

EDPS Formal comments on the draft Commission Delegated Regulation amending Regulation (EU) 2018/1862 of the European Parliament and of the Council as regards the sub-categories of objects of high value in the Schengen Information System

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 19 November 2025, the European Commission issued a Delegated Regulation amending Regulation (EU) 2018/1862 of the European Parliament and of the Council as regards the sub-categories of objects of high value in the Schengen Information System ('the draft Delegated Regulation').
2. Regulation (EU) 2018/1862 of the European Parliament and of the Council², also referred as 'Regulation SIS-Police', lays down the operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters. The SIS includes, among others, alerts on objects for seizure or use as evidence in criminal proceedings.
3. The objective of the draft Delegated Regulation is to amend Article 38 of Regulation (EU) 2018/1862 as regards the introduction of new sub-categories of objects of high value in the SIS, based on the operational needs and the societal and technological developments (e.g. new means of transport).
4. The draft Delegated Regulation is adopted pursuant to Article 38(3) of Regulation (EU) 2018/1862 of the European Parliament and of the Council.
5. The present formal comments of the EDPS are issued in response to a consultation by the European Commission of 19 November 2025, pursuant to Article 42(1) of EUDPR. The EDPS invites the Commission to add a reference to this consultation in the Recitals of the draft Delegated Regulation.

¹ OJ L 295, 21.11.2018, p. 39.

² Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, OJ L 312, 7.12.2018, p. 56.

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 acts³.
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 Proposal that are relevant from a data protection perspective.

2. Comments

8. The EDPS notes that the subject matter of the draft Delegated Regulation is limited to the introduction of certain new sub-categories of objects in the SIS, in particular personal transportation means such as e-bikes, jewellery, watches, medical and laboratory appliances, musical instruments, and electronic consumer appliances.
9. The EDPS draws the attention on the fact some of the objects laid down in Article 38(2) of Regulation (EU) 2018/1862 may fall in the category of 'smart and/or connected devices' and thus may process, and in particular store, personal data, including special categories of personal data (e.g. e-bikes, smart watches, medical appliances such as wearables, etc.). The EDPS therefore recalls that access to such devices and extraction of data from them for the purposes of seizure or use as evidence in criminal proceedings should be in compliance with the applicable EU data protection legal framework, referred in Recitals 51-53 of Regulation (EU) 2018/1862.
10. The EDPS has no other comments or recommendations on the draft Delegated Regulation amending Regulation (EU) 2018/1862 of the European Parliament and of the Council as regards the inclusion of sub-categories of objects of high value in the Schengen Information System.

Brussels, 19 December 2025

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

³ 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.