

**EDPS Formal comments on the draft Implementing Regulation on a technical specification relating to the telematics subsystem of the rail system in the European Union for interoperability of data sharing in rail transport and repealing Regulations (EU) No 454/2011 and (EU) No 1305/2014**

**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')<sup>1</sup>, and in particular Article 42(1) thereof,

**HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:**

**1. Introduction and background**

1. On 3 March 2025, the European Commission consulted the EDPS on the draft Implementing Regulation on a technical specification relating to the telematics subsystem of the rail system in the European Union for interoperability of data sharing in rail transport and repealing Regulations (EU) No 454/2011<sup>2</sup> and (EU) No 1305/2014<sup>3</sup> ('the draft Implementing Regulation').
2. The objective of the draft Implementing Regulation is to lay down common, specific and interface requirements for interoperable data sharing in rail transport by establishing a technical specification for interoperability (TSI) relating to the 'telematics applications for passenger and freight services' subsystem of the rail system in the Union, as set out in the Annex<sup>4</sup>.
3. The draft Implementing Regulation is adopted pursuant to Article 5(11) of Directive (EU) 2016/797 ('the Rail Interoperability Directive')<sup>5</sup>, empowering the Commission to adopt delegated acts concerning technical specifications for interoperability, including the telematics applications for freight and passengers referred to in Point 2.7 of Annex III to the Rail Interoperability Directive.

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

<sup>2</sup> Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system, OJ L 123, 12.5.2011, p. 11–67.

<sup>3</sup> Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006, OJ L 356, 12.12.2014, p. 438–488.

<sup>4</sup> Article 1 of the draft Implementing Regulation.

<sup>5</sup> Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (recast), OJ L 138, 26.5.2016, p. 44–101.

4. 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 37 of the draft Implementing Regulation.
5. The EDPS welcomes the fact that it has been informally consulted in the early stages of the drafting of the 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 acts<sup>6</sup>.
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

### 2.1. General comments

8. The EDPS welcomes recital 16 of the draft Implementing Regulation, confirming the applicability of Regulation (EU) 2016/679 ('the GDPR')<sup>7</sup> and of the EUDPR in the context of processing of personal data entailed by the application of the draft Implementing Regulation.
9. The EDPS notes the clarification, in the same recital, that the single reference identifier to be used by telematics stakeholders "*may be associated to personal data within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725*". The EDPS understands that the single reference identifiers serve to identify the organisation of the telematics stakeholders, Union bodies and public sector bodies involved in the implementation of the draft Implementing Regulation and in principle do not directly relate to a specific natural person<sup>8</sup>. In cases where the telematics stakeholder would be a natural person<sup>9</sup>, however, the single reference identifier may itself constitute personal data. Against this background, the EDPS recommends replacing the wording "may be associated to" with "*may constitute or be associated*

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<sup>6</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.

<sup>7</sup> 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) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1–88.

<sup>8</sup> Article 7(1) of the draft implementing regulation provides that telematics stakeholders, Union bodies and public sector bodies involved in the implementation of this regulation will be identified through 'a single identifier of their organisation'.

<sup>9</sup> The definition of telematics stakeholders in Article 3(9) of the draft implementing regulation refers to a broad range of entities, possibly including natural persons.

*with personal data within the meaning of Article 4(1) of Regulation (EU) 2016/679 and Article 3(1) of Regulation (EU) 2018/1725.”*

10. Given the subject matter and the provisions of the draft Implementing Regulation, which do not raise significant issues having regard to the protection of personal data, the EDPS has no further comments on the draft Implementing Regulation.

The EDPS remains available for any further advice needed.

Brussels, 28 April 2025

(e-signed)  
Wojciech Rafał WIEWIÓROWSKI