

### Suggested amendments:

**Extend Recital (13) with the exclusion of (closed) networks that connect to a dedicated, not publicly available devices such as the Smart Metering System:**

- “In contrast, this Regulation should not apply to closed groups of end-users such as home (WIFI or fixed or wireless) networks or corporate networks or networks to which the, access to which is limited to a pre-defined group of end-users, e.g. to family members or, members of the a corporation. Nor should it apply to (closed) networks that connect a fixed number of, not publicly available, devices installed and operated by the data collector, such as the Smart Metering System<sup>1</sup>”

**Recital (new) Non-applicability to complementary services**

- “This Regulation should not apply if an electronic communication service does not constitute a self-standing service and it is not remunerated separately. In such case collection and processing of data should be governed by the provisions applicable to the principle services, e.g. electricity supply and other electricity services, smart grid services [...]”

**Art. 2 par. 2 Non-applicability to complementary services**

- “This Regulation does not apply to: (...)

“electronic communication services complementary to another type of service, in particular but not exclusively if an electronic communication service is not remunerated separately and may not be provided independently”.

**Art. 4 par. 1 (c) Definition of “terminal equipment”**

- “(a) end user’s equipment directly or indirectly connected to the interface of a public telecommunications network to send, process or receive information; in either case (direct or indirect), the connection is indirect if equipment is placed between the terminal and the interface of the network” <sup>1</sup>

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<sup>1</sup> Article 2 of the Directive for “Common rules for the internal market in electricity reads”: ‘smart metering system’ means an electronic system that can measure energy consumption **or the amount of electricity put into the grid**, 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;