



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: CBAM Transitional Registry

Data Joint Controllers:

DG Taxation and Customs Union

Directorate C – Indirect Taxation and Tax Administration

Unit C2 CBAM, Energy and Green Taxation

and

The competent authorities in Member States

Record reference: DPR-EC-24089.1

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1. Introduction

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operations of “personal data in the CBAM Transitional Registry” is presented below.

2. Why and how do we process your personal data?

2.1 Controllershship

The Commission and competent authorities in Member States (joint controllers) act as joint controllers, when they process personal data for the purposes of:

- monitoring, checks and review of CBAM reports;
- communication and notifications, and;
- management of the CBAM Transitional Registry, including interoperability and taking information from decentralised systems and for purposes indicated in point 2.3, in accordance with Article 17 of Implementing Regulation (EU) 2023/1773.

The competent authorities in Member States act as a sole controller when they process personal data for the purposes of user authentication and authorization to access to the CBAM Transitional Registry.

The competent authorities in Member States act as a sole controller when deciding on the compliance with the CBAM obligations, including litigation and judicial proceedings, where information on these proceedings is submitted in the CBAM Transitional Registry, but the case handling will happen in dedicated national systems.

2.2 Purpose of the processing operation:

The Commission makes a preliminary assessment of the information submitted in the CBAM reports. This is followed by a notification to the competent authorities in the Member State of establishment of the data subject of potentially incorrect or incomplete CBAM reports. The identification of the person (data subject) liable for the CBAM reports will be used in the system and shared between the competent authority and the Commission. The Commission will also make available to the competent authorities in Member States a list of importers or indirect customs representatives (data subjects) established in the Member State, which the Commission has a reason to believe have failed to comply with the obligation to submit a CBAM report.

Your personal data will not be used for automated decision-making including profiling.

2.3 Other systems in place

In order to secure access to the CBAM Transitional Registry, the Uniform User Management and Digital Signature (UUM&DS) system, as referred to in Article 16 of Commission Implementing Regulation (EU) 2023/1070 (7), is used for managing the authentication, and access verification process for data subjects.

Economic Operator Registration and Identification (EORI) numbers are processed for the purpose of identifying the data subjects (importers or indirect representatives) and establishing a list of the persons (data subjects), all in compliance with Article 30 of Implementing Regulation (EU) 2023/1070.

Personal data taken from Surveillance (DPR-EC-08713.1) are processed for the purpose of retrieving information on Customs Imports Declarations for goods listed in Annex I to Regulation (EU) 2023/956 for checks of the CBAM reports and compliance, developed through the UCC Surveillance 3 (SURV3), as referred to in Article 99 of Implementing Regulation (EU) 2023/1070.

3. On what legal ground(s) do we process your personal data

We are authorised to process your personal data based on:

- Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism, and;
- Commission Implementing Regulation (EU) 2023/1773 of 17 August 2023 laying down the rules for the application of Regulation (EU) 2023/956 of the European Parliament and of the Council as regards reporting obligations for the purposes of the carbon border adjustment mechanism during the transitional period.

We process your personal data, because:

- (a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body, and;
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject.

The joint controllers process, collect and use the data in the CBAM Transitional Registry in order to fulfil their legally assigned roles and obligations in accordance with the Regulation (EU) 2023/956 (CBAM Regulation) and Implementing Regulation (EU) 2023/1773. The processing is lawful and necessary for compliance with a legal obligation to which the joint controllers are subjects.

Data subjects provide personal data (importer or the indirect customs representative) and data on other persons in the CBAM Transitional Registry (the importer and/or the operator of an installation in a third country), when submitting CBAM reports in compliance with Regulation (EU) 2023/956.

The CBAM Transitional Registry is established for the purpose of collecting the information reported during the transitional period. The CBAM Transitional Registry shall be the basis for the establishment of the CBAM Registry pursuant to Article 14 of Regulation (EU) 2023/956.

Articles 33-35 of Regulation (EU) 2023/956 and Articles 3, 6 and 8 of Implementing Regulation (EU) 2023/1773 requires provision of your personal data for fulfilling your reporting obligations.

4. Which personal data do we collect and further process?

In this context, personal data means any information relating to the data subject, as an identified or identifiable natural person.

In order to carry out this processing operation the joint controllers process the following categories of personal data:

4.1 Personal data of the users (the importer or the indirect customs representative) of the CBAM Transitional Registry:

- First and last name;
- Contact information (email address, telephone number),
- Address (Member State of establishment, city, street, number, postcode, P.O. Box), and;
- EORI.

4.2 Personal data of the person registered by the users of the CBAM Transitional Registry:

4.2.1 Operator of an installation:

- First and last name;
- Contact information (email address, telephone number), and;
- Address (country of establishment, city, street, number, postcode, P.O. Box).

4.2.2 Importer:

- First and last name;
- Contact information (email address, telephone number);
- Address (country of establishment, city, street, number, postcode, P.O. Box), and;
- EORI.

4.3 Information about compliance and judicial proceedings

4.4 Information of statistics and review of the functioning of Regulation (EU) 2023/956 in accordance with Article 30 of that Regulation.

Your personal data may be indirectly obtained from:

- The customs representative appointed by you, or;
- The customs representative or importer, who has imported goods steaming from your installation. This is applicable where you are an operator of an installation.

5 How long do we keep your personal data?

Your personal data in the CBAM Transitional Registry are retained for the time necessary to fulfil the purpose. The maximum retention period is 5 years from the moment of the reception of the CBAM report.

Where an appeal has been lodged or where court proceedings have begun involving data retained in the CBAM Transitional Registry, those data shall be retained until the appeal procedure or court proceedings are terminated and shall only be used for the purpose of the mentioned appeal procedure or court proceedings.

6 How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7 Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Access to your personal data is also provided to authorised officials of the competent authorities and customs authorities in Member States.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8 What are your rights and how can you exercise them?

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

9 Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, TAXUD-CBAM@ec.europa.eu.

- **The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10 Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-24089.1

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