EDPS Formal comments on the draft Commission Implementing Decisions amending Commission Implementing Decisions C(2023) 645 and Decision C(2023) 649 of 1.2.2023 laying down and developing the universal message format (UMF) standard pursuant to 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')[1], and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 16 April 2025, the European Commission consulted the EDPS on two draft Commission Implementing Decisions amending Commission Implementing Decisions C(2023) 645 and Decision C(2023) 649 of 1.2.2023 laying down and developing the universal message format (UMF) standard pursuant to Regulations (EU) 2019/817[2] and 2019/818[3] of the European Parliament and of the Council ('the draft Implementing Decisions')[4].

2. Regulations (EU) 2019/817 and 2019/818, which establish a framework of interoperability between the EU information systems in the field of borders, visa, police and judicial cooperation, asylum and migration, provide for a universal

---

[1] OJ L 295, 21.11.2018, p. 39.

[2] 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.

[3] 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.

[4] 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.

EUROPEAN DATA PROTECTION SUPERVISOR

Postal address: rue Wiertz 60 - B-1047 Brussels
Offices: rue Montoyer 30 - B-1000 Brussels
E-mail: edps@edps.europa.eu
Website: edps.europa.eu
Tel.: 32 2-283 19 00 - Fax: 32 2-283 19 50

message format (UMF) to serve as a standard for structured, cross-border information exchange between information systems, authorities or organisations in the field of Justice and Home Affairs. The specific UMF standard was subsequently adopted with Commission Implementing Decisions C(2023) 645 and C(2023) 649[5].

3. The objective of the draft Implementing Decisions is to ensure that, following the adoption of Regulation (EU) 2024/1358 (Eurodac recast Regulation)[6], the European Asylum Dactyloscopy Database (Eurodac) is developed in a UMF compliant manner[7].

4. The draft Implementing Decisions are adopted pursuant to Article 38(3) of Regulation (EU) 2019/817 and Article 38(3) of Regulation (EU) 2019/818 of the European Parliament and of the Council.

5. The EDPS has previously issued formal comments on the drafts of the current Commission Implementing Decisions C(2023) 645 and C(2023) 649[8], as well as Opinion 4/2018 on the Proposals for two Interoperability Regulations[9].

6. The present formal comments of the EDPS are issued in response to a consultation by the European Commission of 22 April 2025, pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in Recital 11 of the draft Implementing Decisions.

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[10].

---

[5] It should be noted that Commission Implementing Decisions C(2023) 645 and C(2023) 649 have been published in the Official Journal of the EU as Commission Implementing Decision (EU) 2023/220 of 1 February 2023 laying down and developing the universal message format (UMF) standard pursuant to Regulation (EU) 2019/817 of the European Parliament and of the Council (OJ L 30, 2.2.2023, p. 18–25) and Commission Implementing Decision (EU) 2023/221 of 1 February 2023 laying down and developing the universal message format (UMF) standard pursuant to Regulation (EU) 2019/818 of the European Parliament and of the Council (OJ L 30, 2.2.2023, p. 26–32).

[6] Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council, OJ L, 2024/1358, 22.5.2024 p. 1.

[7] See Recitals 4 of the draft Implementing Decisions.

[8] EDPS Formal Comments on the draft Implementing Decisions laying down and developing the Universal Message Format (UMF) standard pursuant to Article 38(3) of Regulation (EU) 209/817 and 2019/818 of the EP and of the Council, issued on 2 August 2022.

[9] 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.

[10] 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.

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.

2. Comments

9. The EDPS notes that the subject matter of the draft Implementing Decisions is limited to ensuring that the European Asylum Dactyloscopy Database (Eurodac) is developed in a UMF compliant manner. As a result, the EDPS considers that the draft Implementing Decisions would not 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 amending Commission Implementing Decisions C(2023) 645 and Decision C(2023) 649.

Brussels, 5 June 2025

(e-signed)
Wojciech Rafał WIEWIÓROWSKI