation.

Proposed amendments to the Commission Implementing Regulation

Whereas

*(8) This Regulation describes the roles and responsibilities of market participants in the exchange of information under the reference model, including those of the new and previous energy supplier, and the switching-specific responsibilities of the metering point administrator **or the delegated operator**. Market participants that exchange information following the specific procedures set out in this Regulation, should be able to assume roles and responsibilities assigned by the reference model either individually or jointly, and should also be able to carry out more than one role where appropriate. Therefore, it is necessary to specify the roles and responsibilities of market participants in the exchange of information pursuant to the reference model, including those of the new and previous energy supplier, and the switching-specific responsibilities of the metering point administrator **or the delegated operator**.*

*“(9) In order to ensure smooth implementation of this Regulation, market participants should be able to test their products and procedures before deployment. Metering point administrators **or delegated operators** should therefore provide market participants with access to testing facilities where possible to help minimise technical challenges and fine-tune operations.”*

*“(11) In order to ensure consistency with the provisions of Article 12(1) of Directive (EU) 2019/944 and improve transparency, empower consumers to make timely informed choices and foster retail competition by enabling energy suppliers with competitive offers to attract customers more effectively, the technical process of switching electricity supplier should be established in accordance with the provisions of that Article. This process involves registering a new supplier at a metering or accounting point with the market operator **or the delegated operator**, and, by the end of 2026, must be completed within 24 hours on any working day.”*

*“(16) Metering point administrators **or the delegated operators** and current electricity suppliers should be able to trust the declared customer identity in data exchanges during the switching process. Therefore, new electricity suppliers must appropriately identify final customers. To that end, and to reduce the risk of fraud and identity theft, electricity suppliers should rely on solutions that verify the final customer’s identity using at least two authentication factors, such as the European Digital Identity Wallets, provided in accordance with the European Digital Identity Framework established by Regulation (EU) No 910/2014 of the European Parliament and of the Council⁶.”*

Article 2 Definitions

Add definition of delegated operator

“(NEW, 17) ‘delegated operator’ means delegated operator as defined in point (6) of Article 2 of Commission Regulation (EU) 2019/943.”

Article 4 Reference model and information on market organisation

*“3. The information referred to in paragraph 2 shall include the identification of those parties acting in the national market as the new electricity supplier, the previous supplier and the metering point administrator **or the delegated operator**.”*

Article 5 Responsibilities of new electricity supplier

*“(e) submit a registration request to the metering point administrator **or the delegated operator** to be recorded as the new supplier for the relevant accounting point or points on the date agreed upon and specified in the new supply contract with the final customer; (g) without prejudice to contractual law, request the metering point administrator **or the delegated operator** to cancel any ongoing switching of supplier process in cases where the final customer cancels the new supply contract.”*

Article 7 Responsibilities of metering point administrator **or delegated operator**

- 1. For the purposes of this Regulation, the responsibilities of the metering point administrator laid down in Article 6 of Implementing Regulation (EU) 2023/1162 **or the delegated operator laid down in point (6) of Article 2 of Commission Regulation (EU) 2019/943** shall apply. In addition, the metering point administrator **or delegated operator** shall, without undue delay: ...*

2. Metering point administrators **or delegated operator** shall give the suppliers access to testing facilities so that the suppliers can test the compatibility of their systems with the systems of the metering point administrators **or the delegated operator** implementing the procedures in this Regulation. The testing facility shall be available before the procedures are implemented and while they are in operation.

Proposed amendments to the Annex to the Commission Implementing Regulation

Table I

I-s2	Information about active electricity suppliers in the Member State	Name of electricity supplier	Name of organisation active in electricity supply
		Type of identification of electricity supplier	ACER2 registration code, European Legal Entity Identifier (EUEI), Energy Identification Code (EIC), Global Location Number (GLN/GS1), EAN (European Article Number) or National Identification Code (NIC).
		Website	If applicable, link to the organisation's website.
		Official contact	Contact details of the respective electricity supplier.
I-s4	Information about balance responsible parties in the Member State	Name	Name of the organisation operating as a balance responsible party.
		Type of identification of balance responsible party	ACER registration code, European Legal Entity Identifier (EUEI), Energy Identification Code (EIC), Global Location Number (GLN/GS1), EAN (European Article Number) or National Identification Code (NIC).
		Website	If applicable, link to the organisation's website.
		Official contact	Contact details of the balance responsible party.

Table III

“The procedure ‘switching supplier’, as detailed in Table III.1, includes the registration of the new supplier at the accounting point according to the date specified in the supply contract. The actual registration of the new electricity supplier, initiated in the procedural step 1.13, immediately after the signature of the contract, and performed as set out in

procedural step 1.18 in Table III.1, is carried out by the metering point administrator **or the delegated operator** in the metering point register. That step is followed by notifying the change to all entitled parties. The overall technical process for switching electricity supplier, that is the process of registering a new supplier at a metering point with the market operator, in accordance with Article 12(1) of Directive (EU) 2019/944, includes procedural steps 1.13 to 1.19 set out in Table III.1 and is to be completed within 24 hours by no later than 2026. The streamlined process in Table III.1 aligns with the right to switch electricity supplier, guaranteed by Directive (EU) 2019/944.”

Table III.1

1.7	<i>[Optional]</i> Request upfront accounting point characteristics	The new supplier, with the final customer’s permission, requests upfront the accounting point characteristics from the metering point administrator or the delegated operator .	New supplier	Metering point administrator or the delegated operator	C
1.8	<i>[Conditional – if step 1.7 is implemented]</i> Validate upfront accounting point characteristics’ request	The metering point administrator or the delegated operator validates the upfront accounting point characteristics’ request.	Metering point administrator or the delegated operator	Metering point administrator or the delegated operator	[not relevant]

1.9	<i>[Conditional – if step 1.7 is implemented]</i> Provide accounting point characteristics	The metering point administrator or or the delegated operator sends the requested accounting point characteristics to the new supplier or provides a meaningful indication in case of an invalid request.	Metering point administrator or or delegated operator	New supplier	D
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Technical Switching: steps 1.13 to 1.19					
1.13	Request switch of supplier	The new supplier submits a request to the metering point administrator or or the delegated operator to be registered as the new supplier alongside the balance responsible	New supplier	Metering point administrator or or delegated operator	E

		party) in the metering point register (for the accounting point on the specified date.			
1.14	Validate switch of supplier request	The metering point administrator or or the delegated operator validates the specified switch supplier request.	Metering point administrator or or delegated operator	Metering point administrator or or delegated operator	[not relevant]
1.15	Communicate validation results for switch of supplier request	The metering point administrator or or the delegated operator informs the new supplier of the validation results for the requested change of supplier at the accounting point. In case of an	Metering point administrator or or delegated operator	New supplier	F

		invalid request, a meaningful response is provided.			
1.16	Inform final customer of supplier switch results	The new supplier informs the final customer of the supplier switch results.	New supplier	Final customer	B
1.17	Notify affected parties of supplier switch	The metering point administrator or or the delegated operator notifies all affected parties directly after successfully validating the switch of supplier request.	Metering point administrator or or delegated operator	Affected party	H
1.18	Registration of new supplier in metering point register	The metering point administrator or or the delegated operator registers the new supplier (along with the balance	Metering point administrator or or delegated operator	Metering point administrator or or delegated operator	[not rel

		responsible party) in the metering point register as the supplier for the accounting point, effective as of the specified date. The metering point administrator or or the delegated operator also makes all necessary updates to complete the switch of supplier.			
1.19	Notify accounting point characteristics to entitled parties	Entitled parties receive updated accounting point characteristics resulting from the switch of supplier registration process at the specified date of the change of supplier.	Metering point administrator or or delegated operator	Entitled party	G

Table III.2

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2.5	Request cancellation of new contract in the metering point register	The new supplier submits a request to the metering point administrator or <i>the delegated operator</i> to cancel the pending switch of supplier in the metering point register due to cancellation of the new supply contract.	New supplier	Metering point administrator or <i>the delegated operator</i>	K
2.6	Validate cancellation request	The metering point administrator or <i>the delegated operator</i> checks if the new supplier is registered at the accounting point for supply on the start date	Metering point administrator or <i>the delegated operator</i>	Metering point administrator or <i>the delegated operator</i>	[not relevant]

		specified in the new contract.			
2.7	Inform new supplier of validation result	The metering point administrator or the delegated operator informs the new supplier of the validation result. In the case of an invalid request, they provide a meaningful indication/explanation.	Metering point administrator or delegated operator	New supplier	M
2.8	Cancel the pending switch of supplier	The metering point administrator or the delegated operator cancels the pending switch of supplier registration. Note: final customer stays with their	Metering point administrator or delegated operator	Metering point administrator or delegated operator	[not relevant]

		current (before the switch) supplier.			
2.9	Notify affected parties of cancellation of switch of supplier	The metering point administrat or or the delegated operator notifies the affected parties about the cancellation of the switch of supplier.	Metering point administrat or or delegated operator	Affected parties	L

About

Europex is a not-for-profit association of European energy exchanges with 37 members. It represents the interests of exchange-based wholesale electricity, gas and environmental markets, focuses on developments of the European regulatory framework for wholesale energy trading and provides a discussion platform at European level.

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