

EDPS formal comments on a Commission Implementing Regulation amending Implementing Regulation (EU) 2019/1715 as regards procedures for the establishment and use of ADIS and EUROPHYT, the issuance of electronic animal health certificates, official certificates, animal health/official certificates and commercial documents, the use of electronic signatures, and the functioning of TRACES, and repealing Decision 97/152/EC

1. Introduction and background

- Regulation (EU) 2017/625¹ (‘the Official Controls Regulation’) seeks to establish, *inter alia*, a framework for the Member States’ performance of official controls and other official activities in order to ensure the correct application of the Union agri-food chain rules. The Official Controls Regulation requires the Commission, in collaboration with the Member States, to set up and manage a computerised information management system for official controls (IMSOC), aimed at the integrated operation of the tools through which information and documents concerning official controls are handled and exchanged.
- Commission Implementing Regulation (EU) 2019/1715 lays down rules for the functioning of the information management system for official controls (IMSOC) and its system components, namely the system implementing the procedures for the Rapid Alert System for Food and Feed and Administrative Assistance and Cooperation (‘iRASFF’), the system for notifying and reporting information on animal diseases (‘ADIS’), the system for notifying official confirmation of the presence of pests in plants and plant products on Member States’ territory (‘EUROPHYT’) and the Trade Control and Expert System for exchanging data, information and documents (‘TRACES’). It also lays down rules on the necessary links between those components. It also lays down rules for the establishment of the network for the functioning of ADIS and the listing of notification and reporting regions for the purpose of Union notification and Union reporting of animal diseases.
- More specifically, the IMSOC is composed of the following system components:
 - a) iRASFF (the electronic system implementing the RASFF - Rapid Alert System for Food and Feed - and the Administrative Assistance and Cooperation or AAC procedures);
 - b) ADIS (Animal Disease Information System);
 - c) EUROPHYT (dealing with interceptions for plant health reasons of consignment of plants and plant products imported into the EU or traded within the EU); and

¹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation), OJ L 95, 7.4.2017.

d) TRACES (Trade Control and Expert System).

- The **Commission proposal for an Implementing Regulation amending Implementing Regulation (EU) 2019/1715 as regards procedures for the establishment and use of ADIS and EUROPHYT, the issuance of electronic animal health certificates, official certificates, animal health/official certificates and commercial documents, the use of electronic signatures, and the functioning of TRACES, and repealing Decision 97/152/EC** (the ‘Proposal’) aims to introduce amendments to Implementing Regulation (EU) 2019/1715 that allow official veterinarians, official plant health officers and certifying officers to use electronic signatures in electronic Common Health Entry Document(s) (‘CHEDs’) and certificates with lower identity assurance levels and without recording timestamps, in line with Regulation (EU) No 910/2014 of the European Parliament and of the Council².
- The present comments are issued pursuant to Article 42(1) Regulation (EU) 2018/1725³, following a request for consultation from the European Commission of 11 December 2020.

2. The EDPS Comments

2.1 Personal data processed in ADIS

- The EDPS welcomes the reference to the need for a specific data retention period of personal data processed in ADIS in recital 4 and Article 29a of the proposal. Also in the light of the IMSOC regulation, we understand that the personal data to be processed in ADIS is reflected in Article 10 of the Commission Implementing Regulation (EU) 2019/1715.

2.2 The data retention of the personal data collected

- As already mentioned above, Article 29a of the proposal specifies that “[P]ersonal data from Union notifications and Union reports referred to in Article 29(1) shall be stored in ADIS for no more than 10 years.” The EDPS, in the light of the IMSOC Implementing Regulation 2019/1715, considers the data storage period proportionate to the aim pursued.

Brussels, 14 January 2021

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(e-signed)

² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

³ 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018.