

EDPS Formal comments on the draft Commission Implementing Decision laying down detailed rules for the application of Regulation (EC) No 767/2008 of the European Parliament and of the Council, as regards requirements concerning the format of the personal data referred to in Article 7b(3) and 7b(6) of that Regulation to be inserted in the online application form, as well as parameters and verifications to be implemented for ensuring the completeness of the application and the coherence of those data

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')¹, and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 27 February 2026, the European Commission consulted the EDPS on the draft Commission Implementing Decision laying down detailed rules for the application of Regulation (EC) No 767/2008 of the European Parliament and of the Council, as regards requirements concerning the format of the personal data referred to in Article 7b(3) and 7b(6) of that Regulation to be inserted in the online application form, as well as parameters and verifications to be implemented for ensuring the completeness of the application and the coherence of those data ('the draft Implementing Decision').
2. The objective of the draft Implementing Decision is to lay down common rules for entering personal data in the online application form provided in the EU Visa Application Platform ('EU VAP') and for the verifications to be performed by the platform before an application can be submitted². Such rules are specified in the Annex to the draft Implementing Decision.
3. The draft Implementing Decision is adopted pursuant to Article 45(2)(g) of Regulation (EC) No 767/2008³ ('VIS Regulation').

¹ OJ L 295, 21.11.2018, p. 39.

² See recitals 4 and 5 of the draft Implementing Decision.

³ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ L 218, 13.8.2008, pp. 60.

4. The EDPS previously issued his Opinion 13/2022 on the Proposal for a Regulation on the digitalisation of the visa procedure⁴.
5. 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 13 of the draft Implementing Decision.
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 acts⁵.
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 Decision that are relevant from a data protection perspective.

2. Comments

8. The EDPS welcomes the aim of the draft Implementing Decision to harmonise rules across Member States and third countries concerning the form in which personal data are to be inserted in the EU VAP, to prevent incomplete forms from being submitted, avoid inconsistencies and reduce the need to seek additional evidence. This aim supports the key data protection principles of data minimisation and data accuracy.
9. Given the subject matter and the provisions of the draft Implementing Decision, which do not raise significant issues having regard to the protection of personal data, the EDPS has no further comments on the draft Implementing Decision.

Brussels, 17 April 2026

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

⁴ [EDPS Opinion 13/2022 on the Proposal for a Regulation on the digitalisation of the visa procedure, issued on 21 June 2022.](#)

⁵ 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.