



Formal comments of the EDPS on the draft Commission Implementing Regulations laying down the details of the automated data quality control mechanisms and procedures, the common data quality indicators and the minimum quality standards for storage of data pursuant to Article 37(4) of Regulation (EU) 2019/817 and Article 37(4) of Regulation (EU) 2019/818 of the European Parliament and of the Council

1. Introduction and background

On 22 May 2019, the European Parliament and the Council adopted Regulation (EU) 2019/817, which establishes a framework for interoperability between EU information systems in the field of borders and visa, and Regulation (EU) 2019/818, which establishes a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration.

In accordance with Article 37(4) of Regulation (EU) 2019/817 and Article 37(4) of Regulation (EU) 2019/818, the European Commission has to lay down by means of implementing acts the details of the automated data quality control mechanisms and procedures, the common data quality indicators and the minimum quality standards for storage of data.

The present formal comments of the EDPS are issued in response to a consultation by the European Commission, pursuant to Article 42(1) of Regulation 2018/1725. In this regard, the EDPS welcomes the reference to this consultation in Recitals 14 of the draft Implementing Regulations.

These formal comments do not preclude any future additional comments by the EDPS, 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, pursuant to Regulation (EU) 2019/817 or Regulation (EU) 2019/818, or any another legal act establishing a large-scale IT system, included in the interoperability framework. 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 Regulation (EU) 2018/1725.

2. Comments

The two draft Commission Implementing Regulations introduce the notion of “blocking and soft rules”, which are used to measure the degree to which input data is compliant with defined data requirements. However, these terms are not defined in the relevant provision of the Implementing Regulations (Article 2 ‘Definitions’) but in the Annexes (Section 1, points (a) and (b)).

In view of the legal clarity and certainty, the EDPS recommends the definitions of “blocking rules” and “soft rules” in the context of data quality control mechanisms to be laid down in

relevant legal provisions of the two Commission Implementing Regulations and not in their annexes.

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(e-signed)