

Brussels, 23 October 2025  
(OR. en)

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#### COVER NOTE

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| From:            | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director                                                                                                                                                                                                                                                                                                 |
| date of receipt: | 15 October 2025                                                                                                                                                                                                                                                                                                                                                                     |
| To:              | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union                                                                                                                                                                                                                                                                                                         |
| No. Cion doc.:   | C(2025) 6856 final                                                                                                                                                                                                                                                                                                                                                                  |
| Subject:         | COMMISSION DELEGATED DECISION amending Commission Delegated Decision C(2023) 950 final of 27.03.2023 supplementing Regulation (EU) 2018/1240 of the European Parliament and of the Council, as regards specifying the conditions for the correspondence between the data present in a record, alert or file of other EU information systems consulted and an ETIAS application file |

Delegations will find attached document C(2025) 6856 final.

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Encl.: C(2025) 6856 final



EUROPEAN  
COMMISSION

Brussels, 15.10.2025  
C(2025) 6856 final

## **COMMISSION DELEGATED DECISION**

**of 15.10.2025**

**amending Commission Delegated Decision C(2023) 950 final of 27.03.2023  
supplementing Regulation (EU) 2018/1240 of the European Parliament and of the  
Council, as regards specifying the conditions for the correspondence between the data  
present in a record, alert or file of other EU information systems consulted and an  
ETIAS application file**

(Only the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French,  
German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese,  
Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

## **EXPLANATORY MEMORANDUM**

### **• 1.CONTEXT OF THE DELEGATED ACT**

In September 2018, the European Parliament and the Council adopted Regulation (EU) 2018/1240 establishing the European Travel Information and Authorisation System (ETIAS).

It requires the European Commission to adopt delegated acts for the development and technical implementation of the European Travel Information and Authorisation System.

In particular, pursuant to Article 11(9) of Regulation (EU) 2018/1240, the Commission is delegated the task ‘to specify the conditions for the correspondence between the data present in a record, alert or file of the other EU information systems consulted and an ETIAS application file’.

In May 2024, the European Parliament and the Council adopted Regulation (EU) 2024/1358 establishing the ‘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. That Regulation amended the ETIAS Regulation to introduce the data contained in Eurodac that should be consulted against the data contained in ETIAS. Due to this amendment, the Commission delegated decision C(2023) 950 final needs to be amended to reflect the new additions.

### **• 2.CONULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

An ETIAS subgroup to the Expert Group on Information Systems for Borders and Security was established to help draft the delegated act. All Member States were given an opportunity to nominate experts, in accordance with Article 89(4) of Regulation (EU) 2018/1240 and the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

As a result, this Commission Decision was developed on the basis of the input given by experts of the Member States in the framework of the above-mentioned Expert subgroup.

In addition, the European Border and Coast Guard Agency (‘Frontex’), within which the ETIAS Central Unit will be established, and the European Union Agency for Law Enforcement Cooperation (‘Europol’) were consulted.

Furthermore, the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (‘eu-LISA’) advised the Commission regarding the technical needs and feasibility of the measure proposed.

Additionally, the European Data Protection Supervisor was consulted before adoption to ensure the respect of data protection provisions.

- **3.LEGAL ELEMENTS OF THE DELEGATED ACT**

In accordance with Articles 19 and 20 of Regulation (EU) 2018/1240, where an application for a travel authorisation is submitted and deemed valid, the ETIAS Central System will create an application file. The Central System will compare the data in the application file with the data present in a record, alert or file of the other EU information systems in order to verify whether there is a correspondence between the data.

In accordance with Article 11(9) of Regulation (EU) 2018/1240, the Commission should specify the conditions for the correspondence between the data present in a record, alert or file of the other EU information systems and an ETIAS application file.

This Decision conforms to the principle of proportionality, as it reduces the burden for the authorities and the public by providing a possibility to limit the number of hits which would need to be manually verified.

## COMMISSION DELEGATED DECISION

of 15.10.2025

**amending Commission Delegated Decision C(2023) 950 final of 27.03.2023  
supplementing Regulation (EU) 2018/1240 of the European Parliament and of the  
Council, as regards specifying the conditions for the correspondence between the data  
present in a record, alert or file of other EU information systems consulted and an  
ETIAS application file**

(Only the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French,  
German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese,  
Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226<sup>1</sup>, and in particular Article 11(9) thereof,

Whereas:

- (1) Regulation (EU) 2018/1240 established the European Travel Information and Authorisation System ('ETIAS') applicable to visa-exempt third-country nationals seeking to enter the territory of the Member States.
- (2) Pursuant to that Regulation, where a third country national submits an application for a travel authorisation and the application is deemed valid, the ETIAS Central System is to create an application file. The Central System is then to query the other EU information systems, to verify whether there is a correspondence between the data contained in the application file with the data present in a record, alert or file of the other EU information systems. Commission Delegated Decision C(2023) 950 final<sup>2</sup> lays down rules specifying the conditions for correspondence between data from the application file of the ETIAS and data queried in the other EU information systems.

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<sup>1</sup> OJ L 236, 19.9.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1240/oj>.

<sup>2</sup> Commission Delegated Decision C(2023) 950 final of 27 March 2023 supplementing Regulation (EU) 2018/1240 of the European Parliament and of the Council, as regards specifying the conditions for the correspondence between the data present in a record, alert or file of the other EU information systems consulted and an ETIAS application file

- (3) Following the adoption of Regulation (EU) 2024/1358 of the European Parliament and of the Council<sup>3</sup>, which amended Regulation (EU) 2018/1240, Delegated Decision C(2023) 950 final should be amended to introduce the data contained in Eurodac to be consulted against the data contained in the ETIAS.
- (4) Given that Regulation (EU) 2024/1358 starts to apply from 12 June 2026, this Decision should apply from that date.
- (5) Given that Regulation (EU) 2018/1240 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) 2018/1240 in its national law. Denmark is therefore bound by this Decision.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part; this Decision falls outside the scope of the measures provided for in Council Decision 2002/192/EC<sup>4</sup>. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*<sup>5</sup>, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC<sup>6</sup>.
- (8) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen

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<sup>3</sup> 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, ELI: <http://data.europa.eu/eli/reg/2024/1358/oj>).

<sup>4</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20, ELI: <http://data.europa.eu/eli/dec/2002/192/oj>).

<sup>5</sup> OJ L 176, 10.7.1999, p. 36, ELI: [http://data.europa.eu/eli/agree\\_internation/1999/439\(1\)/oj](http://data.europa.eu/eli/agree_internation/1999/439(1)/oj).

<sup>6</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31, ELI: <http://data.europa.eu/eli/dec/1999/437/oj>).

*acquis*<sup>7</sup>, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC<sup>8</sup>.

- (9) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*<sup>9</sup>, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU<sup>10</sup>.
- (10) As regards Cyprus, this Decision constitutes an act building on, or otherwise relating to, the Schengen *acquis* within, the meaning of Article 3(1) of the 2003 Act of Accession.
- (11) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>11</sup> and delivered an opinion on 7 July 2025,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Annex to Delegated Decision C(2023) 950 final is amended as set out in the Annex to this Decision.

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<sup>7</sup> OJ L 53, 27.2.2008, p. 52, ELI:

[http://data.europa.eu/eli/agree\\_international/2008/178\(1\)/oj](http://data.europa.eu/eli/agree_international/2008/178(1)/oj).

<sup>8</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1, ELI: <http://data.europa.eu/eli/dec/2008/146/oj>).

<sup>9</sup> OJ L 160, 18.6.2011, p. 21.

<sup>10</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: <http://data.europa.eu/eli/dec/2011/350/oj>).

<sup>11</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons 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 (OJ L 295, 21.11.2018, p. 39).

## *Article 2*

This Decision shall apply from 12 June 2026.

## *Article 3*

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 15.10.2025

*For the Commission*  
*Magnus BRUNNER*  
*Member of the Commission*