



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2022) **XXX** draft

Annex to EASA Opinion No 04/2022

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down the rules and procedures for the establishment and management of a repository of information pursuant to Article 74 of Regulation (EU) 2018/1139

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

laying down the rules and procedures for the establishment and management of a repository of information pursuant to Article 74 of Regulation (EU) 2018/1139

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 216/2008 and (EC) No 552/2004 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91¹, and in particular Article 74 thereof,

Whereas:

- (1) It is necessary to ensure that civil-aviation-related information is stored in a single repository from which it can be retrieved and accessed for the purpose of the effective cooperation between the Agency and the national competent authorities concerning the exercise of their tasks relating to certification, oversight and enforcement pursuant to Regulation (EU) 2018/1139.
- (2) It is important to clarify the roles and responsibilities of the entities that shall manage, process, and retrieve information from the repository. The roles should define what the entities are entitled to do or what they have access to. As national competent authorities are involved in the development of the repository and in the decision-making process, an appropriate consultation mechanism should be set up to ensure that they are consulted before any relevant decision is taken.
- (3) The definition of the structure of the repository should include the platform, interfaces and technical solutions that shall enable the repository to function and be used. There should be a single interface for direct user queries to the repository and a single interface for national competent authorities. The functional specifications should be developed in such a way to keep the cost for the authorised users to a minimum.
- (4) The functional specifications should contain the business requirements necessary for the implementation of the Agency's technical solutions. National competent authorities should be involved in the development of the functional specifications through an appropriate and agreed governance mechanism.
- (5) The Agency should put in place an appropriate system to ensure the proper maintenance of the repository in terms of availability and technical quality. Such maintenance should ensure the continuity of operation of the repository and the management of its data.

¹ OJ L 212, 22.8.2018, p. 1.

- (6) Monitoring and reporting should be an efficient tool to provide for transparency as regards the performance of the repository's quality of service.
- (7) This Regulation shall establish the requirements for a common policy for the classification of information. This common policy shall ensure that the information stored in the repository is managed so that it assures that it will be treated according to the applicable data protection legislation.
- (8) It is important to identify the parties that may have access to the information stored in the repository and to ensure that their requests are justified. In that regard, a process should be defined to ensure that the dissemination of information will not be detrimental to the interest of individuals and organisations.
- (9) A system of traceability of the information stored in the repository should guarantee the protection against unauthorised access to the repository and enable the monitoring of the data-processing operations for data integrity and security purposes.
- (10) The Agency and the national competent authorities should develop an appropriate methodology to regularly update the information stored in the repository in a standardised way.
- (11) Staff that need to access the repository should be authorised by their organisations following documented procedures. Staff from aeromedical centres should be authorised by their respective national competent authorities.
- (12) Requirements for the protection of the relevant infrastructure and data should be developed in the framework of security policies. For this, measures for security management, business continuity and disaster recovery plans should be developed and should be consistent with Annex I (Part-IS.AR *Management of information security risks*) to Regulation (EU) .../...².
- (13) Appropriate principles should be defined and established for the protection of personal data when facilitating the exchange of information and managing the operational functioning of the repository. Such principles should be consistent with the existing requirements that stem from the General Data Protection Regulation³ and clarify the responsibilities of the relevant entities designated to ensure that data protection is guaranteed when disseminating, accessing or retrieving personal information and data stored the repository.
- (14) The retention of personal data for a certain period of time and its deletion from the repository should be performed only under certain conditions. The retention period of personal data should not be longer than the period of time that is necessary for the authorised users to fulfil their obligations.
- (15) The process for the repository to become operational should be clearly defined. Several technical steps should be necessary before the operational release of the repository, and should include the necessary testing, validation and transfer of data into the repository before its operation may start. It is important that the validation by the Member States is defined. The European Commission should determine the date of start of operation of the repository.

² Title (OJ reference)

³ 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) (OJ L 119, 4.5.2016, p. 1).

- (16) To ensure the proper implementation of this Regulation, the Member States and the affected stakeholders should be given sufficient time to adapt their procedures to the new regulatory framework before this Regulation applies.
- (17) The Agency has prepared a draft implementing act and has submitted it to the European Commission with Opinion No 04/2022⁴ in accordance with Articles 75(2)(b) and 76(1) of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

- 1. This Regulation lays down the rules and procedures for the establishment and management of a repository of information pursuant to Article 74 of Regulation (EU) 2018/1139.
- 2. This Regulation shall apply to:
 - (a) the European Commission ('Commission');
 - (b) the European Union Aviation Safety Agency ('Agency');
 - (c) national competent authorities;
 - (d) national aeromedical examiners and aeromedical centres; and
 - (e) safety investigation authorities.
- 3. This Regulation shall also apply to the interested parties referred to in Article 10(1).

Article 2

Objectives

The objectives of this Regulation are to:

- 1. establish the necessary rules and procedures for the functioning and management of the repository of information;
- 2. facilitate the exchange of information among the authorised users;
- 3. support the effective cooperation between the Agency and the national competent authorities concerning the exercise of their tasks relating to certification, oversight, and enforcement under Regulation (EU) 2018/1139.

⁴ <https://www.easa.europa.eu/document-library/opinions>

Article 3

Definitions

For the purposes of this Regulation, the definitions of Regulation (EU) 2018/1139, Regulation (EU) 2019/947⁵ and Regulation (EU) 2021/664⁶ shall apply.

The following definitions shall also apply:

1. ‘repository’ means a digital platform, based on a centralised system, which enables the exchange of information and data among the authorised users;
2. ‘authorised users’ means those organisations or persons to whom this Regulation applies pursuant to Article 1(2) of this Regulation;
3. ‘personal data’ means any information that relates to an identified or identifiable natural person (i.e. ‘the data subject’); an identifiable natural person is one that can be identified, directly or indirectly, in particular by reference to an identifier such as name, identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
4. ‘controller’ means the natural or legal person, public authority, agency or other body which, alone or jointly with others ('joint controllers'), determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;
5. ‘processor’ means a natural or legal person, public authority, agency or other body that processes personal data on behalf of the controller;
6. ‘health-related data’ means personal data related to the physical or mental health of a natural person, including the provision of healthcare services, which reveal information about their health status;
7. ‘data-processing operation’ means any operation or set of operations which is (are) performed on personal data or on sets of personal data, whether or not by automated means, such as the insertion, change, deletion, login, collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making personal data available, alignment or combination, restriction, erasure or destruction;
8. ‘restriction of processing’ means the marking of stored personal data with the aim of limiting their processing in the future;
9. ‘competent supervisory authorities’ means an independent public authority which is established by a Member State or by the Union, and which is responsible for overseeing

⁵ Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45).

⁶ Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space (OJ L 139, 23.4.2021, p. 161).

compliance with the applicable data protection legislation. These are ‘national supervisory authorities’ in the meaning of Article 3 of Regulation (EU) 2016/679⁷ and the European Data Protection Supervisor established by Regulation (EU) 2018/1725⁸;

10. ‘interface’ means the point at which independent and often unrelated systems connect and act on or communicate with each other;
11. ‘authorised staff’ means staff that are authorised by the competent authority to access the repository.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF THE REPOSITORY

Article 4

Roles, responsibilities, and governance

1. The Agency shall be responsible for the operational management of the repository, and shall securely retain information that is stored in the repository.
2. The national competent authorities and the Agency shall be responsible for the processing operations of their own data in the repository using the interfaces provided by the Agency and ensuring a secure connection between their system(s) and the repository.
3. The national aeromedical examiners and aeromedical centres shall be responsible for transmitting information through their national competent authorities. They shall be granted access to retrieve information from the repository concerning the medical fitness of pilots.
4. Safety investigation authorities shall be granted access to the repository to retrieve information that is necessary to perform their tasks.
5. The Agency shall, in cooperation with the Commission and the national competent authorities, take any decision regarding the operational management of the repository. In that regard, the Agency shall establish a consultation process with the national competent authorities.

Article 5

Structure of the repository

The repository shall consist of:

⁷ 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) (OJ L 119, 4.5.2016, p. 1).

⁸ 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).

1. a digital platform where the information referred to in Article 74 of Regulation (EU) 2018/1139 shall be stored;
2. the Agency's technical solutions;
3. the digital platform's interfaces to connect the Member States' technical solutions.

Article 6

Functional specifications of the repository

1. The Agency shall define the functional specifications of the repository.
2. The functional specifications shall contain the business requirements for the Agency's technical solutions referred to in Article 5(2) of this Regulation.

Article 7

Maintenance of the repository

1. The Agency shall maintain the repository and ensure that it functions properly in terms of availability and technical quality.
2. The Agency shall systematically back up the repository and its data.

Article 8

Monitoring and reporting

1. The Agency shall monitor the functioning of the repository.
2. The Agency shall provide to the authorised users:
 - (a) an annual report in relation to the implementation of this Regulation;
 - (b) a quarterly report in relation to the quality of service of the repository.

CHAPTER III
MANAGEMENT OF THE INFORMATION

Article 9

Classification of information

1. The Agency and the national competent authorities shall establish a common policy for the classification of information stored in the repository.
2. That common policy shall ensure that:
 - (a) the information is classified according to:
 - (i) data confidentiality, data integrity, data availability, and data protection requirements;

- (ii) the impact categories: low, moderate, and high;
 - (b) the objectives and the potential impact of such classification are described;
 - (c) the classification is associated to technical and organisational security requirements applied to the different processing types and stages of the information, and addressing specific requirements defined in this Regulation or in applicable Union law;
 - (d) the information retention and archiving principles are defined.
3. The Agency and the national competent authorities shall, whenever they deem it necessary, re-evaluate the classification of information to ensure that it is still appropriate based on the changes in the use of data.

Article 10

Dissemination of the information stored in the repository

- 1. The interested parties listed in point 2 may request access to certain information stored in the repository.
- 2. The Agency may inter alia disseminate the information contained in the repository to:
 - (a) EU public authorities;
 - (b) natural and legal persons that hold a certificate issued or a declaration made pursuant to Regulation (EU) 2018/1139 and its implementing and delegated acts;
 - (c) qualified entities accredited pursuant to Article 69 of Regulation (EU) 2018/1139.
- 3. Before disseminating any information, the Agency shall ensure that the policy on the classification of information referred to in Article 9(1) of this Regulation is followed.

Article 11

Arrangements for the dissemination of information

- 1. A request for dissemination of information contained in the repository shall be submitted in a form and manner established by the Agency.
- 2. When receiving a request for dissemination of information, the Agency shall verify that:
 - (a) the request is made by an interested party;
 - (b) the interested party is provided only with information that relates to their own operations.
- 3. The Agency shall evaluate whether the request is justified and may provide the interested party with the information they have requested.
- 4. The Agency may provide the information to the interested party provided the information requested:
 - (a) relates to the interested party's own operations or field of activity;

- (b) does not give the interested party access to the entire content of the repository;
 - (c) relates only to information that is strictly necessary to fulfil the purpose of the request; personal data shall be excluded unless it concerns the requestor, or it is necessary for the EU public authority to perform its tasks.
5. The interested party shall:
- (a) use the information only for the purpose specified in the request form;
 - (b) not disclose the information received without the authorisation of the Agency;
 - (c) take the necessary measures to ensure the confidentiality of the information received.

Article 12

Logging of data-processing operations

1. The Agency shall ensure that all data-processing operations are logged.
2. In that regard, the Agency shall ensure that the following information is provided:
 - (a) the purpose of the request for access to the repository;
 - (b) the identification of the authorised user referred to in Article 1(2) that retrieves the data;
 - (c) the date and exact time of the data-processing operations;
 - (d) the identification of the authorised staff that carry out the search.
3. The Agency shall use the logs of the data-processing operations only for monitoring the lawfulness of data, and for ensuring data integrity and security. It shall protect the logs against unauthorised access and erase them when they are no longer required for monitoring purposes.
4. The Agency shall ensure that only logs that contain non-personal data may be used for the monitoring of the repository.
5. National competent authorities shall be granted access to the logs at their request for the purpose of assessing the admissibility of the requests, monitoring the lawfulness of the data-processing operations, and ensuring data integrity and security.

Article 13

Regular and standardised update of the information

The Agency and the national competent authorities shall regularly update:

1. all the information that is stored in the repository using an appropriate methodology to ensure that it is done in a standard manner;
2. the object structures and taxonomy, on the basis of which the data can be exchanged.

CHAPTER IV

PROTECTION OF THE INFORMATION

Article 14

Authorised staff

1. The authorised users referred to in Article 1(2)(a), (b) and (c) shall ensure that only authorised staff have access to the repository.
2. The authorised users shall establish and maintain:
 - (a) a list of authorised staff;
 - (b) procedures regarding access to the repository; such procedures shall document the terms and conditions for authorised staff to access the repository.
3. The staff of the authorised users referred to in Article 1(2)(d) and (e) shall be authorised by the national competent authority in accordance with point (1) and (2).

Article 15

Security management of the repository

1. The Agency shall protect the infrastructure of the repository and its data, and shall develop:
 - (a) a security management plan;
 - (b) a business continuity plan; and
 - (c) a disaster recovery plan.
2. In particular, the Agency shall prevent:
 - (a) the unauthorised processing of data and any unauthorised reading, copying, modification or removal or deletion of data;
 - (b) the unauthorised processing of personal data and any unauthorised reading, copying, modification, removal or deletion of personal data contained in the repository and/or during the dissemination of personal data to or from the repository or during the transfer of data, in particular by means of appropriate encryption techniques.
3. The Agency shall also ensure that:
 - (a) the persons authorised to access the repository have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;
 - (b) in the event of interruption, installed systems can be restored to normal operation;
 - (c) any errors in the functioning of the repository are properly reported.

4. National competent authorities shall manage the security of their data before and during the transmission to the repository, and shall protect their infrastructure by ensuring:
 - (a) the establishment of interfaces between the national competent authorities' systems and the repository;
 - (b) the operation and maintenance of the interfaces;
 - (c) that authorised staff are properly trained in data security, applicable data protection legislation and fundamental rights of staff before they are allowed to process data stored in the repository.
5. The Agency and the national competent authorities shall cooperate to ensure the security management of the repository.

CHAPTER V

DATA PROTECTION

Article 16

Processing of personal data stored in the repository

1. Any personal data stored in the repository shall be processed only for the purposes defined in Article 2 of this Regulation.
2. The personal data stored in the repository shall be processed according to the following principles:
 - (a) personal data is collected lawfully, with due respect for human dignity and fundamental rights of the data subjects and in accordance with the applicable data protection legislation;
 - (b) unless otherwise required by the applicable national and/or Union law, the amount of personal data processed in the repository shall be stored for as long as it is necessary to fulfil the operational or technical purposes it serves;
 - (c) processed personal data is kept accurate and up to date;
 - (d) personal data is only processed by authorised staff pursuant to Article 15(4)(c) of this Regulation.

Article 17

Special categories of personal data

1. Data that falls under the special categories of personal data in the meaning of Article 9 of Regulation (EU) 2016/679 and of Article 10 of Regulation (EU) 2018/1725 shall be subject to specific processing requirements as defined in Article 9(2)(c) and (d) of this Regulation.

2. These specific processing requirements shall include the detailed technical, organisational and procedural measures that apply to:
 - (a) the security of the data and associated documentation;
 - (b) the definition of special access rights and related attribution process;
 - (c) the data transfer process;
 - (d) retention, deletion, and archiving.
3. Aeromedical examiners and aeromedical centres that access and process information concerning the medical fitness of pilots shall be subject to the specific requirements defined in point 2.

Article 18

Data controllership

1. National competent authorities, the Agency and the European Commission shall be regarded as the data controller of the personal data they process in their capacity as competent authority.
2. National competent authorities, the Agency and the European Commission shall be regarded as joint controllers as regards the processing of personal data stored in the repository.
3. The Agency shall be regarded as the data controller of the personal data that is necessary to monitor, maintain and update the functionality of the system and its infrastructure.

Article 19

Data processor

1. The Agency shall be regarded as the data processor of the personal data transferred in the repository from the national competent authorities' systems in accordance with Article 3(12)(a) of Regulation (EU) 2018/1725.
2. As data processor, the Agency shall:
 - (a) not engage another processor without informing first the joint controllers;
 - (b) ensure that the persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
 - (c) comply with the provisions of Article 15 of this Regulation;
 - (d) assist the controller by providing appropriate technical and organisational measures, insofar as this is possible, for the fulfilment of the controller's obligation to respond to requests for exercising the data subject's rights laid down in Article 22;

- (e) assist the controller in achieving compliance with the obligations laid down in Articles 32 to 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;
- (f) make available to the controller all information necessary to demonstrate compliance with the obligations laid down in this Article;
- (g) where a processor engages another processor for carrying out specific processing activities on behalf of the controller, the processor shall transfer its obligations and instructions to its sub-processors through a written data-processing agreement and shall be able to provide evidence of such agreement to the controller on request.

Article 20

Responsibilities of the joint controllers

1. The joint controllers shall process personal data stored in the repository in accordance with the Agency's technical solutions.
2. Each joint controller shall designate:
 - (a) a point of contact with a functional mailbox for the communication among the joint controllers and between the joint controllers and the processor;
 - (b) a point of contact to support data subjects in the exercise of their rights according to the applicable data protection legislation.
3. Each joint controller shall act as the point of contact for the data subjects whose data it processes and shall handle the requests relating to the exercise of their rights in accordance with the applicable data protection legislation.
4. When a joint controller receives a request from a data subject that does not fall under its responsibility, it shall promptly forward the request on to the responsible joint controller. If requested, the joint controllers shall assist each other in handling data subjects' requests and shall reply to each other without undue delay and at the latest within 15 days from the date on which the request for assistance was received.
5. If a joint controller needs information from another joint controller, it shall send a specific request to the designated functional mailbox.

Article 21

Management of security incidents, including data breaches

1. The joint controllers shall assist each other in the identification and handling of any security incident, including personal data breaches, linked to the processing of the information stored in the repository. In particular, the joint controllers shall notify each other of the following:
 - (a) any potential or actual risk to the availability, confidentiality and/or integrity of the personal data being processed in the repository;

- (b) any security incidents that are linked to the data-processing operation in the repository;
 - (c) any personal data breach, the likely consequences of such breach, and the assessment of the risk to the rights and freedoms of natural persons;
 - (d) any measures taken to address the personal data breach and mitigate the risk to the rights and freedoms of natural persons;
 - (e) any breach of the technical and/or organisational safeguards of the data-processing operation in the repository.
2. The Agency shall communicate any personal data breaches with regard to the data-processing operations in the repository to the European Data Protection Supervisor and, where required, to the data subjects in accordance with Articles 34 and 35 of Regulation (EU) 2018/1725. Joint controllers affected by a data breach in the repository shall communicate it to the competent national supervisory authority and, where required, to the data subjects, in accordance with Articles 33 and 34 of Regulation (EU) 2016/679.

Article 22

Rights of the data subjects

- 1. Each data controller that processes personal data in the repository shall provide data subjects whose personal data is collected with the information required under Articles 13 and 14 of Regulation (EU) 2016/679, and Articles 15 and 16 of Regulation (EU) 2018/1725. The data controller shall provide the information at the time that such data is collected in plain language.
- 2. Any data subject whose personal data is processed in the repository shall have the right to access, rectify, erase and restrict the processing of their personal data as provided for in the data protection legislation applicable to the data controller.
- 3. Data subjects shall exercise their rights before the competent authority that has initially processed their personal data.
- 4. Any data subject shall have the right to lodge a complaint and the right for a remedy against the controller's Member State which has refused their right of access to or the right of rectification or erasure of data relating to them, in accordance with national or Union law.

Article 23

Restrictions

- 1. National competent authorities, the Agency and the European Commission may limit the exercise of the rights of data subjects only to the extent it is strictly necessary to safeguard civil aviation safety. The exercise of data subjects' rights may only be limited in the following situations:
 - (a) ongoing investigations, inspections or monitoring activities performed by the Agency within the remit of its responsibilities as they are defined in Article

- 75(2)(e) of Regulation (EU) 2018/1139, or by the competent authorities as provided for by national or Union law;
- (b) ongoing IT security investigations with a direct or indirect impact on the functioning of the repository;
 - (c) ongoing proceedings before the Court of Justice of the European Union or any other competent court under national or international law;
 - (d) when the disclosure of data subjects' rights would represent a serious and material risk to aviation safety;
 - (e) impeding legal obligations on the data controller.
2. All limitations shall be subject to a necessity and proportionality assessment and shall be limited in scope and in time.
 3. The natural person whose personal data rights are limited shall be informed of the grounds and the extent of the limitation.
 4. Any natural or legal person shall have the right to lodge a complaint and the right to a remedy in the controller's Member State which has refused their right of access to or the right of rectification or erasure of data relating to them, in accordance with national or Union law.

Article 24

Supervision by the competent supervisory authorities

1. The competent supervisory authorities designated pursuant to Regulation (EU) 2018/1725 and Regulation (EU) 2016/679 shall monitor the lawfulness of the processing of personal data in the repository, including their transfer to and from the repository.
2. The European Data Protection Supervisor shall monitor that the personal-data-processing activities concerning the repository are carried out in accordance with this Regulation.

Article 25

Transfer of personal data to interested parties located in a third country or to international organisations

1. The Agency shall not grant access to nor transfer personal data from the repository to interested parties located in a third country or to international organisations.
2. The Agency and the national competent authorities may grant access to or transfer personal data processed in their own systems.

Article 26

Retention period of personal data

1. The Agency and the national competent authorities shall:
 - (a) retain personal data within the repository for as long as the information is required to fulfil their obligations in accordance with the applicable national and/or Union law; the retention period shall be defined in each data controller's records in accordance with Regulation (EU) 2018/1725 and Regulation (EU) 2016/679;
 - (b) delete personal data from the repository as soon as the retention period elapses, unless personal data is considered essential information that shall be kept for archiving purposes for the interest of the public, or for historical, research or statistical purposes.
2. The repository shall have the technical means to enable:
 - (a) the automated deletion of personal data upon expiry of the retention period;
 - (b) the automated pseudonymisation, or other technical solutions with equivalent effect, of personal data retained for archiving purposes.
3. Personal data that relates to the medical fitness of pilots shall not be kept beyond the retention period. Archiving for the purposes listed in point 1(b) shall not apply to this category of personal data.
4. The retention and archiving principles shall be subject to appropriate safeguards for the rights and freedoms of the data subject pursuant to Regulation (EU) 2018/1725 and Regulation (EU) 2016/679.

CHAPTER VI
FINAL PROVISIONS

Article 27

Start of operations

1. The European Commission shall determine the date from which the repository shall start operations once the following conditions have been met:
 - (a) The Agency has declared the successful completion of a comprehensive testing of the repository;
 - (b) Member States have validated the technical and legal arrangements to collect and transfer the data stored in the repository and have notified them to the European Commission. Such validation shall be notified not later than 1 year after the Agency has declared the completion of the repository in accordance with point (a).
2. Member States shall use the repository as from the date determined by the European Commission in accordance with point 1.

3. Authorised users shall use the repository as from the date determined by the European Commission in accordance with point 1.
4. Member States and authorised users shall ensure that the information referred to in Article 74(1) and (2) of Regulation (EU) 2018/1139 be transferred into the repository within 2 years from the date determined by the European Commission in accordance with point 1.
5. The European Commission's decision referred to in point 1 with regard to the date of start of operations shall be published in the *Official Journal of the European Union*.

Article 28

Entry into force and applicability

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

It shall apply from the date determined by the Commission pursuant to Article 27(5) of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President
[...]*