

ENERGY MARKET INVESTIGATION

The Explanatory Note to The Energy Market Investigation (Database) Order 2016

Correction

1. On 14 December 2016, the CMA published The Energy Market Investigation (Database) Order 2016 (the Order) and an Explanatory Note (the Explanatory Note) that applies to the Order and new Electricity Supply Licence Condition 56 and new Gas Supply Licence Condition 50 (introduced pursuant to the Order).
2. The CMA is today publishing a correction to the Explanatory Note, whereby certain clarifications have been added to the following four paragraphs:
 - (a) Paragraphs 73 and 74 have been amended to clarify the circumstances in which suppliers will be permitted to provide customers with information concerning the database remedy. Specifically, suppliers will be permitted to provide customers with the same text that is used on Ofgem's website (as well as provide hyperlinks or other directions to Ofgem's website) that explains issues such as the background to the database, what data is being provided, how customers are selected, the nature of the service and how customers can opt-out (or, if applicable, opt-in).
 - (b) Paragraph 83 has been amended to clarify that any direct marketing associated with the database remedy that is to be sent by electronic communication may require opt-in consent.
 - (c) Paragraph 91 has been amended to clarify that the CMA does not expect GEMA to be the usual recipient of opt-out or opt-in requests.
3. The Explanatory Note has been updated to reflect the above clarifications.

22 December 2016