

Draft

## 17th meeting of the Coordinated Supervision Committee

10 and 11 December 2024, hybrid meeting

### Summary

The Coordinated Supervision Committee ('the Committee' or 'the CSC') met on 10 and 11 December 2024 on a hybrid format.

#### VIS

For the first time, the coordinated supervision of VIS is being handled in the context of the CSC, after the formal transfer of the activities of the VIS SCG to the CSC.

- **Update from Commission on recent developments regarding VIS**

The COM presented the recent developments regarding VIS:

- The Member States subject to the Schengen evaluation in 2025 would be Switzerland, Slovenia and Austria.
- Moreover, the COM provided information on the Justice and Home Affairs (JHA) Council meeting, during which the individual Schengen scoreboard<sup>1</sup> given to each Member State would be presented.

The COM further presented the state of play of the implementation of the VISA digitalisation implementing and delegated acts.

- **EDPS VIS Audit**

The EDPS informed the members of the CSC of the audit conducted at eu-LISA on technical topics (such as the application of crypto tools, user account management, data breach) and non-technical topics (such as retention times of VISA applications) of the management of VIS.

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<sup>1</sup> The Schengen Scoreboard visualises the level of implementation of recommendations resulting from Schengen evaluations.

- **Contribution from eu-LISA: presentation of the latest developments, updates and VIS numbers**

eu-LISA presented the latest developments and especially the operational matter and business analysis and data quality aspects of VIS (i.e. number of created applications, issued visas, rates of missing fingerprints)

- **CSC Work Programme 2025-2026: work items / activities regarding VIS**

The Chair presented that the role of different authorities involved in the different systems forming the JHA Interoperability framework (such as VIS or ETIAS) is not always clarified by the legal framework or correctly reflected in their implementation, leading to a situation where some authorities are categorised as processors, despite their clear role as controllers or joint controllers. In this regard, it was suggested adding one item concerning coordinated supervisory action on the issue of controllership to the CSC work programme 2025-2026 (joint/coordinated supervisory action (inspection) focused on the issue of controllership). A discussion followed and it was noticed that the suggested topic is a cross-cutting issue across several systems.

It was agreed that this topic would be further discussed at the following meeting in March, and to focus on joint action in the next activity period of the CSC.

- **Updates on national developments**

The CSC members provided updates on national developments related to VIS, and in particular about the audits performed by Supervisory Authorities (SAs) in several countries outside the EU regarding embassies/consulates and external service providers.

### Working methods

The Coordinator presented the main points on the working methods for the following two years, at the end of which an assessment will be done and it will be decided whether to update the rules of procedure. Moreover, it was agreed that in June and in December a discussion on the working methods will take place, to evaluate how the changes are being perceived.

The Coordinator communicated that the biannual presentation of the activities of the CSC to the EDPB Plenary will take place in February 2025, and asked the members of the CSC to propose topics to be added to the presentation.

### Activity Report for the period 2022-2024

The SEC presented a new version of the Activity Report that integrates the comments received by the members after the meeting of November 2024. It was agreed that the document would be circulated for a last round of comments and afterwards for written adoption before being submitted to the European Parliament, to the Council, and to the Commission, in line with Article 62(4) Regulation (EU) 2018/1725.

### Work Programme 2025-2026

The Coordinator recalled the discussions during the previous meeting, and informed the CSC members that the Work Programme had been structured around the three main areas of activity of the

Committee (Borders, Asylum and Migration; Police and Justice Cooperation; Digital Single Market), with the additional section on cross-cutting issues.

## IMI Questionnaire: Report from drafting team

The questionnaire aiming at gathering input from the national IMI actor(s) in connection with the use of IMI and the management of users' access to IMI was adopted. A discussion on the way forward followed. A proposal on the details how to apply the questionnaire will be presented and discussed in the March meeting of the CSC.

## EUROJUST

- **Questionnaire on Eurojust on difficulties on supervision**

The SEC recalled the presentation done during the November presenting the findings from the questionnaire and invited members of the SAs to join the drafting team.

- **Questionnaire on CTR**

The SEC provided a state of play on the answers received. It was agreed that the drafting team would start working on the draft note based on the answers received.

## EUROPOL

- **Guidance note on Europol complaints cooperation**

The rapporteur recalled that it had been agreed to develop a guidance note on cooperation between the EDPS and the SAs during the investigation of complaints under Articles 44 and 47 of the Europol Regulation in order to ensure a common understanding. To that end, the rapporteur presented a guidance note, with a legal analysis of the essential obligations imposed by the aforementioned provisions.

A discussion followed and the guidance note was adopted with the modifications proposed. A discussion on the next steps followed. It was agreed to update the CSC website to provide clarity to data subjects about the complaint procedure.

- **Joint activities on minors: update from Drafting Team**

The rapporteur provided an update on the status of the joint coordinated supervisory activity on the processing of data of minors under 15 labelled as suspects in Europol systems. The rapporteur presented the key issues identified in the received responses. A discussion took place regarding the next steps.

- **Report from EDPS**

- 15th meeting of Europol Joint Parliamentary Scrutiny Group (for information)

The EDPS provided an update on the 15th meeting of Europol Joint Parliamentary Scrutiny Group on 12 November 2024, during which the Supervisor [informed](#) about supervisory

activities related to three main topics, namely the processing of big data sets, the increase in joint operational analysis as well as facial recognition and biometric processing.

- Europol prior consultation Opinion on the joint operational analysis provided in Art. 20(2a) ER

The EDPS informed about its prior consultation Opinion on the joint operational analysis provided in Article 20(2a) Europol Regulation. The Opinion examines the allocation of roles and responsibilities between Europol and Member States in the context of the joint operational analysis provided for the first time in the Europol Regulation. A discussion on the next steps followed.

- The CSC further discussed practical modalities of the implementation of the right of access both by Europol and EPPO.

## SIS

- **SIS Statistics Report**

The SEC provided the state of play to the item on the revised version of the draft SIS Statistics Report. The CSC members now will assess whether the figures in the tables in the Report reflect the numbers provided in the national contributions.

- **Checking logs of Article 12 SIS Regulations: infonote**

The rapporteur introduced the topic and reported, that among the Member States, different opinions exist regarding the obligation to check SIS logs. The following discussion also circled around the question, if and in how far the provision refers to the SAs and the need to ensure that the national competent authorities fulfil their obligations related to data protection, including carrying out self-auditing and maintaining and checking logs.

- **EDPS 2024 SIS Audit Report**

The EDPS recalled that the audit had been conducted on 5 & 6 December 2023 and the final Report was subsequently sent on 19 September 2024. The main findings of the audit concerned governance issues, the security framework applicability, mistakes in assigning responsibilities to different roles, impacting effective risk management, technical gaps in the vulnerability management and the inadequacy of the log files, which hindered the ability to accurately identify the SAs performing specific activities using the central log. The EDPS further reported that a subsequent audit had been conducted the previous week, and informed about the follow-up of the implementation of the recommendations.

- **SIS audit cycle: infonote**

The rapporteur provided the background to the item, explaining that the provision under Article 44(2) of Regulation (EC) 1987/2006 lacks further clarification regarding the details of the timeframe for conducting this mandatory audit, while the SA's workload of mandatory audits will increase over the next years. The members agreed to further contribute to the relevant questions, including on possible ways to determine the start and end points of an audit.

## ETIAS

- **Note on the concept of recipients in the context of DSAR: content and next steps**

The ETIAS Working Group had prepared and presented an infonote on the definition of recipients and the interpretation of the public authority exemption in Article 4(9) GDPR during the last CSC meeting in November. A few members communicated that the national legislation provides for a different approach and definition of “recipient”. It was agreed that the CSC would provide its own legal analysis and consult other ESGs if needed.

- **Report on the activities of the ETIAS Fundamental Rights Guidance Board**

The EDPB representative to the ETIAS Fundamental Rights Guidance Board (ETIAS FRGB) provided an update on the activities of the ETIAS Fundamental Guidance Board. He informed the CSC members of organisational aspects of the work within the ETIAS FRGB and debriefed on discussions on other aspects, including the ETIAS watchlist and two draft guidance notes, one regarding the right to effective judicial remedy and one regarding risk for discrimination in the context of the ETIAS screening rules.

- **Exchange of national developments**

Members exchanged on national developments regarding the ETIAS, including on meetings with the national controllers for ETIAS.

## EES - Report from EES Working Group

- **EES mobile app**

The rapporteur provided an update on the first meeting of the EES Working Group.

The rapporteur further informed the CSC members about their exchanges with FRONTEX and their impact at national level in the context of the deployment of EES. The EES Working Group invited the CSC members to share their experiences.

- **Phasing in entry into operation**

Members were informed on the postponement of the entry into operation of the EES until October 2025 and on a legislative proposal for a phased entry into operation.

- **Information campaign**

The EDPS recalled that the COM had presented the steps undertaken in the context of the information campaign during the previous meeting on 25 September 2024. Following, the Coordinator sent a [letter](#) to the COM reminding it of its obligation to cooperate with the SAs, as per Article 51 EES Regulation and emphasizing the large number of data subjects affected by such processing. A short discussion on the next steps followed.

- **Other topics**

The EDPS recalled that the COM had published the EU Digital Travel Package on 7 October 2024. This package comprises two legislative instruments, a proposal for a Regulation establishing an application for the electronic submission of travel data and a proposal for a Regulation on the issuance of

and technical standards for digital travel credentials based on identity card. Following, on 4 December 2024, the EDPS published two opinions on these proposals ([Opinion 23/2024](#) and [Opinion 24/2024](#)), identifying several data protection issues regarding these initiatives.

- **AOB**

The EDPS reported that the European Fundamental Rights Agency (FRA) has developed an [online platform](#) to raise awareness on EU large-scale IT systems, regarding processing of personal data within this context, using plain language and making it easily accessible.

The following meeting will take place on 5 and 6 March 2025 in person.