

EDPS Formal comments on the draft Commission Implementing Regulation setting out the technical specifications for the European electronic access point, as referenced in Regulation (EU) 2023/2844 of the European Parliament and of the Council

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')¹, and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 12 November 2025, the European Commission consulted the EDPS on the draft Implementing Regulation setting out the technical specifications for the European electronic access point (EEAP), as referenced in Regulation (EU) 2023/2844 of the European Parliament and of the Council ('the draft Implementing Regulation').
2. The objective of the draft Implementing Regulation is to set up the EEAP as part of the decentralised IT system, for the purposes of facilitating the access of natural and legal persons to the competent authorities in civil and commercial matters, with cross-border implications. The EEAP should allow natural and legal persons to file claims, launch or send requests, receive procedurally relevant information, including digitalised case files or parts thereof, and communicate with the competent authorities, or allow their representatives to do so on their behalf, in the instances covered by Regulation (EU) 2023/2844, or be served with judicial or extra-judicial documents.
3. The draft Implementing Regulation is adopted pursuant to Article 10(1)(g) of Regulation (EU) 2023/2844.
4. The EDPS previously issued Formal comments on the Proposal for a Regulation of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal

¹ OJ L 295, 21.11.2018, p. 39.

matters, and amending certain acts in the field of judicial cooperation and the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2003/8/EC, Council Framework Decisions 2002/465/JHA, 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, and Directive 2014/41/EU of the European Parliament and of the Council, as regards digitalisation of judicial cooperation².

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 EUDPR. The EDPS welcomes the reference to this consultation in Recital 7 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 acts³.
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.

2. Comments

8. According to Article 10(1)(g) of Regulation 2023/2844, the Commission shall adopt an implementing act setting out “*the technical specifications for the European electronic access point, including the means used for the electronic identification of the user at the assurance level high as specified in Article 8(2), point (c), of Regulation (EU) No 910/2014 and the retention period for storing information and documents*”.

² [EDPS Formal comments on the Proposal for a Regulation of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation and the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2003/8/EC, Council Framework Decisions 2002/465/JHA, 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, and Directive 2014/41/EU of the European Parliament and of the Council, as regards digitalisation of judicial cooperation](#), issued on 25 January 2022.

³ 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.

9. Against this background, the EDPS welcomes the provisions of the draft Implementing Regulation which provide that the EEAP shall be developed in compliance with the EUDPR, and that the Commission shall implement the appropriate administrative, organisational, and technical measures, to ensure a high level of cybersecurity⁴.
10. The EDPS also welcomes the introduction of retention periods both for the messages and associated metadata, and for draft documents stored in the EEAP but not sent by the user⁵.
11. Furthermore, the EDPS positively notes that Recital 2 of the draft Implementing Regulation explicitly mentions the requirement for the European electronic access point, as part of the decentralised IT system, to comply with the applicable technical specifications, information security objectives and other requirements of the decentralised IT system referred to in Article 3(1) of Regulation (EU) 2023/2844, set out in the implementing acts adopted under Article 10(1) points (a) to (e) thereof.
12. At the same time, the EDPS considers that the draft Implementing Regulation should be more specific regarding the technical requirements for communication protocols, as well as security objectives and relevant technical measures.
13. In particular, regarding the technical specifications for the “secure transport” layer (HTTPS), the EDPS recommends that the draft Implementing Regulation mandate a minimum acceptable protocol version, such as the use of the latest stable version of Transport Layer Security, to ensure protection against known vulnerabilities in older protocols. Additionally, the draft Implementing Regulation should require the use of state-of-the-art cryptographic algorithms and key lengths which should be subject to periodic review and updates by the Commission in the maintenance of the reference implementation software and protocols.

Brussels, 28 November 2025

(e-signed)

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⁴ Annex to the draft Implementing Regulation, point 8.1

⁵ Annex to the draft Implementing Regulation, points 8.2 and 8.3