

## **EDPS Formal comments on the draft Commission Implementing Regulation amending Implementing Regulation (EU) 2025/848 as regards applicable standards and specifications**

### **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 20 February 2026, the European Commission consulted the EDPS on the draft Commission Implementing Regulation amending Implementing Regulation (EU) 2025/848<sup>2</sup> ('the draft implementing regulation').
2. The draft implementing regulation would be adopted pursuant to Article 5b(11) of Regulation (EU) No 910/2014 ('the basic act')<sup>3</sup>. The EDPS previously issued formal comments on the basic act<sup>4</sup>. The EDPS also issued formal comments on the draft Implementing Regulation adopted as Implementing Regulation (EU) 2025/848 ('previous formal comments')<sup>5</sup>.
3. The objective of the draft implementing regulation is to adapt certain standards to take into account the new standards, specifications and procedures of the European Digital Identity Wallet (EUDIW) architecture and reference framework<sup>6</sup>. The draft implementing regulation is accompanied by five annexes, setting out: the amendments to Annex I of Implementing Regulation (EU) 2025/848<sup>7</sup>; the amendments to Annex II of Implementing Regulation (EU) 2025/848<sup>8</sup>; the amendments to Annex IV of Implementing Regulation

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

<sup>2</sup> Commission Implementing Regulation (EU) 2025/848 of 6 May 2025 laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards the registration of wallet-relying parties, C/2025/2621, OJ L, 2025/848, 7.5.2025, ELI: [http://data.europa.eu/eli/reg\\_impl/2025/848/oj](http://data.europa.eu/eli/reg_impl/2025/848/oj).

<sup>3</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, OJ L 257, 28.8.2014, pp. 73–114.

<sup>4</sup> [EDPS Formal comments on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EU\) No 910/2014 as regards establishing a framework for a European Digital Identity](#), issued on 28 July 2021.

<sup>5</sup> [EDPS Formal comments on the draft Commission Implementing Regulation laying down rules for the application of Regulation \(EU\) No 910/2014 of the European Parliament and of the Council as regards the registration of wallet-relying parties and the common mechanism for the identification and authentication of wallet-relying parties](#), issued on 30 January 2025.

<sup>6</sup> Recital 1 of the draft implementing regulation.

<sup>7</sup> Annex I to the draft implementing regulation.

<sup>8</sup> Annex II to the draft implementing regulation.

(EU) 2025/848<sup>9</sup>; the amendment to Annex V of Implementing Regulation (EU) 2025/848<sup>10</sup>; a new Annex VI to be added as new annex to Regulation (EU) 2025/848<sup>11</sup>.

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 3 of the draft implementing regulation.
5. 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>12</sup>.
6. 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

7. The EDPS notes that the implementation of the draft implementing regulation entails the processing of personal data, as well as access to terminal equipment within the meaning of the Directive 2002/58/EC (ePrivacy Directive)<sup>13</sup>. Therefore, the EDPS recommends adding a reference to the applicability of Regulation (EU) 2016/679 ('GDPR')<sup>14</sup> and of the ePrivacy Regulation in a recital to the draft implementing regulation.
8. The draft implementing regulation would amend Implementing Regulation (EU) 2025/848, laying down rules for the registration of wallet-relying parties, i.e. relying parties that intend to rely upon wallet units for the provision of public or private services by means of digital interaction<sup>15</sup>. As set out in the basic act, wallet-relying parties are not to request users to provide any data other than those indicated for the intended use of wallets during the registration process<sup>16</sup>.
9. The EDPS notes that the draft implementing regulation<sup>17</sup> would introduce a new article 11 to the Implementing Regulation (EU) 2025/848, which relate to the case of a user of the EUDIW registering a pseudonym for authentication.
10. The EDPS welcomes the new Article 11, which introduces: (i) authentication mechanisms in case of use of pseudonyms, to be accepted by wallet-relying parties; (ii) the obligation for relying parties to ensure that the registration of a pseudonym for authentication is linked to the presentation of electronic attestation of attributes. These provisions are

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<sup>9</sup> Annex III to the draft implementing regulation.

<sup>10</sup> Annex IV to the draft implementing regulation.

<sup>11</sup> Annex V to the draft implementing regulation.

<sup>12</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>13</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, pp. 37–47.

<sup>14</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, pp. 1–88.

<sup>15</sup> See definition of 'wallet-relying party' in Article 2(1) of Implementing Regulation (EU) 2025/848.

<sup>16</sup> Article 5b(3) of the basic act: "Relying parties shall not request users to provide any data other than that indicated pursuant to paragraph 2, point (c)." Point (c) referring to "the intended use of European Digital Identity Wallets, including an indication of the data to be requested by the relying party from users."

<sup>17</sup> Article 1 of the draft implementing regulation.

necessary steps to implement the requirement under the basic act for relying parties not to refuse the use of pseudonyms by wallet users when EU or national law does not require users to be identified<sup>18</sup>, thus enhancing the protection of users' privacy.

11. The EDPS welcomes the specification in Annex V to the draft implementing regulation containing technical specifications for the common API. The EDPS welcomes in particular the specification that the read methods of the common API must be open for public access, as well as the specifications of the parameters for searching and querying<sup>19</sup>, since this facilitates public scrutiny of relying parties' operation.
12. The EDPS also welcomes the specification of the data scheme for each wallet-relying party<sup>20</sup>. The EDPS welcomes in particular the specification related to the "intendedUse"<sup>21</sup>, describing 'IntendedUse' as "array of IntendedUse objects in order to specify intended use cases in which the wallet-relying party intends to rely on attestations of attributes of a wallet user presented by a wallet unit."
13. The EDPS also welcomes the specification related to "supervisory Authority"<sup>22</sup>, competent according to Article 46a of the basic act.
14. The EDPS also welcomes the specification of the data scheme for listing intended use, including the "purpose" attribute<sup>23</sup>. The description of this attribute indicates that the purpose of the processing, to be specified by the controller in accordance with Article 5(1)(b) GDPR, may or may not correspond to the "purposes of the intended data processing according to Article 5b(2)(c) of Regulation (EU) No 910/2014"<sup>24</sup>. Table 1 describes the "intendedUse" attribute as "use cases in which the wallet-relying party intends to rely on attestations of attributes of a wallet user presented by a wallet unit". In the interest of legal certainty, the EDPS recommends further clarifying the relationship between the two 'purposes' mentioned in the description of the purpose attribute<sup>25</sup>.
15. The EDPS also underlines that the description of the intended use of the attributes to be requested from the wallet user by the relying party should be specific enough to enable verification that the requested attributes are both necessary and proportionate for their intended use. The EDPS therefore recommends highlighting in the draft implementing regulation the need for sufficiently specific information, as well as the need to ensure compliance with the requirement of data minimisation. The EDPS also recommends specifying in the draft implementing regulation that relying parties, when registering, must declare whether the intended use will enable the use of pseudonyms (taking into account whether the intended use is subject to a legal identification obligation under Union or Member State law).
16. The EDPS remarks that Article 2(15) of Implementing Regulation (EU) 2025/848, not amended by the draft implementing regulation, defines a 'wallet-relying party registration certificate' as "a data object that indicates the attributes the relying party has registered to intend to request from users". Recital 9 of the Implementing Regulation (EU) 2025/848 recognises the importance of enabling wallet users to verify the registration

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<sup>18</sup> Article 5b(9) of the basic act.

<sup>19</sup> Point 2. of Annex V to the draft implementing regulation.

<sup>20</sup> Table 1 of Annex V to the draft implementing regulation.

<sup>21</sup> See Table 1, page 9, to the draft implementing regulation.

<sup>22</sup> See Table 1, page 10, to the draft implementing regulation.

<sup>23</sup> Table 2 of Annex V to the draft implementing regulation.

<sup>24</sup> The description indicates that the purpose attribute "specifies one or more purposes of the intended data processing according to Article 5b(2), point (c) of Regulation (EU) No 910/2014, and, where applicable, Article 5(1), point (b) of Regulation (EU) No 2016/679. The purpose shall be capable of localisation to the user's language (lang) in accordance with Annex E of ETSI TS119612 V2.3.1".

<sup>25</sup> Table 2, page 11, of Annex V to the draft implementing regulation.

data of relying parties and that the attributes being requested by the wallet-relying party are within the scope of their registered attributes. To achieve this goal, Article 8(1) of the Implementing Regulation (EU) 2025/848 provides that Member States “may require” the issuance of wallet-relying party registration certificates to registered wallet-relying parties.

17. The EDPS observes that, in case these certificates are *not* issued, it would be considerably more difficult for wallet users to verify whether the attributes being requested by the wallet-relying party are within the scope of their registered attributes. The mandatory issuance of wallet-relying party registration certificates would allow the wallet user to verify, in an automated manner: (a) whether or not the wallet relying party has effectively completed the registration process; (b) whether or not the attributes being requested by the wallet-relying party are within the scope of their registered attributes.
18. Against this background, the EDPS strongly recommends including in the draft implementing regulation an amendment replacing “may” with “must” in Article 8(1) of Implementing Regulation (EU) 2025/848 and to add the wording “to be provided by wallet-relying parties” at the end of the sentence in Article 8(1) of Implementing Regulation (EU) 2025/848.
19. The EDPS recommends amending the draft implementing regulation adding the requirement to implement a functionality enabling the verification by the wallet user of whether the attributes being requested by the wallet-relying party are in the scope of the registered attributes. This functionality would allow the wallet user to consult records of the register of the requesting wallet relying party and to not disclose the presentation of attributes that are not in the scope of the registration. The EDPS recommends that this functionality is also included in the ‘reference implementation’ of the EUDIW.
20. The EDPS reiterates the recommendation made in the previous formal comments<sup>26</sup>, namely the inclusion of a functionality ensuring automated detection and blocking of excessive access requests, as safeguard protecting the user from excessive data access requests by relying parties.
21. Finally, the EDPS welcomes the specification of the data scheme for listing the privacy policy<sup>27</sup>.

Brussels, 17 April 2026

*(e-signed)*

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<sup>26</sup> [EDPS Formal comments on the draft Commission Implementing Regulation laying down rules for the application of Regulation \(EU\) No 910/2014 of the European Parliament and of the Council as regards the registration of wallet-relying parties and the common mechanism for the identification and authentication of wallet-relying parties](#), issued on 30 January 2025, paragraph 10.

<sup>27</sup> Table 7 of Annex V to the draft implementing regulation.