DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1427

of 21 May 2021

on a pilot project to implement the administrative cooperation provisions relating to refusals to grant authorisations set out in Directive (EU) 2021/555 of the European Parliament and of the Council by means of the Internal Market Information System

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') ([1]), and in particular Article 4(1) thereof,

Whereas:

(1) The Internal Market Information System ('IMI') established by Regulation (EU) No 1024/2012 is a software application that is accessible via the internet and was developed by the Commission, in cooperation with the Member States, to help Member States comply with information exchange requirements in Union acts by providing a centralised communication mechanism to facilitate the cross-border exchange of information and mutual assistance.

(2) Article 4(1) of Regulation (EU) No 1024/2012 allows the Commission to carry out pilot projects to assess the effectiveness of IMI in the implementation of administrative cooperation provisions in Union acts not listed in the Annex to that Regulation.

(3) Directive (EU) 2021/555 of the European Parliament and of the Council ([2]) provides for administrative cooperation between Member States in relation to controls on the acquisition and possession of firearms. Article 18 of that Directive requires the Commission to lay down detailed arrangements for the systematic exchange, by electronic means, of information mentioned in that Article. The Commission has adopted Delegated Regulation (EU) 2021/1423 ([3]) laying down detailed arrangements for the systematic exchange of the information mentioned in paragraph 4 of that Article relating to refusals to grant authorisations. IMI could be an effective tool in the implementation of the administrative cooperation provision falling within the scope of that Delegated Regulation. That administrative cooperation provision should therefore be the subject of a pilot project under Article 4 of Regulation (EU) No 1024/2012.

(4) IMI should provide the technical functionality, including the establishment of a repository, to allow the competent authorities of the Member States to meet their obligations set out in Delegated Regulation (EU) 2021/1423.

(5) IMI should facilitate administrative cooperation between Member States' authorities by allowing them to search the IMI repository in order to check whether a particular individual has been precluded from acquiring or possessing a firearm. In order to respect the data protection rights of the individuals in relation to whom data is recorded in the repository, national authorities should only be able to consult information relating to a particular individual. They should not be able to search by other criteria, for example all refusals for a given period or for a given Member State.

([1]) OJ L 316, 14.11.2012, p. 1.

([2]) Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (OJ L 115, 6.4.2021, p. 1).

([3]) Commission Delegated Regulation (EU) 2021/1423 of 21 May 2021 laying down the detailed arrangements under Directive (EU) 2021/555 of the European Parliament and of the Council for the systematic exchange, by electronic means, of information relating to refusals to grant authorisations to acquire or possess certain firearms (see page 3 of this Official Journal).

(6) To ensure that personal data exchanged as part of the pilot project is blocked as soon as it is no longer needed in accordance with Article 14 of Regulation (EU) No 1024/2012, the date when such data is to be considered for the purposes of that Article as no longer needed should be made clear. That date should correspond to the date determined in accordance with Article 5 of Delegated Regulation (EU) 2021/1423 as the date when information relating to the refusal decision is to cease to remain accessible in IMI. It is also appropriate to clarify that, once the data is blocked, it is to be automatically deleted in IMI three years later without the need for formal closure.

(7) Pursuant to Article 4(2) of Regulation (EU) No 1024/2012, the Commission is to submit an evaluation of the outcome of the pilot project to the European Parliament and the Council. It is appropriate to specify the date by which the evaluation should be submitted.

(8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 24 of Regulation (EU) No 1024/2012,

HAS ADOPTED THIS DECISION:

Article 1

The pilot project

Paragraph 4 of Article 18 of Directive (EU) 2021/555, insofar as the exchange of information mentioned in that paragraph falls within the scope of Delegated Regulation (EU) 2021/1423, shall be subject to a pilot project to implement the administrative cooperation provision set out in that paragraph, as further detailed in that Delegated Regulation, by means of the Internal Market Information System ('IMI').

Article 2

Competent authorities

For the purposes of the pilot project, the national authorities referred to in Article 18(3) of Directive (EU) 2021/555 shall be considered as competent authorities.

Article 3

Administrative cooperation between competent authorities

For the purposes of the pilot project, IMI shall provide the following functionality:

(a) a repository for storing and sharing information on refusals in accordance with Delegated Regulation (EU) 2021/1423;

(b) a search facility allowing competent authorities to search the repository in order to check whether it contains information on refusals with respect to a specific individual;

(c) a facility allowing entries to be removed and updated in accordance with Article 4 of Delegated Regulation (EU) 2021/1423;

(d) a system for sending regular email reminders to the competent authorities to remind them to review certain entries in accordance with Article 4 of Delegated Regulation (EU) 2021/1423.

Article 4

Retention of personal data

For the purposes of blocking personal data pursuant to Article 14 of Regulation (EU) No 1024/2012 that have been stored and shared in the repository as part of the pilot project, the date to be considered as the date, with respect to each refusal decision, when personal data no longer need to be so stored and shared shall be the date when, in accordance with Article 5 of Delegated Regulation (EU) 2021/1423, the information relating to that refusal decision is to cease to remain accessible. The blocked data shall be automatically deleted in IMI three years after the date when the data were blocked.

Article 5

Monitoring and reporting

The Commission shall provide Member States with statistics on the number of entries recorded in the repository. Such reporting shall not include information on individual refusal decisions.

Article 6

Evaluation

The evaluation of the outcome of the pilot project required by Article 4(2) of Regulation (EU) No 1024/2012 shall be submitted to the European Parliament and the Council by [… *OJ: please insert date that is three years after entry into force of this Decision]*.

Article 7

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 21 May 2021.

For the Commission
The President
Ursula VON DER LEYEN