



## **EDPS Formal comments on the draft Commission Implementing Decisions on laying down and developing the Universal Message Format (UMF) standard pursuant to Article 38(3) of Regulations (EU) 2019/817 and 2019/818 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 Community institutions and bodies and on the free movement of such data ('EUDPR')<sup>1</sup>, and in particular Article 42(1) thereof,

**HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:**

#### **1. Introduction and background**

1. On 4 July 2022 the European Commission issued two draft Commission Implementing Decisions on laying down and develop the Universal Message Format (UMF) standard pursuant to Article 38(3) of Regulations (EU) 2019/817 and 2019/818 of the European Parliament and of the Council ('the Proposals', 'the draft Implementing Decisions').
2. Due to the fact that not all Member States participate in all the EU policies in the fields of borders and visas, police cooperation and judicial cooperation in criminal matters, and asylum and migration, it is necessary to adopt parallel implementing acts based on the separate empowerments in the Regulations establishing interoperability in these different fields. Given the essential similarity of the substance of both draft Implementing Decisions, the EDPS has assessed the two Proposals together.
3. The objective of the draft Implementing Decisions is to lay down and develop the UMF standard to enable structured, cross-border information exchange between information systems, authorities or organisations in the field of Justice and Home Affairs<sup>2</sup>.

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39.

<sup>2</sup> Recitals 2 and 3 of the draft Implementing Decisions.



4. The Proposals are adopted pursuant to Article 38(3) of Regulation (EU) 2019/817<sup>3</sup> and Article 38(3) of Regulation (EU) 2019/818<sup>4</sup> of the European Parliament and of the Council.
5. The EDPS previously issued Opinion 4/2018 on the Proposals for two Regulations establishing a framework for interoperability between EU large-scale information systems<sup>5</sup>, as well a number of formal comments on the various implementing and delegated acts envisaged in the interoperability regulation.
6. The present formal comments of the EDPS are issued in response to a consultation by the European Commission of 4 July 2022, pursuant to Article 42(1) of Regulation 2018/1725<sup>6</sup> ('EUDPR'). In this regard, the EDPS welcomes the reference to this consultation in Recital 12 of the Proposals.
7. 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 acts<sup>7</sup>.
8. 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 Proposal that are relevant from a data protection perspective.

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<sup>3</sup> Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

<sup>4</sup> Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

<sup>5</sup> EDPS [Opinion 4/2018 on the Proposals for two Regulations establishing a framework for interoperability between EU large-scale information systems](#), issued on 16 April 2018

<sup>6</sup> 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, 21.11.2018, L.295, p. 39.

<sup>7</sup> 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.

## 2. Comments

9. The EDPS notes that the subject matter of the draft Implementing Decisions is limited to the measures to lay down and develop the Universal Message Format (UMF), which should serve as a standard for structured, cross-border information exchange between information systems, authorities or organisations in the field of Justice and Home Affairs. Therefore, it is unlikely that the draft Implementing Decisions would have any substantial impact on the protection on individuals' rights and freedoms with regard to the processing of personal data.
10. In light of the above, the EDPS has no specific comments or recommendations on the proposed draft Commission Implementing Decisions on laying down and develop the Universal Message Format (UMF) standard pursuant to Article 38(3) of Regulations (EU) 2019/817 and 2019/818 of the European Parliament and of the Council.

Brussels, 02 August 2022

*(e-signed)*

Wojciech Rafał Wiewiórowski