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ANNEX 6

ANNEX

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Approval of the content of the draft Commission Notice providing guidance on new or substantially modified provisions of the recast Energy Performance of Buildings Directive (EU) 2024/1275

Data exchange (Article 16)

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ANNEX 6 OF 13

to the

Commission Notice providing guidance on new or substantially modified provisions of the recast Energy Performance of Buildings Directive (EU) 2024/1275

Data exchange (Article 16)

1. SUMMARY OF THE LEGAL PROVISION

In order to facilitate a competitive and innovative market for smart building services that contributes to efficient energy use and integration of renewable energy in buildings and support investments in renovation, Member States should ensure direct access to building systems' data by interested parties. To avoid excessive administrative costs for third parties, full interoperability of services and of the data exchange within the Union is to be facilitated.

Article 16 of the recast Energy Performance of Buildings Directive (the 'recast EPBD')¹ sets the legal framework for accessing building systems data, ensuring notably that the building owner, tenant and manager can access this data.

It requires the adoption of implementing acts which detail interoperability requirements and non-discriminatory and transparent procedures for accessing the data.

2. RATIONALE FOR PROVISIONS ON ACCESS TO BUILDING SYSTEMS DATA

Data is an essential resource for cross-sectoral economic growth, competitiveness, innovation, job creation and social progress. The development of data-driven applications and services is beneficial to both citizens and businesses.

With the European Strategy for Data², the EU has put in place a comprehensive regulatory framework that ensures more data is available for use in the economy and society, while keeping the companies and individuals who generate the data in control. One of the main initiatives is the Data Act^{3,4}, which sets out uniform rules on fair access to and use of data.

The Data Act (in particular Chapter II-IV) contains general rules on data access and use that are also applicable to the buildings sector. It is therefore highly relevant in relation to the EPBD and specifically to Article 16.

3. CONSIDERATIONS ON ARTICLE 16

3.1. Building systems data

Under Article 16, building systems data must include at least all readily available data related to:

- the energy performance of building elements,
- the energy performance of building services,

¹ [Directive \(EU\) 2024/1275](#)

² <https://digital-strategy.ec.europa.eu/en/policies/strategy-data>

³ [‘Data Act’ - Regulation \(EU\) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation \(EU\) 2017/2394 and Directive \(EU\) 2020/1828](#)

⁴ <https://digital-strategy.ec.europa.eu/en/policies/data-act>

- the projected lifespan of the heating systems, where available,
- building automation and control systems,
- meters,
- measuring and control devices,
- recharging points for e-vehicles.

Article 16 covers access to data on non-connected products (e.g. energy performance of windows and roof) as well as basic/static data on connected products (e.g. number and type of -vehicle recharging points, presence and type of building automation and control system, presence and type of sensors etc).

However, Article 16 does not cover access to data *generated by* connected products such as data from smart heating systems, as this would fall under the Data Act.

As regards meters, Article 16 would not cover access to consumption data from regulated meters for the purpose of billing of electricity and gas consumption as this is covered by the Electricity and Gas Directives⁵⁶. However, Article 16 could cover information about the presence of other types of meters, for instance sub-meters for gas that are not used for the purpose of billing.

Covered in Article 16: Data about building systems (non-connected products and basic/static data about connected products)

Includes all data that give information about the building's characteristics – for instance, energy performance of buildings elements (e.g. U-value for the opaque and transparent elements of the building envelope), installed renewable production capacity (e.g. solar PV installed capacity), number and characteristics of recharging points for electric vehicles, etc.

They are relatively static in nature and characterise the building and its systems as they are, and they are not supposed to evolve over time unless the building or system is modified (e.g. following renovation or replacement of a system).

Data about buildings (static data) could require more specific measures to be implemented to ensure compliance with the recast EPBD (for instance, to ensure that authorised parties have access to data on their buildings that is stored in national energy performance databases).

Not covered in Article 16: Data generated by connected products and energy consumption meters

Includes all data that is generated by building systems that are connected products– for instance, on-site renewable energy production, heating setpoint temperature and indoor environmental parameters from sensors. They reflect the dynamic state of the building, and therefore, evolve over time. Covered by the Data Act.

⁵ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast) [Directive - 2019/944 - EN - EUR-Lex](#)

⁶ Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, amending Directive (EU) 2023/1791 and repealing Directive 2009/73/EC (recast) [Directive - EU - 2024/1788 - EN - EUR-Lex](#)

Includes data collected from regulated utility meters (including smart meters) measuring electricity and gas consumption for the purpose of billing energy supply. Covered by the Electricity and Gas Directives⁷.

3.2. The Data Act in relation to Article 16

The Data Act is a key piece of legislation when it comes to data access and use in the EU. Given its cross-sectoral nature, its provisions apply also to building systems data. It is therefore useful to highlight how the Data Act and the recast EPBD provisions are complementary.

The Data Act lays down uniform rules on⁸:

- making available product data and related service data to the user of the connected product or related service;
- data holders making data available to third parties on their request;
- data holders making data available to data recipients, when obliged to under EU law.

In particular, the Data Act (Chapter II to IV) provides for a comprehensive framework to ensure that data collected or generated by “connected products” (as defined in the Data Act) are made accessible to the users of those connected products, and to authorised third parties, also clarifying the obligations that apply when making data available.

This is fully relevant to Article 16, since many building systems consist of such a connected product, or a combination of such connected products.

Article 2(5) of the Data Act provides a definition of a ‘connected product’ that includes connected products which are deployed in buildings:

“connected product” means an item that obtains, generates or collects data concerning its use or environment and that is able to communicate product data via an electronic communications service, physical connection or on-device access, and whose primary function is not the storing, processing or transmission of data on behalf of any party other than the user.”

Essentially, any system operating in a building (including technical building systems, but not only), provided it can generate data and is capable of communicating it, can be considered to be a connected product or a combination of connected products (e.g. a smart ventilation or heating system).

Any requirement that applies to connected products under the Data Act would also apply to such a system (technical building systems, systems relevant for calculating smart readiness, and others, e.g. elevators).

In the same way, the same restrictions as under the Data Act would apply – notably, that highly processed, enriched data (e.g. emanating from an analytical software) would not be covered by the obligations to make it accessible.

⁷ In the case of electricity, Article 23 of the Electricity Directive regulates the data management requirements, while Article 24 set the rules, through the adoption of implementing acts, for interoperable access to data. Implementing Regulation (EU) 2023/1162 'on interoperability requirements and non-discriminatory and transparent procedures for access to metering and consumption data' has been adopted. In the case of gas, Article 22 regulates data management for data coming from gas meters, including smart meters.

⁸ The scope of the rules laid down by the Data Act is broader, but the two items highlighted here are the ones that are most relevant in the scope of the recast EPBD.

The timeline for applying the Data Act is consistent with the one for transposing and implementing the recast EPBD, as the Data Act is in force and will apply from 12 September 2025, for most of its provisions (including those that are relevant to the recast EPBD and its Article 16).

3.3. Other relevant pieces of legislation

Other relevant pieces of legislation, in the scope of Article 16, include:

- The General Data Protection Regulation (GDPR)⁹, as concerns data protection.
- The Data Governance Act¹⁰, which defines the conditions for the re-use, within the EU, of certain categories of data held by public sector bodies. This act has a degree of relevance in the scope of the recast EPBD and Article 16, but also in relation to Article 22, for access to building stock data held by public authorities.
- The Electricity Directive¹¹, which includes specific provisions on smart metering and their functionalities, specifically for making available metering and consumption data for final customers (Article 20), on data management (Article 23) and on interoperability (Article 24).
- The Gas Directive¹², which includes specific provisions on data management (Article 22).
- The Renewable Energy Directive¹³, which includes specific provisions on real-time access to basic battery management system information for domestic and industrial batteries (Article 20a).
- The Alternative Fuels Infrastructure Regulation¹⁴, which includes specific provisions on data pertaining to publicly accessible recharging points and refuelling points for alternative fuels (Article 20).

⁹ REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

¹⁰ REGULATION (EU) 2022/868 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act).

¹¹ Directive (EU) 2024/1711 of the European Parliament and of the Council of 13 June 2024 amending Directives (EU) 2018/2001 and (EU) 2019/944 as regards improving the Union's electricity market design.

¹² Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, amending Directive (EU) 2023/1791 and repealing Directive 2009/73/EC

¹³ DIRECTIVE (EU) 2023/2413 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652.

¹⁴ REGULATION (EU) 2023/1804 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 September 2023 on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU.

4. GUIDANCE ON IMPLEMENTING THE LEGAL PROVISION

4.1. Access to building systems data

Paragraph 1 of Article 16 sets out the requirement for Member States to ensure that owners, tenants and managers have access to their building systems data, and may grant access to this data to a third party:

Member States shall ensure that the building owners, tenants and managers can have direct access to their building systems' data. (...) For the purposes of this Directive, building systems' data shall include at least all readily available data related to the energy performance of building elements, the energy performance of building services, the projected lifespan of the heating systems, where available, building automation and control systems, meters, measuring and control devices and recharging points for e-mobility and be linked, where available, to the digital building logbook.

4.1.1. Rationale

The main aim of Article 16(1) is to ensure that parties with a legitimate interest in accessing building systems' data can do so. Under Article 16, legitimate parties are the owner, tenant, and manager of the buildings, who also may grant access to third parties.

The motivation for considering those parties as legitimate is the following:

- For owners, building systems data is a useful resource informing investment decisions (e.g. for renovation) and, when they also use the building, for optimising operation and management.
- Where there are tenants, they are entitled to get access to the information related to the building systems in the building or building unit that they rent, as they use the buildings and are in charge of day-to-day operation.
- Where the management of the building is delegated to a third party (the “manager”), for instance a facility manager, they need to have access to buildings data in order to define and operate their management strategy.

4.1.2. Clarifications of terms

Most of the terms used in Article 16(1) are defined in Article 2, specifically: ‘energy performance’ (Article 2(8)); ‘building envelope’ (Article 2(15)); ‘building element’ (Article 2(17)); ‘building service’ (to be understood as ‘EPB service’, Article 2(56)); ‘heating system’ (Article 2(43)); ‘building automation and control system’ (Article 2 (7)); recharging point (Article 2(33)), and ‘digital building logbook’ (Article 2(41)).

Some other terms are defined under the regulatory texts referred to in section 6.3: ‘data’ (Article 2(1) Data Act); ‘third party’ (Article 2(10) GDPR); ‘consent’ (Article 2 (11) GDPR).

In addition, it is useful to clarify that, in the scope of Article 16:

- ‘manager’ is to be understood as any person or organisation to which the management of the building is delegated (e.g. a facility manager)

4.1.3. *Understanding of “building systems data” under Article 16*

Though the recast EPBD includes a definition of ‘technical building systems’ (Article 2(6)), there is no definition of ‘building system’ that could be referred to, to support the understanding of Article 16(1)¹⁵.

However, it is clear from the list in subparagraph 2 that the understanding of ‘building system’ is broader than only technical building systems. Specifically:

- It includes a reference to ‘building elements’, which clarifies that elements of the building envelope also fall under the scope of Article 16(1).
- It includes references to systems and devices that are not part of technical building systems as defined under the recast EPBD: ‘meters’, and ‘measuring and control devices’. In the presence of a ‘building automation and control system’ measuring and control devices are part of this system.

One additional observation is that “building systems data” encompasses both:

- (a) static information about the building elements and technical building systems (for instance, energy performance of buildings elements);
- (b) data collected from systems and devices when the building is in-use (for instance, metering data, data from recharging points).

As mentioned earlier, it is important to make this distinction, since where the building system in question is a connected product, or a combination of connected products, the Data Act applies.

Finally, it is reasonable to assume that Article 16 covers data relevant to the subject matter of the recast EPBD (improving the energy performance of, and reducing greenhouse gas emissions from, buildings), and, more specifically, resulting from the implementation of the recast EPBD and related instruments (Energy Performance Certificates, inspections of technical building systems, smart readiness indicator, building renovation passport).

Based on the previous observations, “building systems data” under Article 16 should at least encompass static information about the building and its systems, including:

- Energy performance certificate,
- Inspection reports on technical building systems,
- Smart Readiness Indicator certificate,
- Building renovation passport,
- Energy performance of building elements,
- Life-cycle Global Warming Potential (if available)
- Digital building logbook, where available.

One important comment is that the text refers to “readily available” data. Based on the definition of “readily available data” under the Data Act (Article 2(17)), this means that the data should be obtainable without disproportionate effort going beyond a simple operation. There are cases where the data would not be considered as readily available. For instance, for

¹⁵ There is a definition of ‘system’ under the Smart Readiness Indicator Delegated Act (Commission Delegated Regulation (EU) 2020/2155), but that definition is only relevant for smart readiness rating.

the expected remaining lifespan of the heating system, if the EPC does not include the item (as it is optional under Annex V), or if there is no EPC.

4.1.4. *Direct access*

Article 16(1) requires that Member States ensure that building owners, tenants and managers can have direct access to their building systems data.

This means that the owner, tenant, or manager is provided with the information that allows them to access the data, without the need for a prior request to the data holder (e.g. by providing them with an account to access their building's data in the database where it is stored, for instance the energy performance database as required under Article 22).

For managers a consent by the owner can be requested.

4.1.5. *Transposition and implementation*

In transposing and implementing Article 16(1), Member States are encouraged to differentiate between the two types of buildings data referred to in the previous sub-section:

Static information on the building and its system,

Dynamic information from the building and its systems, based on data generated or collected from systems and meters when the building is in use.

Static information

Member States are required to take the necessary measures that will allow a building owner, tenant or manager to access the static information that is relevant under the recast EPBD. This information includes the reports and certificates issued under the recast EPBD, notably the EPC, and where possible, other relevant information on the energy performance of the building (for instance, inputs and outputs to/from energy performance calculations for the building in question). This can, for instance, be fulfilled through the digital interface to the energy performance database under Article 22.

Dynamic information

Where the building system in question is a connected product, or a combination of connected products, the Data Act applies. Under its Article 3(2), the seller, renter, or lessor of a connected product must make clear how the user [the owner of the connected product] can access the data generated by the connected product.:

Before concluding a contract for the purchase, rent or lease of a connected product, the seller, renter or lessor, which may be the manufacturer, shall provide at least the following information to the user, in a clear and comprehensible manner:

(a) the type, format and estimated volume of product data which the connected product is capable of generating;

(b) whether the connected product is capable of generating data continuously and in real-time;

(c) whether the connected product is capable of storing data on-device or on a remote server, including, where applicable, the intended duration of retention;

(d) how the user may access, retrieve or, where relevant, erase the data, including the technical means to do so, as well as their terms of use and quality of service

4.2. Access rights for third parties

Paragraph 1 of Article 16 sets out the requirement for Member States to ensure that owners, tenants and managers may grant access to this data to a third party.

(...) Upon their [building owners', tenants' and managers'] consent, the access or data shall be made available to a third party, subject to the existing applicable rules and agreements. (...)

In the same way as for the provisions discussed in the previous sections, it would be useful that Member States make a distinction between the two types of buildings data identified:

- (a) Static information on the building and its system,
- (b) Dynamic information from the building and its systems, based on data generated or collected from systems and meters when the building is in-use.

As regards a), the transposition of Article 16 into the national law must ensure that building owners, tenants and managers can grant access rights to a third party of their choice. The process can, for instance, be based simply on a request sent by the owner, tenant, or manager to the data holder (e.g. to the body responsible for the National energy performance database, where it applies) that identifies the third party of interest.

As regards b), Article 5(1) of the Data Act introduces rights for the connected product(s) user to share data with third parties¹⁶:

Upon request by a user, or by a party acting on behalf of a user, the data holder shall make available readily available data, as well as the relevant metadata necessary to interpret and use those data, to a third party without undue delay, of the same quality as is available to the data holder, easily, securely, free of charge to the user, in a comprehensive, structured, commonly used and machine-readable format and, where relevant and technically feasible, continuously and in real-time. (...)

4.3. Compliance with applicable EU law

Paragraphs 2 and 4 of Article 16 require Member States to ensure compliance with the applicable EU law in laying down the rules for access to, management, exchange and storage of, data:

2. When laying down the rules regarding the management and exchange of data, taking into account the international standards and management format to data exchange, Member States or, where a Member State has so provided, the designated competent authorities, shall comply with the applicable Union law. (...)

4. The rules on access to data and data storage for the purposes of this Directive shall comply with the relevant Union law. The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council (30).

These provisions are included to recall the need to comply, in transposing and implementing Article 16, with applicable EU law on data – one important area being data protection under the GDPR.

¹⁶ Conditions for data sharing are further elaborated in Articles 8 and 9 of the same Act.

To ensure that the national rules are appropriate, the authorities responsible for the transposition and implementation of the recast EPBD should liaise and cooperate with the competent national authorities (e.g. national data protection authorities, and competent authorities under the Data Act), in transposing and implementing Article 16.

One specific point of attention is to ensure the protection of personal data, as Article 16 grants access rights to buildings data to the owner, tenant, and manager. When this data is personal, compliance with the GDPR needs to be ensured.

4.4. Non-discriminatory and fair access to data

Paragraphs 2 and 3 of Article 16 requires Member States to ensure non-discriminatory and fair access to data:

2. (...) The rules on the access and any charges shall not constitute a barrier or create discrimination for third parties to access building systems' data.

3. No additional costs shall be charged to the building owner, tenant or manager for access to their data or for a request to make their data available to a third party subject to the existing applicable rules and agreements. Member States shall be responsible for setting the relevant charges for access to data by other eligible parties such as financial institutions, aggregators, energy suppliers, energy services providers and national statistical institutes or other national authorities responsible for the development, production and dissemination of European statistics. Member States or, where applicable, the designated competent authorities, shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified. Member States shall incentivise the sharing of the relevant building systems' data.

4.4.1. Free of charge access for building owners, tenants and managers

Member States must ensure that no additional costs are charged to the building owner, tenant or manager for accessing their data. This means that, for those parties, direct access to their data is free of charge.

As regards static information about buildings, the data can be assumed to be stored in a database – specifically, for part of the data concerned, in database(s) managed or supervised by the national authorities (database for the energy performance of buildings to be established under Article 22).

The authorities should ensure that the building owner, tenant, and manager can download the data pertaining to the building they own, rent or manage without having to pay additional costs. Where the data is stored in databases managed by independent private companies (e.g. companies in charge of EPC assessment), the national law should mandate that, in the same way, free access is granted to the owner, tenant and manager for the data pertaining to the building they own, rent, or manage.

As regards dynamic information from buildings, Article 3 of the Data Act applies with regard to provisions on free access to buildings data for owner, tenants and managers; it requires, as of 12 September 2026, connected products to “be designed and manufactured, and related services shall be designed and provided, in such a manner that product data and related service data, including the relevant metadata necessary to interpret and use those data, are, by default, easily, securely, **free of charge**, in a comprehensive, structured, commonly used and machine-readable format, and, where relevant and technically feasible, directly accessible to the user.” (Article 3(1) Data Act)

4.4.2. *Access by authorised third parties*

Member States must ensure that the rules defined for third parties to access data, and related charges, do not result in a barrier or create discrimination.

In this regard, the Data Act again constitutes a useful reference – notably its Articles 5, 8 and 9. Article 5 lays down an obligation on a data holder to provide access to data to a third party that an eligible user selects, while Articles 8 and 9 define the conditions under which data holders make data available to data recipients and the compensation for making data available as part of business-to-business relations.

As regards static information about buildings (1), the costs incurred by the data holder, if any, can be assumed to be minimal, given that the data is normally limited in size, there is typically no need for reformatting, and the data can be accessed by simple means (login / password, identification of the building in question).

In addition, Article 16 EPBD requires that no additional costs are charged “to the building owner, tenant or manager (...) for a request to make their data available to a third party subject to the existing applicable rules and agreements”. The authorities are therefore encouraged to ensure, for the kind of data discussed, that access for authorised third parties is free of charge¹⁷.

As regards dynamic information from buildings (2), the authorities may rely on the framework provided by the Data Act, notably its Articles 5, 8 and 9. As mentioned earlier, the authorities responsible for transposing and implementing the recast EPBD should liaise and cooperate with the competent national authorities (specifically competent authorities under the Data Act), in transposing and implementing those provisions of Article 16.

4.4.3. *Access by other eligible parties*

Under Article 16, Member States are responsible for setting charges for access to data by other eligible parties (e.g. financial institutions, or statistical institutes). Member States can choose that these charges are zero.

Eligible parties are not further defined in the text – this can be understood as bodies (public bodies, private companies, other organisations) that can have a legitimate interest in accessing building data.

The examples given in Article 16(2) are consistent with this notion of legitimate interest:

- financial institutions: accessing data on buildings in their investment and lending portfolios (in line with Article 22),
- aggregators: accessing data that is necessary to enable aggregation services,
- energy suppliers and energy services providers: accessing data that is necessary to enable energy services,
- national statistical institutes or other national authorities responsible for developing, producing and disseminating European statistics.

Further to the above, for national statistical institutes, the situation is more specific. They have dedicated use and processing rights to benefit from such source linkage to the extent possible, in compliance with applicable personal data protection rules, as set out at EU level in

¹⁷ This can be done, for instance, by allowing owners, tenants and managers to give access themselves to the data pertaining to their building.

Article 17a of Regulation (EC) No 223/2009 on European statistics¹⁸. This does not impact the additional dedicated national laws in place in most Member States.

If the data holder is a public sector body, the authorities are encouraged to assess (in cooperation with the competent national bodies under the Data Governance Act) whether access to building data under Article 16 could be covered by the provisions on the re-use of certain categories of protected data held by public sector bodies (Chapter II of the Data Governance Act).

In any case, in setting the rules for access to data by third parties, the authorities must ensure compliance with the GDPR, ensuring that personal data is protected as appropriate. For instance, using techniques such as pseudonymisation and aggregation.

4.4.4. *Incentivising the sharing of building systems data*

Under Article 16, Member States are required to incentivise the sharing of the relevant building systems data.

To this end, Member States are encouraged to implement measures that promote and support the availability of building systems data, for instance:

- Through the obligation in Art 22(2) that Member States must ensure easy and free-of-charge access to the full energy performance certificate for building, stored in the national databases for the energy performance of buildings.
- Promoting and establishing national policies to encourage broader sharing of data (i.e. ‘data altruism’, as per Article 2(16) of the Data Governance) in the buildings sector¹⁹.

4.5. **Consultation strategy for the implementing acts under Article 16(5)**

Article 16(5) requires the Commission to adopt implementing acts detailing interoperability requirements and non-discriminatory and transparent procedures for access to the data by 31 December 2025. In line with Article 16(5), the following consultation strategy will apply for the development of the implementing acts:

4.5.1. *Consultation objectives*

The objective of the consultation is to gather input from experts in the field as regards interoperability requirements and non-discriminatory and transparent procedures for access to data under Article 16.

4.5.2. *Targeted stakeholders*

The targeted stakeholders are the members of the Data for Energy working group under the Smart Energy Expert Group²⁰ set up by the Commission. The mission of the Smart Energy Expert Group is to accelerate the digitalisation of the energy system and contribute to the smart energy transition.

¹⁸ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (Text with relevance for the EEA and for Switzerland) ([OJ L 087 31.3.2009, p. 164](#)).

¹⁹ In doing so, coordinating with the competent authorities at national level, as regards the registration of data altruism organisations under the Data Governance Act.

²⁰ Commission Decision of 18.9.2023 setting up the group of experts on Smart Energy, C(2023) 6121 final

The Expert Group has the following tasks:

- Assist the Commission in relation to the implementation of existing EU legislation, programmes and policies
- Assist the Commission in the preparation of delegated acts
- Assist the Commission in the preparation of legislative proposals and policy initiatives
- Coordinate with Member States, exchange of views
- Bring forward an exchange of experiences and good practices in the field of smart energy transition and on the digitalisation of the energy system; provide assistance and frame recommendations at the Commission's request in those fields
- Provide expertise to the Commission when preparing implementing measures, i.e. before the Commission submits these draft measures to a comitology committee

The group is composed of the Member States' competent authorities, other public bodies and organisations active in the areas related to energy or digitalisation that have been selected via a public call for applications.

4.5.3. Consultation activities

The consultation activities include presentation and discussion of draft implementing acts at the meeting of the Data for Energy working group and the possibilities for the members of the group to provide feedback also between the meetings.