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COVER NOTE

From:	Mr Wojciech Rafal Wiewiorowski, European Data Protection Supervisor
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
Subject:	Opinion of the European Data Protection Supervisor on the Proposal for a Regulation of the European Parliament and of the Council on digitalising the coordination of social security systems, laying down a framework for the European Social Security Pass (ESSPASS) and amending Regulations (EC) No 883/2004, (EC) No 987/2009 and (EU) No 2018/1724



EUROPEAN DATA PROTECTION SUPERVISOR

The EU's independent data protection authority

Opinion 34/2026

on the Proposal for a Regulation on digitalising the coordination of social security systems, laying down a framework for the European Social Security Pass (ESSPASS)

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The European Data Protection Supervisor (EDPS) is an independent institution of the EU, responsible under Article 52(2) of Regulation 2018/1725 'With respect to the processing of personal data... for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to data protection, are respected by Union institutions and bodies', and under Article 52(3)'... for advising Union institutions and bodies and data subjects on all matters concerning the processing of personal data'.

Wojciech Rafał Wiewiórowski was appointed as Supervisor on 5 December 2019 for a term of five years. The selection procedure for a new EDPS mandate for a term of five years is still ongoing.

*Under **Article 42(1)** of Regulation 2018/1725, the Commission shall 'following the adoption of proposals for a legislative act, of recommendations or of proposals to the Council pursuant to Article 218 TFEU or when preparing delegated acts or implementing acts, consult the EDPS where there is an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data'.*

This Opinion relates to the Proposal for a Regulation on digitalising the coordination of social security systems, laying down a framework for the European Social Security Pass (ESSPASS)[1].

This Opinion does not preclude any future additional comments or recommendations by the EDPS, in particular if further issues are identified or new information becomes available. Furthermore, this Opinion is without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Regulation (EU) 2018/1725.

This Opinion is limited to the provisions of the Proposal that are relevant from a data protection perspective.

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[1] COM(2026) 980 final.

Executive Summary

On 15 September 2026, the European Commission issued a Proposal for a Regulation on digitalising the coordination of social security systems, laying down a framework for the European Social Security Pass (ESSPASS) and amending Regulations (EC) No 883/2004, (EC) No 987/2009 and (EU) No 2018/1724.

The European Data Protection Supervisor welcomes the Commission's objective of modernizing and simplifying the application and enforcement of labour mobility and social coordination rules, enhancing digitalisation of social security coordination.

The EDPS provides some recommendations to accompany such digitalisation in a way that a high level of data protection is ensured, in compliance with fundamental rights to privacy and to the protection of personal data, as enshrined in Article 7 and 8 of the Charter of Fundamental Rights of the European Union.

The EDPS recommends in particular adding to the enacting terms of the Proposal that the use of the European Digital Identity Wallet to receive and store the digital social security documents must be in accordance with Regulation (EU) 2024/1183 and the implementing acts based on such Regulation.

Moreover, the EDPS recommends specifying clear maximum retention periods for the storage of personal data to be complied with by the verifiers of social security documents, as well as clarifying the responsibilities of Member States as joint controllers for the processing of personal data within the EESSI system in the context of the arrangement to be stipulated pursuant to Article 26 GDPR. Lastly, the EDPS recommends specifying whether personal data will be processed for monitoring and reporting purposes and the data protection qualification of verifiers of the authenticity and validity of social security documents.

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THE EUROPEAN DATA PROTECTION SUPERVISOR,

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

Having regard to 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 ('EUDPR')[2], and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING OPINION:

1. Introduction

1. On 15 September 2026, the European Commission issued a Proposal for a Regulation of the European Parliament and of the Council on digitalising the coordination of social security systems, laying down a framework for the European Social Security Pass (ESSPASS) and amending Regulations (EC) No 883/2004, (EC) No 987/2009 and (EU) No 2018/1724[3] ('the Proposal').

2. The objective of the Proposal is to lay down rules on:

   - the establishment of the framework and operation of the European Social Security Pass ('ESSPASS'), to facilitate the proof and verification of social security rights for individuals exercising their right to free movement and facilitate compliance for employers;

   - the functioning, evolution and improvement of the Electronic Exchange of Social Security Information (EESSI) system to ensure secure, standardised and interoperable data exchanges between social security institutions;

   - other cross-border data exchanges between competent institutions to better fight against cross-border social security fraud[4].

[2] OJ L 295, 21.11.2018, p. 39.
[3] COM(2026) 980 final.
[4] Article 1(2) of the Proposal.

3. The Proposal complements[5] Regulation (EC) No 833/2004[6] and (EC) No 987/2009[7]. It follows up on the Commission Single Market Strategy[8] and its 2026 Work Programme[9], as a key component of the Fair Labour Mobility Package. It sets out rules for swift deployment of the ESSPASS across all Member States; and establishes a dedicated legal instrument covering the cross-border digital data exchanges and procedures necessary to ensure effective implementation and enforcement of EU social security coordination rules, including those facilitated through the EESSI system[10].

4. The Proposal is part of a legislative package of four legislative proposals, comprising, in addition to this proposal, a Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC as regards the digitalization of procedures and recognition of professional qualifications issued outside the Union and Regulation (EU) No 1024/2012; a Proposal for a Regulation of the European Parliament and of the Council on portability of qualifications and skills and amending Regulation (EU) 2018/1724 ("Skills Portability Act"); a Proposal for a Directive of the European Parliament and of the Council on the recognition of qualifications of third-country nationals. The EDPS has been consulted on these proposals and has issued an opinion for each of them.

5. The present Opinion of the EDPS is issued in response to a consultation by the European Commission of 15 September 2026, pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in Recital 33 of the Proposal. In this regard, the EDPS also positively notes that it was already previously informally consulted pursuant to recital 60 of EUDPR.

2. General remarks

6. The EDPS welcomes the Commission's objective of modernizing and simplifying the application and enforcement of labour mobility and social coordination rules, enhancing the digitalization in social security coordination.

7. The EDPS provides some recommendations to enable such digitalization to uphold a high level of data protection, in compliance with fundamental rights to privacy and to the protection of personal data, as enshrined in Article 7 and 8 of the Charter of Fundamental Rights of the European Union.

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[5] Article 1(3) of the Proposal.
[6] Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland), OJ L 166, 30.4.2004, pp. 1–123.
[7] Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland), OJ L 284, 30.10.2009, pp. 1–42.
[8] COM(2025) 500 final.
[9] COM(2025) 870 final.
[10] COM(2026) 980 final, p. 4.

8. The EDPS notes that recital 27 of the Proposal specifies that any processing of personal data under this Regulation should be undertaken in accordance with Regulation (EU) 2016/679[11] ('the GDPR'), the EUDPR and Directive 2002/58/EC ('ePrivacy Directive')[12]. Given the reference to Directive (EU) 2016/680 ('LED')[13] in Article 7(9) of the Proposal, the EDPS recommends adding the reference to LED to recital 27 of the Proposal.

9. The same recital also specifies that personal data should be processed under the Proposal only for the specific purposes set out therein and Regulations (EC) No 883/2004 and (EC) No 987/2009, without affecting further processing for archiving purposes in the public interest in accordance with Articles 5(1)(b) and 89 of the GDPR. This reference to the purpose limitation principle under EU data protection law[14] is particularly important given the sensitivity of the personal data at stake[15], which might include for instance special categories of personal data within the meaning of Article 9(1) GDPR (e.g. health-related data).

10. The EDPS also welcomes the specifications provided in recital 28 of the Proposal on the types of personal data to be processed; on purpose limitation; on storage periods for data; as well as the reference to data minimisation, access control and encryption. However, the EDPS considers that the wording "[T]his Regulation establishes a legal basis for the storage and processing of the data contained in the social security documents for the purposes of proving and verifying social security rights in cross-border situations" is vague and should be better specified. In particular, the Proposal should specify whether processing of personal data would be based on Article 6(1)(c) or (e) GDPR.

3. European Social Security Pass

11. The EDPS notes that Chapter I of the Proposal would lay down rules on the online submission, by the persons concerned and the employers, of requests for social security documents. It would also establish rules on the issuing of these documents by the Member States' competent institutions and on the verification of social security documents by verifiers[16].

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[11] 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.
[12] 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, p. 37.
[13] Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89, ELI: http://data.europa.eu/eli/dir/2016/680/oj.
[14] Article 5(1)(b) GDPR.
[15] See recital 28 of the Proposal.
[16] Article 4(1) of the Proposal.

12. On the use of the European Digital Identity Wallet (EUDIW) to receive and store the digital social security documents[17], the EDPS recommends adding to Article 7 of the Proposal that the use of the EUDIW must be in accordance with all data protection safeguards specified under Regulation (EU) 2024/1183[18]. The EDPS further recommends specifying that all implementing acts establishing requirements and features (including data protection ones) of the ESSPASS under Article 7(11) of the Proposal should take into consideration the implementing acts already issued in the framework of Regulation (EU) 2024/1183.

13. Article 7(2) of the Proposal would establish the obligation for competent institutions to issue, at the request of the person concerned or the employer, the social security document in a standardised and accessible physical format. Such a document would include a QR code or other electronic features to enhance its security. Since a QR code is not an electronic feature as such, but an element enabling the verification of the authenticity and integrity of the social security document, the EDPS recommends amending the second sentence of Article 7(2) of the Proposal as follows: "Such a document shall include accessible features to enhance its security, including, as necessary, electronic features, and shall comply with the technical specifications adopted pursuant to paragraph 11."

14. The EDPS notes and welcomes the indirect reference to the storage limitation principle in Article 7(9) of the Proposal, which would require the verifiers of a person's social security document to delete the relevant personal data after the verification is complete, unless retention is necessary for the application of Regulations (EC) No 883/2004 and (EC) No 987/2009, or authorised by other Union or national law in accordance with the GDPR or Directive (EU) 2016/680[19]. The EDPS also welcomes that Article 7(11) of the Proposal would require the Commission to adopt implementing acts to specify the organisational measures for processing and protecting personal data in the context of ESSPASS, including with regard to the retention periods and the roles of controllers and processors in accordance with the GDPR[20]. The EDPS stresses that such implementing acts should establish a specific maximum retention period for the personal data at stake.

15. More broadly, the EDPS recalls the need to consult the EDPS pursuant to Article 42(1) EUDPR on all implementing acts having an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, notably the ones foreseen under Article 7(11), as well as Article 10(2), 11(3), 11(5), 12(2) of the Proposal.

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[17] Article 7(1) and 7(6) of the Proposal.
[18] Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework, OJ L, 2024/1183, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1183/oj. See, in particular, Article 5a(14) and (17) of Regulation (EU) 2024/1183.
[19] Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, pp. 89–131.
[20] Article 7(11)(d) of the Proposal.

4. Exchanges between institutions

16. The Proposal establishes the obligation for Member States to exchange, access and process data for the application of Regulation (EC) No 833/2004 and (EC) 987/2009 via EESSI system[21]. The same article specifies that "*for the purposes of personal data processing within the EESSI system*", the Commission shall be considered a processor as defined in Article 3, point (12), EUDPR and Member States shall be considered joint controllers as referred to in Article 26 GDPR.

17. Having regard to the role of joint controllers of Member States for the processing of personal data within the EESSI system, the EDPS recalls that joint controllers are obliged to determine the respective responsibilities for compliance with their data protection obligations by means of an arrangement between them, in particular as regards the exercise of the rights of the data subject and their respective duties[22]. The arrangement between joint controllers may take the form of an implementing or delegated act[23]. The EDPS recommends clarifying that the arrangement between Member States as joint controllers for the processing of personal data within the EESSI system would take the form of implementing act, which the Commission is empowered to adopt pursuant to Article 11(5)(c) of the Proposal.

18. The EDPS notes that where the exchange of data necessary for controls on the correct application or enforcement of Regulations (EC) No 883/2004 and (EC) No 987/2009 cannot be effectively carried out through the EESSI system, such data, or secure access thereto, may be provided outside the EESSI system[24]. As provided by Article 12(2) of the Proposal, the Commission may adopt implementing acts to establish a common approach for the secure exchange of these data. The EDPS recommends ensuring that exchanges carried out outside the EESSI system are subject to security and data protection measures equivalent to those applicable within the EESSI system[25]. The EDPS recommends inserting this specification in the enacting terms of the Proposal.

5. Governance and data processing

19. The EDPS notes that the Proposal establishes the obligation for Member States to collect the data necessary for monitoring the implementation of Article 8(1) and Article 11(2) of the Proposal and to transmit such data to the Commission[26]. The EDPS recommends clarifying

[21] Article 11(1) of the Proposal.
[22] See Article 26 GDPR.
[23] See Article 11(5)(c) of the Proposal. See EDPB Guidelines 07/2020 on the concepts of controller and processor in the GDPR, Version 2.1, adopted on 07 July 2021, paragraph 166 specifies compliance measures and related obligations joint controllers should consider when determining their respective responsibilities, in addition to those specifically referred to in Article 26(1) GDPR.
[24] Article 12(1) of the Proposal.
[25] Article 11(5)(e) of the Proposal.
[26] Article 14(1) of the Proposal.

whether personal data will be processed for the purpose of Article 14(1) of the Proposal and, if that is not to be the case, to specify this in the Proposal.

20. The EDPS welcomes that the Proposal specifies the purposes of the processing of personal data[27], as well as the types of personal data to be processed[28]. The EDPS also welcomes the specification that issuers of social security documents would qualify as controllers under the GDPR and recommends providing a similar specification for the verifiers of the authenticity and validity of social security documents.

6. Conclusions

21. In light of the above, the EDPS makes the following recommendations:

(1) to add a reference to Directive (EU) 2016/680 ('LED') to recital 27 of the Proposal;

(2) to clarify and specify the meaning and scope of the specification: "[T]his Regulation establishes a legal basis for the storage and processing of the data contained in the social security documents for the purposes of proving and verifying social security rights in cross-border situations" in recital 28 of the Proposal;

(3) to add to the enacting terms of the Proposal that the use of the EUDIW must be in accordance with all data protection safeguards specified under Regulation (EU) 2024/1183; and to specify that all implementing acts establishing requirements and features (including data protection ones) of the ESSPASS under Article 7(11) of the Proposal should take into consideration the implementing acts already issued in the framework of Regulation (EU) 2024/1183;

(4) to amend the second sentence of Article 7(2) of the Proposal as follows: "Such a document shall include accessible features to enhance its security, including, as necessary, electronic features, and shall comply with the technical specifications adopted pursuant to paragraph 11.";

(5) to specify, through the implementing act to be adopted pursuant to Article 7(11)(d) of the Proposal, clear maximum retention period for the processing of personal data in the context of ESSPASS;

(6) to clarify that the arrangement between Member States as joint controllers for the processing of personal data within the EESSI system would take the form of implementing act, which the Commission is empowered to adopt pursuant to Article 11(5)(c) of the Proposal;

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[27] Article 15(1) of the Proposal.
[28] Article 15(2) of the Proposal.

(7) to ensure, inserting this specification in the enacting terms of the Proposal, that exchanges carried out outside the EESSI system are subject to security and data protection measures equivalent to those applicable within the EESSI system;

(8) to clarify in the Proposal whether personal data will be processed for the purpose of Article 14(1) of the Proposal;

(9) to specify the data protection qualification of verifiers of the authenticity and validity of social security documents.

Brussels,

