



Smart Meter Data Octopus – ECJ also discusses data protection and “smart meters”

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Smart meters pose a health risk due to their high-frequency data transmission, and they also allow data about electricity customers to be extracted. The European Court of Justice is examining smart electricity meters. A petition to the Austrian Parliament is calling for freedom of choice.

TKP recently reported on the [fraudulent model of so-called Renewable Energy Communities \(EEG\)](#). It claims that EEG participants can use locally generated electricity, thereby reducing transmission costs. This is a blatant lie, because, of course, any locally generated electricity is siphoned off by the next consumer, regardless of whether they are part of the EEG or not. But it serves to convince consumers to install smart meters, as this is the only way to collect the additional billing levels. The advantage: You collect money for participation and get customers to install smart meters and provide data.

Activities against the obligation to install smart meters

The Stop Smart Meter network has now submitted a parliamentary petition with numerous signatures. You can find more information here:

<https://www.parlament.gv.at/gegenstand/XXVIII/BI/25>

The bill calls on the National Council to finally implement genuine freedom of choice regarding smart meters (as already provided for in the EIWOG Act), so that everyone can decide for their own home whether or not to install such a monitoring and electrosmog-generating meter. The bill aims to put a stop to the brutal and aggressive actions of grid operators, who use a lack of information, surprise tactics, pressure, and threats to extort the installation of these unwanted meters, ultimately resulting in legal action and power cuts.

Every citizen should be able to freely decide whether or not they want a smart meter (regardless of type and configuration) in their house/apartment/home. If they reject it, either the existing Ferraris meter must remain in place or a meter without remotely readable bidirectional data transmission must be installed.

If the request for rejection is made, smart meters that have already been installed must be removed immediately at the network operator's expense (or, if possible, at least the communication module must be removed).

The freedom of choice and the possibility of refusal must be independent of a statutory quota and also apply to owners of small feed-in systems (e.g. PV systems up to 10 kWp).

ECJ discusses data protection and smart meters

Attorney Gottfried Forsthuber is now arguing for a client before the European Court of Justice against the mandatory installation of smart meters. He has provided us with the following text:

The European Court of Justice is examining smart electricity meters. A hearing has now taken place in Luxembourg.



Working for more consumer protection: Lawyer Gottfried Forsthuber with Roswitha Vizvary (from left) at the European Court of Justice (ECJ) in Luxembourg.

Slowly but surely, the smart meter issue is coming to a showdown. Who will prevail – the energy industry or electricity customers?

Trading data has developed into a separate business for the energy industry. The basis is the information collected by intelligent electricity meters, so-called smart meters. Electricity consumption provides insight into many areas of life: from the number of people in the household to working hours, absences, and vacation times.

"For electricity grid operators, smart meter data is the new gold and a lucrative business model. But what do customers get in return?" asks lawyer Gottfried Forsthuber from Baden near Vienna. He represents numerous electricity customers who are fighting against the installation of the devices.

“For freedom of choice”

Roswitha Vizvary is a Netz Niederösterreich customer from the Tulln district. She refused to tolerate the company's pressure and filed a lawsuit against the network operator. "Some people don't care about data protection so much and are more willing to share their data. But I want to make informed decisions—that's what I understand by freedom of choice."

For three years, attorney Forsthuber has been fighting for an ever-growing group of electricity customers who are actively fighting against the energy industry's business practices. Their concerns range from data misuse, such as more data storage and processing than contractually agreed, to a lack of data security, to incorrect billing, to health risks. Electrosensitive individuals and patients with implants are particularly reporting problems.

Negotiation in Luxembourg

Now the European Court of Justice has summoned the case to a hearing. Potential data protection issues are being examined. "Even from electricity customers who have opted out of an annual meter reading, more data is collected than is disclosed. However, no customer is informed of this. Anyone who protests is threatened with a power cut," says Forsthuber.

The panel of judges, consisting of one female judge from Finland, Estonia, Malta, Italy, and France, was well prepared and asked many detailed questions. It is positive that a public hearing took place at all, as the ECJ does not always announce a hearing, only when necessary.

Next Steps

In addition to the customer, Netz Niederösterreich, the European Commission, and the governments of Finland and Austria are involved in the proceedings. The Advocate General (a judge acting as rapporteur) will deliver his opinion in mid-December 2025. The Court of Justice will then deliberate. A judgment is expected in mid- to late 2026.