



Treasury
Langton Cres
Parkes ACT 2600

9 September 2024

To Treasury,

CDR rules: consent and operational enhancement amendments – Consultation paper

ENGIE Australia & New Zealand (ENGIE) appreciates the opportunity to respond to Treasury on the draft changes to the *Competition and Consumer (Consumer Data Right) Rules 2020*.

The ENGIE Group is a global energy operator in the businesses of electricity, natural gas and energy services. In Australia, ENGIE operates an asset fleet which includes renewables, gas-powered generation, diesel peakers, and battery energy storage systems. ENGIE also provides electricity and gas to retail customers across Victoria, South Australia, New South Wales, Queensland, and Western Australia.

In this submission, ENGIE has focused its feedback on the proposed operational enhancements that are relevant to our business as an energy data holder.

Nominated representatives

ENGIE is concerned that the inclusion of prescriptive rules around the process to appoint nominated representatives would create compliance challenges for current and future data holders, as the business models and online customer portals differ significantly both within and across sectors. It would be a poor policy outcome if data holders needed to build new online mechanisms solely to support compliance with the amended rules.

ENGIE would support Treasury introducing new principles-based rules that require a data holder to provide a service for appointing a nominated representative that is simple, straightforward to use, prominently displayed and readily accessible. In our view, these types of principles-based rules would provide data holders with the flexibility to introduce a low-cost mechanism for nominations that meets their customers' needs. For example, an energy retailer may not be able to easily enhance their online customer portals in a cost-effective way to enable the appointment of nominated representatives, but could easily introduce an online form that is prominently displayed and easy to fill out. In our view, principles-based rules can meet

the policy intent without the need for prescriptive rules around the specific service provided to customers that have online interactions with their data holder.

Removing the requirement in draft subrule 1.13(1A) would reduce the systems changes required for data holders to implement the rule changes and may justify a shorter implementation period.

Secondary users

ENGIE supports Treasury's proposal to remove the obligation for data holders to provide account holders with an online service that allows them to 'block' CDR data being disclosed to an accredited data recipient in response to data sharing requests made by secondary users.

ENGIE agrees that the rules would already provide sufficient protection for account holders, as they will continue to be able to withdraw a secondary user instruction to cease data sharing from their account by the secondary user.

Exempting energy trial products from the CDR

ENGIE is supportive of an exemption for energy trial products for a 12-month period. We consider this is a positive change from the proposal in the design paper, as the proposed six-month trial period was not sufficiently long to incentivise a retailer to make use of the exemption.

While we are comfortable with a 1,000 customer limit for the exemption, we do not consider there is any harm in expanding this threshold if it would support trials undertaken by larger energy retailers that typically have more participants.

Concluding remarks

Should you have any queries in relation to this submission please do not hesitate to contact me on, telephone, 0436 929 403.

Yours sincerely,



Matthew Giampiccolo

Manager, Regulation and Policy