

**EDPS Formal comments on the draft Commission Implementing Regulation amending Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency**

**THE EUROPEAN DATA PROTECTION SUPERVISOR,**

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('EUDPR')<sup>1</sup>, and in particular Article 42(1) thereof,

**HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:**

**1. Introduction and background**

1. On 7 July 2025, the European Commission consulted the EDPS on the draft Commission Implementing Regulation amending Commission Implementing Regulation (EU) No 1348/2014<sup>2</sup> on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) 1227/2011<sup>3</sup> of the European Parliament and of the Council on wholesale energy market integrity and transparency ('the draft Implementing Regulation').
2. The objective of the draft Implementing Regulation is to amend Commission Implementing Regulation (EU) No 1348/2014 to reflect the revisions to Regulation (EU) No 1227/2011 by the introduction of Regulation (EU) 2024/1106 ('revised REMIT')<sup>4</sup>. In addition, the amendments to Commission Implementing Regulation (EU) No 1348/2014 aim to strengthen the integrity and transparency in wholesale

---

<sup>1</sup> OJ L 295, 21.11.2018, p. 39.

<sup>2</sup> Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency (OJ L 363, 18.12.2014, p. 121–142).

<sup>3</sup> Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, pp. 1–16).

<sup>4</sup> Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) No 1227/2011 and (EU) 2019/942 as regards improving the Union's protection against market manipulation on the wholesale energy market (OJ L, 2024/1106, 17.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1106/o>).

energy markets through the improvement of the reporting framework, and inclusion of additional transaction types that need to be reported to the Agency for the Cooperation of Energy Regulators ('the Agency'). The draft Implementing Regulation also aims to simplify the reporting framework in the original Implementing Regulation 1348/2014<sup>5</sup>. The draft Implementing Regulation lays down rules for the provision of data to the Agency, defines the details of reportable wholesale energy products and fundamental data and also lays out the appropriate channels for data reporting including by defining the timing and regularity of reports.<sup>6</sup>

3. The draft Implementing Regulation is adopted pursuant to Articles 7c(2), 8(1a), 8(2) and 8(6) of Regulation 1227/2011.
4. The EDPS previously issued an Opinion on the Proposal for a Regulation of the European Parliament and of the Council on energy market integrity and transparency<sup>7</sup> but was never consulted on the Proposal for a revised REMIT.
5. The present formal comments of the EDPS are issued in response to a consultation by the European Commission pursuant to Article 42(1) of the EUDPR. The EDPS recommends including a specific reference to this consultation in the Recitals of the draft Implementing Regulation.
6. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related Implementing or Delegated acts<sup>8</sup>.
7. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft Implementing Regulation that are relevant from a data protection perspective.

---

<sup>5</sup> Recital 1 of the draft Implementing Regulation.

<sup>6</sup> Article 1 of the draft Implementing Regulation.

<sup>7</sup> [EDPS Opinion on the Proposal for a Regulation of the European Parliament and of the Council on energy market integrity and transparency](#), issued on 21 June 2011.

<sup>8</sup> In case of other Implementing or Delegated acts with an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

## 2. Comments

8. Transactions relating to certain wholesale energy products shall be reported to the Agency on a continuous basis<sup>9</sup>. Certain submissions involve the processing of personal data. In particular, submissions regarding:
  - transactions in relation to standard contracts for the supply or storage of electricity or for the supply of natural gas<sup>10</sup>;
  - transactions concluded within the framework of non-standard contracts<sup>11</sup>; and
  - the liquefied natural gas ('LNG') market data<sup>12</sup> by LNG market participants<sup>13,14</sup>.
9. The personal data in scope of the information to be reported contains contact details, including the name and email address, of the market participant reporting the LNG market data to the relevant RRM<sup>15</sup> and the contact details of the competent contact person providing, upon request clarification to the Agency on the submitted LNG market data, including name, email and phone number<sup>16</sup>.
10. The EDPS notes that the personal data in scope of the draft Implementing Regulation and processed by the Agency appears limited to contact details of the contact person reporting the LNG market data on behalf of the market participant and the competent person providing clarification on the submitted LNG market data upon request of the Agency. For completeness, the EDPS recommends specifying that the contact details required are business contact details.
11. The EDPS notes that Recital 20 of the draft Implementing Regulation specifies that Regulation 2016/679 (the 'GDPR'), shall apply to the processing of personal data by the Agency. In fact, the GDPR applies to the processing of personal data by the market participants and RRMs and the EUDPR applies to the processing of the Agency as it is an EU Agency. The EDPS recalls Recital 14 of the revised REMIT which specifies this. The EDPS recommends amending Recital 20 of the draft Implementing Regulation accordingly.

---

<sup>9</sup> Article 3 of the draft Implementing Regulation.

<sup>10</sup> Article 7(1)(a) of the draft Implementing Regulation.

<sup>11</sup> Article 7(1)(e) of the draft Implementing Regulation.

<sup>12</sup> Article 2(1)(24) of Regulation No 1227/2011.

<sup>13</sup> Article 2(1)(25) of Regulation No 1227/2011.

<sup>14</sup> Article 7(2) of the draft Implementing Regulation.

<sup>15</sup> Annex I, Table 1, NEW XXV, of the draft Implementing Regulation.

<sup>16</sup> Annex I, Table 1, NEW XXVI, of the draft Implementing Regulation.

12. Finally, the EDPS notes that no retention periods have been included for the storage by the Agency of the personal data in scope of the draft Implementing Regulation. The EDPS recommends the inclusion of storage periods, as well as the justification for the chosen period to comply with Article 4(1)(e) EUDPR. For example, when contact details are no longer up-to-date or required, the personal data previously collected will be deemed no longer necessary and it should be deleted accordingly by the Agency.

Brussels, 8 August 2025

*(e-signed)*

Wojciech Rafał WIEWIÓROWSKI