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NOTE

| From: | Presidency |
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| To: | Delegations |
| No. prev. doc.: | 12404/15 |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) - Chapter VI and VII |

 On 15th October 2015, the representatives of the Council, the European Parliament and the Commission discussed in a trilogue on the General Data Protection Regulation the provisions related to chapter VI and VII on respectively Independent Supervisory Authorities and Cooperation and Consistency. The Presidency's interventions were based on the Council's General Approach and the discussions that took place in the JHA Counsellors meetings of 5th October 2015.

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As regards both chapters, tentative solutions could be found on a number of provisions in line with the Presidency mandate. These are indicated in the 4th column. Delegations will note that the Council's General Approach could be maintained on a significant amount of issues. Still, on a few elements, the positions of the co-legislators are diverging. The Presidency seeks the additional views of delegations on some of these remaining open issues, while retaining the mandate previously obtained.

Delegations are reminded that provisions relating to articles not covered by this trilogue, or which are linked to provisions not yet agreed in other chapters, or which have to be rediscussed are marked in [brackets].

Delegations are also reminded that following the trilogue, minor modifications were made to simplify wording, to adapt cross-references or to align with provisions elsewhere in the Regulation. They concern in particular:

- Article 4(19a)
- Article 47(1)
- Article 48(2)
- Article 52(4)
- Article 53(1b(da))
- Article 66(1)
- 2. In Article 4(19b), the European Parliament proposes to refer to "cross-border" instead of "transnational" as it is the usual term in the acquis. The Presidency considers that this wording is acceptable. For consistency, the relevant subsequent paragraphs have been adapted consequently.
- 3. In Article 4(19c) on the "relevant and reasoned objection", the European Parliament asks for the addition of the terms "within the Union" at the end of the paragraph. The Presidency suggests to accept this addition.
- 4. In Article 46(1) on the Supervisory Authority, the European Parliament insists on the addition of "in order to protect the fundamental rights and freedoms of natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the Union". The Presidency suggests to accept such a wording.

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- 5. The European Parliament insists to have Article 47(3) "Members of the supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not." The Presidency suggests to accept this wording.
- 6. The European Parliament could accept the deletion of Article 47(4) on the condition to move its content to a recital and that the term "benefits" is included in Article 49(1(f)).
- 7. In Article 47(6) the European Parliament asks for adding a reference to the fact that the supervisory authority has to choose its own staff and that this staff can only be subject to the exclusive direction of the member or members, as indicated in the 4th column. The Presidency considers that this wording is acceptable.
- 8. In Article 48(1), the European Parliament insist on further framing the appointment of the members of the supervisory authorities by the head of state, by adding "based on a proposal from the government or the parliament". Delegations are invited to indicate their flexibility on this addition.
- 9. The European Parliament insists on adding Article 48(4) and (5). Delegations are invited to indicate their flexibility on the possible re-introduction of those two paragraphs.
- 10. Article 52(1(f)) and (hb) have been aligned with Chapter V.
- 11. Concerning Article 52(1(fa)), the European Parliament proposes to change the term "*make*" by "*maintain*", as indicated in the 4th column. The Presidency takes the view that this change is acceptable.

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- 12. The European Parliament insists on having its Article 53(1(ja)) in Article 52(1(ja), as indicated in the 4th column. This paragraph foresees an obligation for supervisory authorities to "put in place effective mechanisms to encourage confidential reporting of breaches of this Regulation, taking into account guidance issued by the European Data Protection Board pursuant to Article 66(4b)". This has to be read together with Article 66(4b). Such procedures developed by the European Data Protection Board according to the European Parliament's Article 66(4b) could contribute to increase legal certainty. The European Parliament signaled being open to include an obligation for Member States to foresee such procedures for confidential reporting in order to give more flexibility. Delegations are invited to indicate their flexibility on these elements.
- 13. The European Parliament insists on the addition of a part of its Article 52(2a) in a new Article 52(1(jb)) with the clarification that it refers to an internal record as indicated in the 4th column. The Presidency considers that this addition is acceptable.
- 14. In Article 53(1) chapeau, (1b) chapeau, (1c) chapeau and (3), the European Parliament rejects that Member States shall provide the powers of supervisory authorities by law, and insists to have the powers of the supervisory authorities directly defined in the Regulation for harmonisation purposes. Therefore, the European Parliament seeks the deletion of the terms "Member State shall provide by law" and "at least" in these paragraphs. Delegations are invited to indicate their flexibility on this.
- 15. In Article 53(1b(d)), in order to meet concerns expressed by the European Parliament, the colegislators tentatively agreed on the reintroduction of the European Parliament's Article 53(1b(f)) based on the wording in Article 53(1b(d)) of the Council's General Approach. Considering that this does not change the substance, the Presidency suggests to accept this.
- 16. In Article 53(1b(e)), the European Parliament, considering recent CJEU caselaw, insists on having a reference to the possibility for supervisory authorities to impose a "ban" on processing, as indicated in the 4th column. The Presidency considers that this is acceptable.
- 17. In Article 54, the co-legislators tentatively agreed that supervisory authorities may, in their annual report, include a list of "types of notified breaches and types of imposed sanctions".

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- 18. In Article 54a(2), the European Parliament proposes to change the "*due account*" into "*utmost account*". Delegations are invited to indicate their flexibility on this.
- 19. In Article 56(1), the European Parliament insists on having a "shall" instead of a "may" when it comes to joint operations of supervisory authorities, with the addition of "where necessary". Delegations are invited to indicate their flexibility on this.
- 20. In Article 56(3) and (3a), the European Parliament could accept the Council's General Approach on Article 56(3) but on the condition that the idea of the last sentence of Article 56(3) in the European Parliament's text is added in Article 56(3a), as indicated in the 4th column. The Presidency considers that this is acceptable.
- 21. European Parliament insists on the reference to the Commission in Article 57(1), where relevant, as indicated in the 4th column. The Presidency takes the view that the proposed wording could be accepted.
- 22. In Article 58(3), the European Parliament proposes to add the term "*reasonable*" to make sure that the Chair of the European Data Protection Board indicates a period that allows the members to object. The Presidency suggests to accept this addition.
- 23. In Article 64(2), the European Parliament proposes to move the reference to the representatives at the end of the paragraph in order to allow the European Data Protection Supervisor to be represented as well. The Presidency suggests to accept this adaptation.
- 24. In Article 64(4), the European Parliament insists on the possibility for the European Data Protection Supervisor to have a voting right. Delegations are invited to indicate their flexibility on this, in particular a voting right on opinions by the European Data Protection Board on matters as foreseen in Article 58.
- 25. Concerning its Article 69(2a), the European Parliament accepts the Council's General Approach and accepts that the Chair of the European Data Protection Board will not be full-time.

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- 26. In Article 71(1), (1b) and (1c), the European Parliament proposes some changes relating to the reference to the secretariat of the European Data Protection Supervisor, as indicated in the 4th column. The Presidency suggests to accept these changes that take into account the institutional set-up of the European Data Protection Supervisor according to Regulation 45/2001.
- 27. In Article 72(1), the European Parliament insists on a "*may*" provision when it comes to the confidentiality of the discussions of the European Data Protection Board. The Presidency invites comments from delegations on this point.
- 28. Taking into account the overall balance of these chapters, subject to alignment of the relevant recitals, and recalling that nothing is agreed until everything is agreed, the Presidency invites the views of the delegations on these issues.

The markings in this table are to be read as follows:

- Second column with first reading Position of the European Parliament: new text is marked in bold italics; deleted parts of the text are marked in strikethrough, text identical with the Commission proposal is marked - with a diagonal line in the box.
- Third column with General Approach of the Council: new text is marked in bold italics;
 deleted parts of the text are marked in strikethrough, parts of the text that have been moved up or down are marked in bold.
- Fourth column: the diagonal line in the box indicates that the text is identical for all three institutions; text tentatively agreed is included.

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| COM (2012)0011 | EP Position / First Reading | Council General Approach (15/06/2015) | Comments / compromise suggestions |
|----------------|-----------------------------|---------------------------------------|-----------------------------------|
| | | (16a) While this Regulation | |
| | | applies also to the activities of | |
| | | courts and other judicial | |
| | | authorities, Union or Member | |
| | | State law could specify the | |
| | | processing operations and | |
| | | processing procedures in relation | |
| | | to the processing of personal data | |
| | | by courts and other judicial | |
| | | authorities. The competence of | |
| | | the supervisory authorities | |
| | | should not cover the processing of | |
| | | personal data when courts are | |
| | | acting in their judicial capacity, | |
| | | in order to safeguard the | |
| | | independence of the judiciary in | |
| | | the performance of its judicial | |
| | | tasks, including its decision- | |
| | | making. Supervision of such data | |
| | | processing operations may be | |
| | | entrusted to specific bodies within | |
| | | the judicial system of the Member | |
| | | State, which should in particular | |
| | | control compliance with the rules | |

of this Regulation, promote the awareness of the judiciary of their obligations under this Regulation and deal with complaints in relation to such processing. (27) The main establishment of a (27) The main establishment of a (27) The main establishment of a controller in the Union should be controller in the Union should be controller in the Union should be determined according to objective the place of its central determined according to objective criteria and should imply the criteria and should imply the administration in the Union. effective and real exercise of unless determined according to effective and real exercise of management activities determining management activities determining objective criteria and should imply the main decisions as to the the main decisions as to the the effective and real exercise of purposes, conditions and means of management activities determining purposes, conditions and means of processing through stable processing through stable the main decisions as to on the arrangements. This criterion should purposes, conditions and means of arrangements. This criterion should not depend whether the processing not depend whether the processing processing of personal data are of personal data is actually carried of personal data is actually carried taken in another establishment of out at that location; the presence out at that location; the presence the controller in the Union. In this and use of technical means and and use of technical means and case the latter should be technologies for processing technologies/for processing considered as the main personal data or processing personal data or processing establishment. through stable activities do not, in themselves, activities do not, in themselves, arrangements. constitute such main establishment constitute such main establishment The main establishment of a and are therefore no determining and are therefore no determining controller in the Union should be criteria for a main establishment. criteria for a main establishment. determined according to objective The main establishment of the The main establishment of the criteria and should imply the processor should be the place of its processor should be the place of its effective and real exercise of central administration in the Union. central administration in the Union. management activities determining

| the main decisions as to the |
|---|
| purposes and means of processing |
| through stable arrangements. This |
| criterion should not depend <i>on</i> |
| whether the processing of personal |
| data is actually carried out at that |
| location; the presence and use of |
| technical means and technologies |
| for processing personal data or |
| |
| processing activities do not, in |
| themselves, constitute such main |
| establishment and are therefore no <i>t</i> |
| determining criteria for a main |
| establishment. |
| The main establishment of the |
| processor should be the place of its |
| central administration in the Union |
| and, if it has no central |
| administration in the Union, the |
| · · |
| place where the main processing |
| activities take place in the Union. |

In cases involving both the controller and the processor, the competent lead supervisory authority should remain the supervisory authority of the Member State where the controller has its main establishment but the supervisory authority of the processor should be considered as a concerned supervisory authority and participate to the cooperation procedure provided for by this Regulation. In any case, the supervisory authorities of the Member State or Member States where the processor has one or more establishments should not be considered as concerned supervisory authorities when the draft decision concerns only the controller. Where the processing is carried out by a group of undertakings, the main establishment of the controlling undertaking should be considered as the main establishment of the group of undertakings, except where the purposes and means of processing are determined by another undertaking.

| | Amendment 64 | | |
|--------------------------------------|-------------------------------------|-------------------------------------|--|
| (92) The establishment of | (92) The establishment of | (92) The establishment of | |
| supervisory authorities in Member | supervisory authorities in Member | supervisory authorities in Member | |
| States, exercising their functions | States, exercising their functions | States, empowered to perform their | |
| with complete independence, is an | with complete independence, is an | tasks and exercising exercise their | |
| essential component of the | essential component of the | functions powers with complete | |
| protection of individuals with | protection of individuals with | independence, is an essential | |
| regard to the processing of their | regard to the processing of their | component of the protection of | |
| personal data. Member States may | personal data. Member States may | individuals with regard to the | |
| establish more than one | establish more than one supervisory | processing of their personal data. | |
| supervisory authority, to reflect | authority, to reflect their | Member States may establish more | |
| their constitutional, organisational | constitutional, organisational and | than one supervisory authority, to | |
| and administrative structure. | administrative structure. An | reflect their constitutional, | |
| | authority shall have adequate | organisational and administrative | |
| | financial and personal resources | structure. | |
| | to fully carry out its role, taking | | |
| | into account the size of the | | |
| | population and the amount of | | |
| | personal data processing. | | |
| | | (92a) The independence of | |
| | | supervisory authorities should not | |
| | | mean that the supervisory | |
| | | authorities cannot be subjected to | |
| | | control or monitoring mechanism | |
| | | regarding their financial | |
| | | expenditure. Neither does it imply | |
| | | that supervisory authorities cannot | |
| | | be subjected to judicial review. | |

(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.

(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.

(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.

| | Amendment 65 | | |
|--------------------------------------|--------------------------------------|-------------------------------------|--|
| (94) Each supervisory authority | (94) Each supervisory authority | (94) Each supervisory authority | |
| should be provided with the | should be provided with the | should be provided with the | |
| adequate financial and human | adequate financial and human | adequate financial and human | |
| resources, premises and | resources, paying particular | resources, premises and | |
| infrastructure, which is necessary | attention to ensuring adequate | infrastructure, which is are | |
| for the effective performance of | technical and legal skills of staff, | necessary for the effective | |
| their tasks, including for the tasks | premises and infrastructure, which | performance of their tasks, | |
| related to mutual assistance and co- | is necessary for the effective | including for the tasks related to | |
| operation with other supervisory | performance of their tasks, | mutual assistance and co-operation | |
| authorities throughout the Union. | including for the tasks related to | with other supervisory authorities | |
| | mutual assistance and co-operation | throughout the Union. <i>Each</i> | |
| | with other supervisory authorities | supervisory authority should have | |
| | throughout the Union. <i>Each</i> | a separate annual budget, which | |
| | supervisory authority should have | may be part of the overall state or | |
| | a separate annual budget, which | national budget. | |
| | may be part of the overall state or | | |
| | national budget, and be | | |
| | accountable to the national | | |
| | parliament for reasons of | | |
| | budgetary control. | | |

| | Amendment 66 | | |
|-------------------------------------|--|---|--|
| (95) The general conditions for the | (95) The general conditions for the | (95) The general conditions for the | |
| members of the supervisory | members of the supervisory | <i>member or</i> members of the | |
| authority should be laid down by | authority should be laid down by | supervisory authority should be laid | |
| law in each Member State and | law in each Member State and | down by law in each Member State | |
| should in particular provide that | should in particular provide that | and should in particular provide | |
| those members should be either | those members should be either | that those members should be either | |
| appointed by the parliament or the | appointed by the parliament or the | appointed by the parliament <i>and</i> /or | |
| government of the Member State, | government of the Member State | the government <i>or the head of</i> | |
| and include rules on the personal | taking due care to minimise the | <i>State</i> of the Member State , and | |
| qualification of the members and | possibility of political interference, | include rules on the personal | |
| the position of those members. | and include rules on the personal | qualification of the members and | |
| | qualification of the members, <i>the</i> | the position of those <i>members</i> or by | |
| | avoidance of conflicts of interest | an independent body entrusted by | |
| | and the position of those members. | Member State law with the | |
| | | appointment by means of a | |
| | | transparent procedure. In order to | |
| | | ensure the independence of the | |
| | | supervisory authority, the member | |
| | | or members should refrain from | |
| | | any action incompatible with their | |
| | | duties and should not, during their | |
| | | term of office, engage in any | |
| | | incompatible occupation, whether | |
| | | gainful or not. | |

(95a) Each supervisory authority should be competent on the territory of its own Member State to exercise the powers and to perform the tasks conferred on it in accordance with this Regulation. This should cover in particular the processing in the context of the activities of an establishment of the controller or processor on the territory of its own Member State, the processing of personal data carried out by public authorities or private bodies acting in the public interest, processing affecting data subjects on its territory or processing carried out by a controller or processor not established in the European Union when targeting data subjects residing in its territory. This should include dealing with complaints lodged by a data subject, conducting investigations on the application of the Regulation, promoting public awareness of the risks, rules, safeguards and rights in relation to the processing of personal data.

(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, the supervisory authorities should cooperate with each other and the Commission.

(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, the supervisory authorities should cooperate with each other and the Commission.

(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, this Regulation should oblige and *empower* the supervisory authorities should to co-operate with each other and the Commission, without the need for any agreement between Member States on the provision of mutual assistance or on such cooperation.

Amendment 67 (97) Where the processing of (97) Where the processing of (97) Where the processing of personal data in the context of the personal data in the context of the personal data takes place in the activities of an establishment of a activities of an establishment of a context of the activities of an controller or a processor in the controller or a processor in the establishment of a controller or a Union takes place in more than one Union takes place in more than one processor in the Union and the Member State, one single Member State, one single controller or processor is supervisory authority should be supervisory authority should be established takes place in more competent for monitoring the competent for monitoring the than one Member State, or where activities of the controller or activities of act as the single processing taking place in the processor throughout the Union contact point and the lead context of the activities of aone single supervisory authority should and taking the related decisions, in authority responsible for order to increase the consistent be competent for monitoring the supervising the controller or application, provide legal certainty processor throughout the Union and activities of the controller or and reduce administrative burden taking the related decisions, in processor throughout the Union for such controllers and processors. order to increase the consistent and taking the related decisions, in application, provide legal certainty order to increase the consistent and reduce administrative burden application, provide legal certainty and reduce administrative burden for such controllers and processors. for such controllers and processors establishment of a controller or processor in the Union substantially affects or is likely to substantially affect data subjects in more than one Member State, the supervisory authority for the main establishment of the controller or processor or for the

single establishment of the

controller or processor should act

as lead authority. It should cooperate with the other authorities that are concerned, because the controller or processor has an establishment on the territory of their Member State, because data subjects residing on their territory are substantially affected, or because a complaint has been lodged with them. Also where a data subject not residing in that Member State has lodged a complaint, the supervisory authority to which such complaint has been lodged should also be a concerned supervisory authority. Within its tasks to issue guidelines on any question covering the application of this Regulation, the European Data Protection Board may issue guidelines in particular on the criteria to be taken into account in order to ascertain whether the processing in question substantially affects data subjects in more than one Member State and on what constitutes a relevant and reasoned objection.

| (97a) The lead authority should be |
|---------------------------------------|
| competent to adopt binding |
| decisions regarding measures |
| applying the powers conferred on |
| it in accordance with the |
| provisions of this Regulation. In its |
| capacity as lead authority, the |
| |
| supervisory authority should |
| closely involve and coordinate the |
| concerned supervisory authorities |
| in the decision-making process. In |
| cases where the decisions is to |
| reject the complaint by the data |
| subject in whole or in part that |
| decision should be adopted by the |
| |
| supervisory authority at which the |
| complaint has been lodged. |
| |

| (97b) The decision should be |
|---|
| agreed jointly by the lead |
| supervisory authority and the |
| concerned supervisory authorities |
| and should be directed towards the |
| main or single establishment of the |
| controller or processor and be |
| binding on the controller and |
| processor. The controller or |
| processor should take the |
| necessary measures to ensure the |
| compliance with this Regulation |
| and the implementation of the |
| decision notified by the lead |
| supervisory authority to the main |
| establishment of the controller or |
| processor as regards the |
| processing activities in the Union. |
| (97c) Each supervisory authority |
| not acting as lead supervisory |
| authority should be competent to |
| deal with local cases where the |
| controller or processor is |
| established in more than one |
| Member State, but the subject |
| matter of the specific processing |
| concerns only processing carried |
| out in a single Member State and |
| involving only data subjects in that |
| single Member State, for example, |
| 1 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 |

| where the subject matter concerns |
|---------------------------------------|
| · · · · · · · · · · · · · · · · · · · |
| the processing of employees data |
| in the specific employment context |
| of a Member State. In such cases, |
| the supervisory authority should |
| inform the lead supervisory |
| authority without delay on this |
| matter. After being informed, the |
| lead supervisory authority should |
| decide, whether it will deal with |
| the case within the one-stop-shop |
| mechanism or whether the |
| supervisory authority which |
| informed it should deal with the |
| case at local level. When deciding |

whether it will deal with the case. the lead supervisory authority should take into account, whether there is an establishment of the controller or processor in the Member State of the supervisory authority which informed it, in order to ensure effective enforcement of a decision vis-à-vis the controller or processor. Where the lead supervisory authority decides to deal with the case, the supervisory authority which informed it should have the possibility to submit a draft for a decision, of which the lead supervisory authority should take utmost account when preparing its draft decision in the one-stop-shop mechanism.

| | Amendment 68 | | |
|--------------------------------------|--|---|--|
| (98) The competent authority, | (98) The competent <i>lead</i> authority, | (98) The competent rules on the | |
| providing such one-stop shop, | providing such one-stop shop, | lead supervisory authority, | |
| should be the supervisory authority | should be the supervisory authority | providing such and the one-stop- | |
| of the Member State in which the | of the Member State in which the | shop <i>mechanism</i> , should <i>not apply</i> | |
| controller or processor has its main | controller or processor has its main | where the processing is carried out | |
| establishment. | establishment or its representative. | by public authorities or private | |
| | The European Data Protection | bodies in the public interest. In | |
| | Board may designate the lead | such cases be the only supervisory | |
| | authority through the consistency | authority competent to exercise the | |
| | mechanism in certain cases at the | powers conferred to it in | |
| | request of a competent authority. | accordance with this Regulation | |
| | | should be the supervisory authority | |
| | | of the Member State where the | |
| | | public authority or private body is | |
| | | establishedin which the controller | |
| | | or processor has its main | |
| | | establishment. | |

(99) While this Regulation applies (99) While this Regulation applies deleted also to the activities of national also to the activities of national courts, the competence of the courts, the competence of the supervisory authorities should not supervisory authorities should not cover the processing of personal cover the processing of personal data when courts are acting in their data when courts are acting in their judicial capacity, in order to judicial capacity, in order to safeguard the independence of safeguard the independence of judges in the performance of their judges in the performance of their judicial tasks. However, this judicial tasks. However, this exemption should be strictly limited exemption should be strictly to genuine judicial activities in limited to genuine judicial court cases and not apply to other activities in court cases and not activities where judges might be apply to other activities where involved in, in accordance with judges might be involved in, in accordance with national law. national law.

(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same duties and effective powers. including powers of investigation, legally binding intervention, decisions and sanctions. particularly in cases of complaints from individuals, and to engage in legal proceedings. Investigative powers of supervisory authorities as regards access to premises should be exercised in conformity with Union law and national law. This concerns in particular the requirement to obtain a prior judicial authorisation.

(100) In order to ensure consistent monitoring and enforcement of this/ Regulation throughout the Union, the supervisory authorities should have in each Member State the/ same duties and effective powers. including powers of investigation, legally binding intervention, decisions and sanctions, particularly in cases of complaints from individuals, and to engage in legal proceedings. Investigative powers of supervisory authorities as regards access to premises should be exercised in conformity with Union law and national law. This concerns in particular the requirement to/obtain a prior judicial authorisation.

(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same duties tasks and effective powers, including powers of investigation, corrective powers legally binding intervention, decisions and sanctions, and authorisation and advisory powers, particularly in cases of complaints from individuals, and without prejudice to the powers of prosecutorial authorities under national law, to bring infringements of this Regulation to the attention of the judicial authorities and/or engage in legal proceedings. Such powers should also include the power to forbid the processing on which the authority is consulted. Member States may specify other tasks related to the protection of personal data under this Regulation. The powers of supervisory authorities should be exercised in conformity with appropriate procedural safeguards

set out in Union law and national law, impartially, fairly and within a reasonable time. In particular each measure should be appropriate, necessary and proportionate in view of ensuring compliance with this Regulation, taking into account the circumstances of each individual case, respect the right of every person to be heard before any individual measure which would affect him or her adversely is taken and avoid superfluous costs and excessive inconveniences for the persons concerned. Investigative *Investigatory* powers of supervisory authorities as regards access to premises should be exercised in conformity accordance with specific requirements in national procedural law, such as with Union law and national law. This concerns in particular the requirement to obtain a prior judicial authorisation. Each legally

| binding measure of the supervisory |
|--------------------------------------|
| authority should be in writing, be |
| clear and unambiguous, indicate |
| the supervisory authority which |
| has issued the measure, the date of |
| issue of the measure, bear the |
| signature of the head, or a member |
| of the supervisory authority |
| |
| authorised by him or her, give the |
| reasons for the measure, and refer |
| to the right of an effective remedy. |
| This should not preclude |
| additional requirements pursuant |
| to national procedural law. The |
| adoption of such legally binding |
| decision implies that it may give |
| rise to judicial review in the |
| |
| Member State of the supervisory |
| authority that adopted the |
| decision. |

Amendment 70 (101) Each supervisory authority (101) Each supervisory authority (101 & 101a) Each-Where the should hear complaints lodged by should hear complaints lodged by supervisory authority should hear to any data subject and should any data subject or by associations which the complaints has been investigate the matter. The acting in the public interest and lodged is not the lead supervisory investigation following a complaint should investigate the matter. The authority, the lead supervisory should be carried out, subject to investigation following a complaint authority should closely co-operate judicial review, to the extent that is should be carried out, subject to with the supervisory authority to judicial review, to the extent that is appropriate in the specific case. which the complaint has been The supervisory authority should appropriate in the specific case. The lodged according to the provisions inform the data subject of the supervisory authority should inform on co-operation and consistency progress and the outcome of the the data subject or the association laid down in this Regulation. In complaint within a reasonable of the progress and the outcome of such cases, by any data subject and period. If the case requires further the complaint within a reasonable should investigate the matter. The investigation or coordination with period. If the case requires further investigation following a complaint should be carried out, subject to another supervisory authority, investigation or coordination with intermediate information should be another supervisory authority, judicial review, to the extent that is intermediate information should be given to the data subject. appropriate in the specific case. given to the data subject.

Thethe lead supervisory authority should, when taking measures intended to produce legal effects, including the imposition of administrative fines, take utmost account of the view of the inform the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject to which the complaint has been lodged and which should remain competent to carry out any investigation on the territory of its own Member State in liaison with the competent supervisory authority.

(101b) The supervisory authority receiving a complaint or detecting or being informed otherwise of situations that entail possible infringements of the Regulation should seek an amicable settlement and, if this proves unsuccessful, exercise its full range of powers in cases where another supervisory authority should act as a lead supervisory authority for the processing activities of the controller or processor but the concrete subject matter of a complaint or the possible infringement concerns only processing activities of the controller or processor in the one Member State where the complaint has been lodged or the possible infringement detected and the matter does not substantially affect or is not likely to substantially affect data subjects in other Member States. This should include specific processing carried out in the territory of the Member State of the supervisory authority or with regard to data subjects on

| | | the territory of that Member State; or to processing that is carried out in the context of an offer of goods or services specifically aimed at data subjects in the territory of the Member State of the supervisory authority; or that has to be assessed taking into account relevant legal obligations under national law. | |
|---|---|---|--|
| (102) Awareness raising activities by supervisory authorities | (102) Awareness raising activities by supervisory authorities | (102) Awareness raising activities by supervisory authorities | |
| addressed to the public should | addressed to the public should | addressed to the public should | |
| include specific measures directed | include specific measures directed | include specific measures directed | |
| at controllers and processors, | at controllers and processors, | at controllers and processors, | |
| including micro, small and | including micro, small and | including micro, small and | |
| medium-sized enterprises, as well | medium-sized enterprises, as well | medium-sized enterprises, as well | |
| as data subjects. | as data subjects. | as data subjects individuals in | |
| | | particular in the educational | |
| | | context. | |

| (103) The supervisory authorities should assist each other in performing their duties and provide mutual assistance, so as to ensure the consistent application and enforcement of this Regulation in the internal market. | (103) The supervisory authorities should assist each other in performing their duties and provide mutual assistance, so as to ensure the consistent application and enforcement of this Regulation in the internal market. | (103) The supervisory authorities should assist each other in performing their duties tasks and provide mutual assistance, so as to ensure the consistent application and enforcement of this Regulation in the internal market. Where a supervisory authority requesting mutual assistance, in the case of no response of the requested supervisory authority within one month of receiving the request, adopts a provisional measure, such provisional measure should be duly justified and only of a temporary nature. | |
|--|--|---|--|
| (104) Each supervisory authority | (104) Each supervisory authority | (104) Each supervisory authority | |
| should have the right to participate | should have the right to participate | should have the right to participate | |
| in joint operations between | in joint operations between | in joint operations between | |
| supervisory authorities. The | supervisory authorities. The | supervisory authorities. The | |
| requested supervisory authority | requested supervisory authority | requested supervisory authority | |
| should be obliged to respond to the | should be obliged to respond to the | should be obliged to respond to the | |
| request in a defined time period. | request in a defined time period. | request in a defined time period. | |

| | Amendment 71 | | |
|---------------------------------------|---------------------------------------|--------------------------------------|--|
| (105) In order to ensure the | (105) In order to ensure the | (105) In order to ensure the | |
| consistent application of this | consistent application of this | consistent application of this | |
| Regulation throughout the Union, a | Regulation throughout the Union, a | Regulation throughout the Union, a | |
| consistency mechanism for co- | consistency mechanism for co- | consistency mechanism for co- | |
| operation between the supervisory | operation between the supervisory | operation between the supervisory | |
| authorities themselves and the | authorities themselves and the | authorities themselves and the | |
| Commission should be established. | Commission should be established. | Commission should be established. | |
| This mechanism should in | This mechanism should in | This mechanism should in | |
| particular apply where a | particular apply where a | particular apply where a | |
| supervisory authority intends to | supervisory authority intends to | supervisory authority intends to | |
| take a measure as regards | take a measure as regards | take adopt a measure intended to | |
| processing operations that are | processing operations that are | produce legal effects as regards | |
| related to the offering of goods or | related to the offering of goods or | processing operations that are | |
| services to data subjects in several | services to data subjects in several | related to the offering of goods or | |
| Member States, or to the | Member States, or to the | services to data subjects in several | |
| monitoring such data subjects, or | monitoring of such data subjects, or | Member States, , or to the | |
| that might substantially affect the | that might substantially affect the | monitoring such data subjects, or | |
| free flow of personal data. It should | free flow of personal data. It should | that might which substantially | |
| also apply where any supervisory | also apply where any supervisory | affect a significant number of data | |
| authority or the Commission | authority or the Commission | subjects in several Member States. | |
| requests that the matter should be | requests that the matter should be | the free flow of personal data. It | |
| dealt with in the consistency | dealt with in the consistency | should also apply where any | |

mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties. mechanism. Furthermore, the data subjects should have the right to obtain consistency, if they deem a measure by a Data Protection Authority of a Member State has not fulfilled this criterion. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.

concerned supervisory authority or the Commission requests that the such matter should be dealt with in the consistency mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.

(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a simple majority of its members so decides or if so requested by any supervisory authority or the Commission.

(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a simple majority of its members so decides or if so requested by any supervisory authority or the Commission.

(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a simple majority of its members so decides or if so requested by any concerned supervisory authority concerned or the Commission. The European Data Protection Board should also be empowered to adopt legally binding decisions in case of disputes between supervisory authorities. For that purposes it should issue, in principle with a two-third majority of its members, legally binding decisions in clearly defined cases where there are conflicting views among supervisory authorities in particular in the cooperation mechanism between the lead supervisory authority and concerned supervisory authorities on the merits of the case, notably whether there is an infringement of this Regulation or not.

| Amendment 72 | |
|-----------------------------------|--|
| (106a) In order to ensure the | |
| consistent application of this | |
| Regulation, the European Data | |
| Protection Board may in | |
| individual cases adopt a decision | |
| which is binding on the competent | |
| supervisory authorities. | |

| | Amendment 73 | | |
|--------------------------------------|--------------------------------------|--|--|
| (107) In order to ensure compliance | deleted | deleted | |
| with this Regulation, the | | | |
| Commission may adopt an opinion | | | |
| on this matter, or a decision, | | | |
| requiring the supervisory authority | | | |
| to suspend its draft measure. | | | |
| (108) There may be an urgent need | (108) There may be an urgent need | (108) There may be an urgent need | |
| to act in order to protect the | to act in order to protect the | to act in order to protect the <i>rights</i> | |
| interests of data subjects, in | interests of data subjects, in | and freedoms interests of data | |
| particular when the danger exists | particular when the danger exists | subjects, in particular when the | |
| that the enforcement of a right of a | that the enforcement of a right of a | danger exists that the enforcement | |
| data subject could be considerably | data subject could be considerably | of a right of a data subject could be | |
| impeded. Therefore, a supervisory | impeded. Therefore, a supervisory | considerably impeded. Therefore, a | |
| authority should be able to adopt | authority should be able to adopt | supervisory authority should be | |
| provisional measures with a | provisional measures with a | able to adopt provisional measures | |
| specified period of validity when | specified period of validity when | with a specified period of validity | |
| applying the consistency | applying the consistency | when applying the consistency | |
| mechanism. | mechanism. | mechanism. | |

(109) The application of this mechanism should be a condition for the legal validity and enforcement of the respective decision by a supervisory authority. In other cases of cross-border relevance, mutual assistance and joint investigations might be carried out between the concerned supervisory authorities on a bilateral or multilateral basis without triggering the consistency mechanism.

(109) The application of this mechanism should be a condition for the legal validity and enforcement of the respective decision by a supervisory authority. In other cases of cross-border relevance, mutual assistance and joint investigations might be carried out between the concerned supervisory authorities on a bilateral or multilateral basis without triggering the consistency mechanism.

(109) The application of this mechanism should be a condition for the legal validity and enforcement of the respective decision-lawfulness of a measure intended to produce legal effects by a supervisory authority in those cases where its application is mandatory. In other cases of crossborder relevance, the co-operation mechanism between the lead supervisory authority and concerned supervisory authorities should be applied and mutual assistance and joint investigations operations might be carried out between the concerned supervisory authorities on a bilateral or multilateral basis without triggering the consistency mechanism.

Amendment 74 (110) At Union level, a European (110) At Union level, a European (110) In order to promote the Data Protection Board should be set consistent application of this Data Protection Board should be set up. It should replace the up. It should replace the Working Regulation, At Union level, a the Working Party on the Protection of Party on the Protection of European Data Protection Board Individuals with Regard to the Individuals with Regard to the should be set up *as an independent* Processing of Personal Data Processing of Personal Data body of the Union. To fulfil its established by Directive 95/46/EC. established by Directive 95/46/EC. objectives, the European Data It should consist of a head of a It should consist of a head of a Protection Board should have supervisory authority of each supervisory authority of each legal personality. The European Member State and of the European Member State and of the European Data Protection Board should be Data Protection Supervisor. The Data Protection Supervisor. The represented by its Chair. It should Commission should participate in Commission should participate in replace the Working Party on the its activities. The European Data its activities. The European Data Protection of Individuals with Protection Board should contribute Protection Board should contribute Regard to the Processing of to the consistent application of this to the consistent application of this Personal Data established by Regulation throughout the Union, Regulation throughout the Union, Directive 95/46/EC. It should including by advising the including by advising the consist of a head of a supervisory Commission and promoting co-Commission institutions of the authority of each Member State or operation of the supervisory *Union* and promoting co-operation his or her representative and of. authorities throughout the Union. of the supervisory authorities the. The Commission and the The European Data Protection throughout the Union, including European Data Protection Board should act independently the coordination of joint Supervisor. The Commission when exercising its tasks. operations. The European Data should participate in its activities Protection Board should act without voting rights. The European Data Protection Board independently when exercising its tasks. The European Data should contribute to the consistent Protection Board should application of this Regulation throughout the Union, including by strengthen the dialogue with advising the Commission, in concerned stakeholders such as

| data subjects' assoc | ciations, particular on the level of |
|-----------------------|--|
| consumer organisat | · · · · · · · · · · · · · · · · · · · |
| controllers and other | er relevant international organisations, and |
| stakeholders and ex | promoting co-operation of the |
| | supervisory authorities throughout |
| | the Union. The European Data |
| | Protection Board should act |
| | independently when exercising its |
| | tasks. |
| | (110a) The European Data |
| | Protection Board should be |
| | assisted by a secretariat provided |
| | by the secretariat of the European |
| | Data Protection Supervisor. The |
| | staff of the secretariat of the |
| | European Data Protection |
| | Supervisor involved in carrying |
| | out the tasks conferred on the |
| | European Data Protection Board |
| | by this Regulation should perform |
| | its tasks exclusively under the |
| | instructions of, and report to the |
| | Chair of the European Data |
| | Protection Board. Organisational |
| | separation of staff should concern |
| | all services needed for the |
| | independent functioning of the |
| | European Data Protection Board. |

| Article 4 | Article 4 | Article 4 | Article 4 |
|--------------------------------------|--|---|--------------------------------------|
| Definitions | Definitions | Definitions | Definitions |
| (13) 'main establishment' means as | (13) 'main establishment' means as | (13) 'main establishment' means | Consensus / |
| regards the controller, the place of | regards the controller, the place of | - as regards the a controller with | (13) 'main establishment' means / |
| its establishment in the Union | its establishment of the | establishments in more than one | (a) as regards a controller with / |
| where the main decisions as to the | undertaking or group of | <i>Member State</i> , the place of its | establishments in more than one |
| purposes, conditions and means of | undertakings in the Union, whether | establishment central | Member State, the place of its/ |
| the processing of personal data are | controller or processor, where the | administration in the Union where | central administration in the |
| taken; if no decisions as to the | main decisions as to the purposes, | unless the main decisions as to on | Union, unless the decisions/on the |
| purposes, conditions and means of | conditions and means of the | the purposes, conditions and means | purposes and means of the |
| the processing of personal data are | processing of personal data are | of the processing of personal data | processing of personal data are |
| taken in the Union, the main | taken.; if no decisions as to the | are taken <i>in another</i> establishment | taken in another establishment of |
| establishment is the place where the | purposes, conditions and means of | of the controller in the Union and | the controller in the Union and the |
| main processing activities in the | the processing of personal data are | the latter establishment has the | latter establishment has the power |
| context of the activities of an | taken in the Union, the main | power to have such decisions | to have such decisions |
| establishment of a controller in the | establishment is the place where the | implemented, in this case the | implemented, in this case the |
| Union take place. As regards the | main processing activities in the | establishment having taken such | establishment having taken such |
| processor, 'main establishment' | context of the activities of an | decisions shall be considered as | decisions shall be considered as the |
| means the place of its central | establishment of a controller in the | the main establishment. | main establishment;. |
| administration in the Union; | Union take place. As regards the | If no decisions as to the purposes, | (b) as regards a processor with |
| | processor, 'main establishment' | conditions and means of the | establishments in more than one |
| | means the place of its central | processing of personal data are | Member State, the place of its |
| | administration in the Union <i>The</i> | taken in the Union, the main | central administration in the |
| | following objective criteria may be | establishment is the place where | Union, and, if the processor has no |
| | considered among others: the | the main processing activities in | central administration in the |
| | location of the controller or | the context of the activities of an | Union, the establishment of the |
| | processor's headquarters; the | establishment of a controller in the | processor in the Union where the |
| | location of the entity within a | Union take place. | main processing activities in the |
| | group of undertakings which is | - As as regards the a processor | context of the activities of an |
| | best placed in terms of | with establishments in more than; | establishment of the processor take |

| | management functions and administrative responsibilities to | one Member State, 'main establishment' means the place of | place to the extent that the processor is subject to specific |
|--------------------------------------|---|---|---|
| | deal with and enforce the rules as | its central administration in the | obligations under this Regulation; |
| | set out in this Regulation; the | Union, and, if the processor has | |
| | location where effective and real | no central administration in the | |
| | management activities are | Union, the establishment of the | |
| | exercised determining the data | processor in the Union where the | |
| | processing through stable | main processing activities in the | |
| | arrangements; | context of the activities of an | |
| | | establishment of the processor | |
| | | take place to the extent that the | |
| | | processor is subject to specific | |
| | | obligations under this Regulation | |
| (19) 'supervisory authority' means a | (19) 'supervisory authority' means a | (19) 'supervisory authority' means | Consensus |
| public authority which is | public authority which is | a <i>n independent</i> public authority | (19) 'supervisory authority' means |
| established by a Member State in | established by a Member State in | which is established by a Member | an independent public authority |
| accordance with Article 46. | accordance with Article 46. | State in accordance with pursuant | which is established by a Member |
| | | to Article 46. | State pursuant to Article 46. |

| (19a) 'concerned supervisory | Tentative Agreement |
|-------------------------------------|-------------------------------------|
| authority' means a supervisory | |
| authority which is concerned by | 19a) "supervisory authority |
| the processing, because: | concerned" means a supervisory |
| a) the controller or processor is | authority which is concerned by |
| established on the territory of the | the processing, because: |
| Member State of that supervisory | a) the controller or processor is |
| authority; | established on the territory of the |
| b) data subjects residing in this | Member State of that supervisory |
| Member State are substantially | authority; |
| affected or likely to be | b) data subjects residing in this |
| substantially affected by the | Member State are substantially |
| processing; or | affected or likely to be |
| c) the underlying complaint has | substantially affected by the |
| been lodged to that supervisory | processing; or |
| authority. | c) a complaint has been lodged to |
| | that supervisory authority. |
| | |

(19b) "transnational processing of Tentative Agreement in trilogue personal data" means either: (a) processing which takes place (19b) "cross-border processing of personal data" means either: in the context of the activities of establishments in more than (a) processing which takes place in the context of the activities of one Member State of a establishments in more than one controller or a processor in the Union and the controller or Member State of a controller or a processor is established in processor in the Union and the more than one Member State; controller or processor is established in more than one or Member State; or (b) processing which takes place in the context of the activities (b) processing which takes place in of a single establishment of a the context of the activities of a controller or processor in the single establishment of a controller Union but which substantially or processor in the Union but affects or is likely to which substantially affects or is substantially affect data likely to substantially affect data subjects in more than one subjects in more than one Member

Member State.

State.

(19c) "relevant and reasoned objection" means: an objection as to whether there is an infringement of this Regulation or not, or, as the case may be, whether the envisaged action in relation to the controller or processor is in conformity with the Regulation. The objection shall clearly demonstrate the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and where applicable, the free flow of personal data.

Tentative Agreement in trilogue

(19c) "relevant and reasoned objection" means: an objection as to whether there is an infringement of this Regulation or not, or, as the case may be, whether the envisaged action in relation to the controller or processor is in conformity with the Regulation. The objection shall clearly demonstrate the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and where applicable, the free flow of personal data within the Union.

| CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES SECTION 1 INDEPENDENT STATUS Article 46 | CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES SECTION 1 INDEPENDENT STATUS Article 46 | CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES SECTION 1 INDEPENDENT STATUS Article 46 | CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES SECTION 1 INDEPENDENT STATUS Article 46 |
|---|---|---|--|
| Supervisory authority | Supervisory authority | Supervisory authority | Supervisory authority |
| 1. Each Member State shall provide that one or more public authorities are responsible for monitoring the application of this Regulation and for contributing to its consistent application throughout the Union, in order to protect the fundamental rights and freedoms of natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the Union. For these purposes, the supervisory authorities shall co-operate with each other and the Commission. | 1. Each Member State shall provide that one or more public authorities are responsible for monitoring the application of this Regulation and for contributing to its consistent application throughout the Union, in order to protect the fundamental rights and freedoms of natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the Union. For these purposes, the supervisory authorities shall co-operate with each other and the Commission. | 1. Each Member State shall provide that one or more <i>independent</i> public authorities are responsible for monitoring the application of this Regulation and for contributing to its consistent application throughout the Union, in order to protect the fundamental rights and freedoms of natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the Union. For these purposes, the supervisory authorities shall cooperate with each other and the Commission. | 1. Each Member State shall provide that one or more independent public authorities are responsible for monitoring the application of this Regulation, in order to protect the fundamental rights and freedoms of natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the Union. |

1a. Each supervisory authority Tentative Agreement in trilogue shall contribute to the consistent application of this Regulation 1a. Each supervisory authority shall throughout the Union. For this contribute to the consistent purpose, the supervisory application of this Regulation throughout the Union. For this authorities shall co-operate with purpose, the supervisory authorities each other and the Commission in accordance with Chapter VII. shall co-operate with each other and the Commission in accordance with Chapter VII. 2. Where in a Member State more 2. Where in a Member State more 2. Where in a Member State more Tentative Agreement in trilogue than one supervisory authority are than one supervisory authority are than one supervisory authority are established, that Member State shall established, that Member State shall established, that Member State 2. Where in a Member State more designate the supervisory authority designate the supervisory authority shall designate the supervisory than one supervisory authority are which functions as a single contact which functions as a single contact authority which functions as a established, that Member State point for the effective participation single contact point for the point for the effective participation shall designate the supervisory of those authorities in the European of those authorities in the European effective participation of shall authority which shall represent Data Protection Board and shall set Data Protection Board and shall set represent those authorities in the those authorities in the European out the mechanism to ensure out the mechanism to ensure European Data Protection Board Data Protection Board and shall set compliance by the other authorities compliance by the other authorities and shall set out the mechanism to out the mechanism to ensure with the rules relating to the with the rules relating to the ensure compliance by the other compliance by the other authorities consistency mechanism referred to consistency mechanism referred to authorities with the rules relating to with the rules relating to the in Article 57. consistency mechanism referred to in Article 57. the consistency mechanism referred to in Article 57. in Article 57.

- 3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.
- 3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.
- 3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.
- 3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

| Article 47 | Article 47 | Article 47 | Article 47 |
|--|--|--|--|
| Independence | Independence | Independence | <u>Independence</u> |
| | Amendment 145 | | |
| 1. The supervisory authority shall | 1. The supervisory authority shall | 1. The Each supervisory authority | Tentative Agreement in trilogue |
| act with complete independence in | act with complete independence in | shall act with complete | |
| exercising the duties and powers | exercising the duties and powers | independence in <i>performing the</i> | 1. Each supervisory authority shall |
| entrusted to it. | entrusted to it, notwithstanding co- | duties and exercising the duties | act with complete independence in |
| | operative and consistency | and powers entrusted to it <i>in</i> | performing the tasks and exercising |
| | arrangements related to Chapter | accordance with this Regulation. | the powers entrusted to it in |
| | VII of this Regulation. | | accordance with this Regulation. |
| 2. The members of the supervisory | 2. The members of the supervisory | 2. The <i>member or</i> members of the | Tentative Agreement in trilogue |
| authority shall, in the performance | authority shall, in the performance | each supervisory authority shall, in | |
| of their duties, neither seek nor take | of their duties, neither seek nor take | the performance of their duties <i>and</i> | 2. The member or members of each |
| instructions from anybody. | instructions from anybody. | exercise of their powers in | supervisory authority shall, in the |
| | | accordance with this Regulation, | performance of their tasks and |
| | | remain free from external influence, whether direct or | exercise of their powers in accordance with this Regulation, |
| | | indirect and neither seek nor take | remain free from external |
| | | instructions from anybody. | influence, whether direct or indirect |
| | | msu detions from any body. | and neither seek nor take |
| | | | instructions from anybody. |
| 3. Members of the supervisory | 3. Members of the supervisory | deleted | Tentative Agreement in trilogue |
| authority shall refrain from any | authority shall refrain from any | | |
| action incompatible with their | action incompatible with their | | 3. Members of the supervisory |
| duties and shall not, during their | duties and shall not, during their | | authority shall refrain from any |
| term of office, engage in any | term of office, engage in any | | action incompatible with their |
| incompatible occupation, whether | incompatible occupation, whether | | duties and shall not, during their |
| gainful or not. | gainful or not. | | term of office, engage in any |
| | | | incompatible occupation, whether |
| | | | gainful or not. |

| 4. Members of the supervisory authority shall behave, after their term of office, with integrity and discretion as regards the acceptance of appointments and benefits. | 4. Members of the supervisory authority shall behave, after their term of office, with integrity and discretion as regards the acceptance of appointments and benefits. | deleted | Tentative Agreement to delete on the condition to move "integrity" to recital 95 and to include a reference to "benefits" in Article 49(1(f)). |
|---|---|--|---|
| 5. Each Member State shall ensure that the supervisory authority is provided with the adequate human, technical and financial resources, premises and infrastructure necessary for the effective performance of its duties and powers, including those to be carried out in the context of mutual assistance, co-operation and participation in the European Data Protection Board. | 5. Each Member State shall ensure that the supervisory authority is provided with the adequate human, technical and financial resources, premises and infrastructure necessary for the effective performance of its duties and powers, including those to be carried out in the context of mutual assistance, co-operation and participation in the European Data Protection Board. | 5. Each Member State shall ensure that the each supervisory authority is provided with the adequate human, technical and financial resources, premises and infrastructure necessary for the effective performance of its duties and exercise of its powers, including those to be carried out in the context of mutual assistance, co-operation and participation in the European Data Protection Board. | 5. Each Member State shall ensure that each supervisory authority is provided with the human, technical and financial resources, premises and infrastructure necessary for the effective performance of its duties and exercise of its powers, including those to be carried out in the context of mutual assistance, co-operation and participation in the European Data Protection Board. |
| 6. Each Member State shall ensure that the supervisory authority has its own staff which shall be appointed by and be subject to the direction of the head of the supervisory authority. | 6. Each Member State shall ensure that the supervisory authority has its own staff which shall be appointed by and be subject to the direction of the head of the supervisory authority. | 6. Each Member State shall ensure that the each supervisory authority has its own staff which shall be appointed by and be subject to the direction of the member or members head of the supervisory authority. | 6. Each Member State shall ensure that each supervisory authority chooses and has its own staff which shall be subject to the exclusive direction of the member or members of the supervisory authority. |

| 7. Member States shall ensure that | 7. Member States shall ensure that | 7. Member States shall ensure that | Tentative Agreement in trilogue |
|--------------------------------------|--------------------------------------|---|------------------------------------|
| the supervisory authority is subject | the supervisory authority is subject | the each supervisory authority is | Temanive figreement in introgue |
| to financial control which shall not | to financial control which shall not | subject to financial control which | 7. Member States shall ensure that |
| affect its independence. Member | affect its independence. Member | shall not affect its independence. | each supervisory authority is |
| States shall ensure that the | States shall ensure that the | Member States shall ensure that | subject to financial control which |
| supervisory authority has separate | supervisory authority has separate | theeach supervisory authority has | shall not affect its independence. |
| annual budgets. The budgets shall | annual budgets. The budgets shall | separate, <i>public</i> , annual budgets, | Member States shall ensure that |
| be made public. | be made public. | which may be part of the overall | each supervisory authority has |
| | | state or national budget. The | separate, public, annual budgets, |
| | | budgets shall be made public. | which may be part of the overall |
| | | | state or national budget. |
| | Amendment 146 | | |
| | 7a. Each Member State shall | | |
| | ensure that the supervisory | | |
| | authority shall be accountable to | | |
| | the national parliament for | | |
| | reasons of budgetary control. | | |

| Article 48 | Article 48 | Article 48 | Article 48 |
|--|--|---|---|
| General conditions for the members of the supervisory authority | General conditions for the members of the supervisory authority | General conditions for the members of the supervisory authority | General conditions for the members of the supervisory authority |
| 1. Member States shall provide that the members of the supervisory authority must be appointed either by the parliament or the government of the Member State concerned. | 1. Member States shall provide that the members of the supervisory authority must be appointed either by the parliament or the government of the Member State concerned. | 1. Member States shall provide that the <i>member or</i> members of the <i>each</i> supervisory authority must be appointed either by the parliament and/or the government or head of State of the Member State concerned or by an independent body entrusted by Member State law with the appointment by means of a transparent procedure. | Council to re-consider 1. Member States shall provide that each member of a supervisory authority must be appointed by means of a transparent procedure either: - by the parliament; or - the government; or - the head of State [based on a proposal from the government or the parliament] of the Member State concerned; or - by an independent body entrusted by Member State law with the appointment. |
| 2. The members shall be chosen from persons whose independence is beyond doubt and whose experience and skills required to perform their duties notably in the area of protection of personal data are demonstrated. | 2. The members shall be chosen from persons whose independence is beyond doubt and whose experience and skills required to perform their duties notably in the area of protection of personal data are demonstrated. | 2. The <i>member or</i> members shall have the qualifications, be chosen from persons whose independence is beyond doubt and whose experience and skills required to perform their duties notably in the area of protection of personal data are demonstrated and exercise their powers. | Tentative Agreement in trilogue 2. The member or members shall have the qualifications, experience and skills, in particular in the area of protection of personal data, required to perform their duties and exercise their powers. |

| 3. The duties of a member shall end | 3. The duties of a member shall end | 3. The duties of a member shall end | Tentative Agreement in trilogue |
|---------------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| in the event of the expiry of the | in the event of the expiry of the | in the event of the expiry of the | |
| term of office, resignation or | term of office, resignation or | term of office, resignation or | 3. The duties of a member shall end |
| compulsory retirement in | compulsory retirement in | compulsory retirement in | in the event of the expiry of the |
| accordance with paragraph 5. | accordance with paragraph 5. | accordance with paragraph 5 the | term of office, resignation or |
| | | law of the Member State | compulsory retirement in |
| | | concerned. | accordance with the law of the |
| | | | Member State concerned. |
| 4. A member may be dismissed or | 4. A member may be dismissed or | deleted | To be redicussed at a later stage |
| deprived of the right to a pension or | deprived of the right to a pension or | ueteteu | _ |
| other benefits in its stead by the | other benefits in its stead by the | | |
| competent national court, if the | competent national court, if the | | |
| member no longer fulfils the | member no longer fulfils the | | |
| conditions required for the | conditions required for the | | |
| performance of the duties or is | performance of the duties or is | | |
| guilty of serious misconduct. | guilty of serious misconduct. | | |
| 5. Where the term of office expires | 5. Where the term of office expires | deleted | To be rediscussed at a later stage |
| or the member resigns, the member | or the member resigns, the member | ueieieu | _ |
| shall continue to exercise the duties | shall continue to exercise the duties | | |
| until a new member is appointed. | until a new member is appointed. | | |

| Article 49 | Article 49 | Article 49 | Article 49 |
|---|---|---|---|
| Rules on the establishment of the supervisory authority | Rules on the establishment of the supervisory authority | Rules on the establishment of the supervisory authority | Rules on the establishment of the supervisory authority |
| Each Member State shall provide | Each Member State shall provide | Each Member State shall provide | Tentative Agreement in trilogue |
| by law within the limits of this | by law within the limits of this | by law-within the limits of this | |
| Regulation: | Regulation: | Regulation-for: | Each Member State shall provide |
| | | | by law for: |
| (a) the establishment and status of | (a) the establishment and status of | (a) the establishment and status of | Tentative Agreement in trilogue |
| the supervisory authority; | the supervisory authority; | the each supervisory authority; | |
| | | | (a) the establishment of each |
| | | | supervisory authority; |
| (b) the qualifications, experience | (b) the qualifications, experience | (b) the qualifications , experience | Tentative Agreement in trilogue |
| and skills required to perform the | and skills required to perform the | and skills required to perform the | |
| duties of the members of the | duties of the members of the | duties of the members of the | (b) the qualifications and eligibility |
| supervisory authority; | supervisory authority; | supervisory authority; | conditions required to be appointed |
| | | | as member of each supervisory |
| | | | authority; |
| (c) the rules and procedures for the | (c) the rules and procedures for the | (c) the rules and procedures for the | Tentative Agreement in trilogue |
| appointment of the members of the | appointment of the members of the | appointment of the <i>member or</i> | |
| supervisory authority, as well the | supervisory authority, as well the | members of the each supervisory | (c) the rules and procedures for the |
| rules on actions or occupations | rules on actions or occupations | authority , as well the rules on | appointment of the members of |
| incompatible with the duties of the | incompatible with the duties of the | actions or occupations | each supervisory authority, |
| office; | office; | incompatible with the duties of the | |
| | | office; | |

| (d) the duration of the term of the members of the supervisory | (d) the duration of the term of the members of the supervisory | (d) the duration of the term of the <i>member or</i> members of the <i>each</i> | Tentative Agreement in trilogue |
|---|--|--|---|
| authority which shall be no less than four years, except for the first | authority which shall be no less than four years, except for the first | supervisory authority which shall not be no -less than four years, | d) the duration of the term of the member or members of each |
| appointment after entry into force of this Regulation, part of which | appointment after entry into force of this Regulation, part of which | except for the first appointment after entry into force of this | supervisory authority which shall not be less than four years, except |
| may take place for a shorter period where this is necessary to protect | may take place for a shorter period where this is necessary to protect | Regulation, part of which may take place for a shorter period where | for the first appointment after entry into force of this Regulation, part |
| the independence of the supervisory authority by means of a staggered | the independence of the supervisory authority by means of a staggered | this is necessary to protect the independence of the supervisory | of which may take place for a shorter period where this is |
| appointment procedure; | appointment procedure; | authority by means of a staggered | necessary to protect the |
| | | appointment procedure; | independence of the supervisory authority by means of a staggered |
| | | | appointment procedure; |
| (e) whether the members of the | (e) whether the members of the | (e) whether <i>and</i> , <i>if so</i> , <i>for how</i> | Tentative Agreement in trilogue |
| supervisory authority shall be | supervisory authority shall be | many terms the member or | |
| eligible for reappointment; | eligible for reappointment; | members of the each supervisory | (e) whether and, if so, for how |
| | | authority shall be eligible for | many terms the member or |
| | | reappointment; | members of each supervisory |
| | | | authority shall be eligible for reappointment; |
| (f) the regulations and common | (f) the regulations and common | (f) the regulations and common | Tentative Agreement in trilogue |
| conditions governing the duties of | conditions governing the duties of | conditions governing the | |
| the members and staff of the | the members and staff of the | duties obligations of the member or | (f) the conditions governing the |
| supervisory authority; | supervisory authority; | members and staff of the each | obligations of the member or |
| | | supervisory authority, <i>prohibitions</i> | members and staff of each |
| | | on actions and occupations | supervisory authority, prohibitions |
| | | incompatible therewith during and | on actions, occupations and |
| | | after the term of office and rules | benefits incompatible therewith |
| | | governing the cessation of | during and after the term of office |
| | | employment; | and rules governing the cessation |
| | \bigvee | | of employment. |

| (g) the rules and procedures on the termination of the duties of the members of the supervisory authority, including in case that they no longer fulfil the conditions required for the performance of their duties or if they are guilty of serious misconduct. | (g) the rules and procedures on the termination of the duties of the members of the supervisory authority, including in case that they no longer fulfil the conditions required for the performance of their duties or if they are guilty of serious misconduct. | deleted | deleted |
|--|--|--|--|
| | | 2. The member or members and the staff of each supervisory authority shall, in accordance with Union or Member State law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their duties or exercise of their powers. | 2. The member or members and the staff of each supervisory authority shall, in accordance with Union or Member State law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their duties or exercise of their powers. |

| Article 50 | Article 50 | Article 50 | Article 50 |
|---|--|----------------------|----------------------|
| Professional secrecy | Professional secrecy | Professional secrecy | Professional secrecy |
| | Amendment 147 | | |
| The members and the staff of the supervisory authority shall be subject, both during and after their term of office, to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties. | The members and the staff of the supervisory authority shall be subject, both during and after their term of office and in conformity with national legislation and practice, to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties, whilst conducting their duties with independence and transparency as set out in the Regulation. | deleted | deleted |

| SECTION 2 DUTIES COMPETENCE, TASKS AND POWERS Article 51 Competence | SECTION 2 COMPETENCE, TASKS AND POWERS Article 51 Competence | SECTION 2 COMPETENCE, TASKS AND POWERS Article 51 Competence | |
|---|--|--|--|
| • | Amendment 148 | • | |
| 1. Each supervisory authority shall exercise, on the territory of its own Member States, the powers conferred on it in accordance with this Regulation. | 1. Each supervisory authority shall be competent to perform the duties and to exercise on the territory of its own Member State the powers conferred on it in accordance with this Regulation on the territory of its own Member State, without prejudice to Articles 73 and 74. Data processing by a public authority shall be supervised only by the supervisory authority of that Member State. | 1. Each supervisory authority shall be competent to perform the tasks and exercise on the territory of its own Member State, the powers conferred on it in accordance with this Regulation on the territory of its own Member State. | 1. Each supervisory authority shall be competent to perform the tasks and exercise the powers conferred on it in accordance with this Regulation on the territory of its own Member State. |

| 2. Where the processing of personal | deleted | 2. Where the processing of personal | Tentative Agreement in trilogue |
|---------------------------------------|------------------------------------|---------------------------------------|--------------------------------------|
| data takes place in the context of | | data takes place in the context of | |
| the activities of an establishment of | | the activities of an establishment of | 2. Where the processing is carried |
| a controller or a processor in the | | a controller or a processor in the | out by public authorities or private |
| Union, and the controller or | | Union, and the controller or | bodies acting on the basis of points |
| processor is established in more | | processor is | (c) or (e) of Article 6(1), the |
| than one Member State, the | | established in more than one | supervisory authority of the |
| supervisory authority of the main | | Member State, the supervisory | Member State concerned shall be |
| establishment of the controller or | | authority of the main establishment | competent. In such cases Article |
| processor shall be competent for | | of the controller or processor shall | 51a does not apply. |
| the supervision of the processing | | be competent for the supervision of | |
| activities of the controller or the | | the processing activities of the | |
| processor in all Member States, | | controller or the processor in all | |
| without prejudice to the provisions | | Member States, without prejudice | |
| of Chapter VII of this Regulation. | | to the provisions of Chapter VII of | |
| | | this Regulation. is carried out by | |
| | | public authorities or private bodies | |
| | | acting on the basis of points (c) or | |
| | | (e) of Article 6(1), the supervisory | |
| | | authority of the Member State | |
| | | concerned shall be competent. In | |
| | | such cases Article 51a does not | |
| | | apply. | |
| 3. The supervisory authority shall | 3. The supervisory authority shall | 3. The sSupervisory authorityies | Tentative Agreement in trilogue |
| not be competent to supervise | not be competent to supervise | shall not be competent to supervise | |
| processing operations of courts | processing operations of courts | processing operations of courts | 3. Supervisory authorities shall not |
| acting in their judicial capacity. | acting in their judicial capacity. | acting in their judicial capacity. | be competent to supervise |
| | | | processing operations of courts |
| | | | acting in their judicial capacity. |

| Article 51a | Article 51a |
|---|---|
| Competence of the lead supervisory authority | Competence of the lead supervisory authority |
| 1. Without prejudice to Article 51, the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the transnational processing of this controller or processor in accordance with the procedure in Article 54a. | 1. Without prejudice to Article 51, the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the cross-border processing of this controller or processor in accordance with the procedure provided in Article 54a. |
| 2a. By derogation from paragraph 1, each supervisory authority shall be competent to deal with a complaint lodged with it or to deal with a possible infringement of this Regulation, if the subject matter relates only to an establishment in its Member State or substantially affects data subjects only in its Member State. | 2a. By derogation from paragraph 1, each supervisory authority shall be competent to deal with a complaint lodged with it or to deal with a possible infringement of this Regulation, if the subject matter relates only to an establishment in its Member State or substantially affects data subjects only in its Member State. |

| 2b. In the cases referred to in | Tentative Agreement in trilogue |
|--------------------------------------|--------------------------------------|
| paragraph 2a, the supervisory | |
| authority shall inform the lead | 2b. In the cases referred to in |
| supervisory authority without | paragraph 2a, the supervisory |
| delay on this matter. Within a | authority shall inform the lead |
| period of three weeks after being | supervisory authority without delay |
| informed the lead supervisory | on this matter. Within a period of |
| authority shall decide whether or | three weeks after being informed |
| not it will deal with the case in | the lead supervisory authority shall |
| accordance with the procedure | decide whether or not it will deal |
| provided in Article 54a, taking into | with the case in accordance with |
| account whether or not there is an | the procedure provided in Article |
| establishment of the controller or | 54a, taking into account whether or |
| processor in the Member State of | not there is an establishment of the |
| which the supervisory authority | controller or processor in the |
| informed it. | Member State of which the |
| | supervisory authority informed it. |
| 2c. Where the lead supervisory | Tentative Agreement in trilogue |
| authority decides to deal with the | |
| case, the procedure provided in | 2c. Where the lead supervisory |
| Article 54a shall apply. The | authority decides to deal with the |
| supervisory authority which | case, the procedure provided in |
| informed the lead supervisory | Article 54a shall apply. The |
| authority may submit to such | supervisory authority which |
| supervisory authority a draft for a | informed the lead supervisory |
| decision. The lead supervisory | authority may submit to such |
| authority shall take utmost | supervisory authority a draft for a |
| account of that draft when | decision. The lead supervisory |
| preparing the draft decision | authority shall take utmost account |
| referred to in paragraph 2 of | of that draft when preparing the |
| Article 54a. | draft decision referred to in |
| | paragraph 2 of Article 54a. |

| 2d. In case the lead supervisory | Tentative Agreement in trilogue |
|---------------------------------------|--|
| authority decides not to deal with | |
| it, the supervisory authority which | 2d. In case the lead supervisory |
| informed the lead supervisory | authority decides not to deal with it, |
| authority shall deal with the case | the supervisory authority which |
| according to Articles 55 and 56. | informed the lead supervisory |
| | authority shall deal with the case |
| | according to Articles 55 and 56. |
| 3. The lead supervisory authority | Tentative Agreement in trilogue |
| shall be the sole interlocutor of the | |
| controller or processor for their | 3. The lead supervisory authority |
| transnational processing. | shall be the sole interlocutor of the |
| | controller or processor for the |
| | cross-border processing of that |
| | controller or processor. |

| Article 52 | Article 52 | Article 52 | Article 52 |
|--|--|--|---|
| Duties | Duties | Tasks | Tasks |
| 1. The supervisory authority shall: | 1.The supervisory authority shall: | 1. The Without prejudice to other tasks set out under this | Tentative Agreement in trilogue |
| | | Regulation, each supervisory | 1. Without prejudice to other tasks |
| | | authority shall on its territory: | set out under this Regulation, each |
| | | | supervisory authority shall on its territory: |
| (a) monitor and ensure the application of this Regulation; | (a) monitor and ensure the application of this Regulation; | (a) monitor and ensure enforce the application of this Regulation; | Tentative Agreement in trilogue |
| | | | (a) monitor and enforce the application of this Regulation; |
| | | (aa) promote public awareness | Tentative Agreement in trilogue |
| | | and understanding of the risks, | |
| | | rules, safeguards and rights in | (aa) promote public awareness and |
| | | relation to the processing of | understanding of the risks, rules, |
| | | personal data. Activities addressed | safeguards and rights in relation to |
| | | specifically to children shall receive specific attention; | the processing of personal data. Activities addressed specifically to |
| | | receive specific unention; | children shall receive specific attention; |
| | | (ab) advise, in accordance with | Tentative Agreement in trilogue |
| | | national law, the national | |
| | | parliament, the government, and | (ab) advise, in accordance with |
| | | other institutions and bodies on | national law, the national |
| | | legislative and administrative | parliament, the government, and |
| | | measures relating to the protection | other institutions and bodies on |
| | | of individuals' rights and | legislative and administrative |
| | | freedoms with regard to the | measures relating to the protection |
| | | processing of personal data; | of individuals' rights and freedoms with regard to the processing of personal data; |

| | | (ac) promote the awareness of | Tentative Agreement in trilogue |
|-------------------------------------|-------------------------------------|--|---------------------------------------|
| | | controllers and processors of their | |
| | | obligations under this Regulation; | (ac) promote the awareness of |
| | | | controllers and processors of their |
| | | | obligations under this Regulation; |
| | | (ad) upon request, provide | Tentative Agreement in trilogue |
| | | information to any data subject | |
| | | concerning the exercise of their | (ad) upon request, provide |
| | | rights under this Regulation and, | information to any data subject |
| | | if appropriate, co-operate with the | concerning the exercise of their |
| | | supervisory authorities in other | rights under this Regulation and, if |
| | | Member States to this end; | appropriate, co-operate with the |
| | | | supervisory authorities in other |
| | | | Member States to this end; |
| (b) hear complaints lodged by any | (b) hear complaints lodged by any | (b) hear-deal with complaints | Tentative Agreement in trilogue |
| data subject, or by an association | data subject, or by an association | lodged by any a data subject, or | |
| representing that data subject in | representing that data subject in | body, organisation or by an | (b) deal with complaints lodged by |
| accordance with Article 73, | accordance with Article 73, | association representing that a data | a data subject, or by a body, |
| investigate to the extent | investigate to the extent | subject in accordance with Article | organisation or association in |
| appropriate, the matter and inform | appropriate, the matter and inform | 73, and investigate, to the extent | accordance with Article 76, and |
| the data subject or the association | the data subject or the association | appropriate, the <i>subject</i> matter <i>of</i> | investigate, to the extent |
| of the progress and the outcome of | of the progress and the outcome of | the complaint and inform the data | appropriate, the subject matter of |
| the complaint within a reasonable | the complaint within a reasonable | subject or the <i>body</i> , <i>organisation</i> | the complaint and inform the |
| period, in particular if further | period, in particular if further | or association of the progress and | complainant of the progress and the |
| investigation or coordination with | investigation or coordination with | the outcome of the complaint | outcome of the investigation within |
| another supervisory authority is | another supervisory authority is | <i>investigation</i> within a reasonable | a reasonable period, in particular if |
| necessary; | necessary; | period, in particular if further | further investigation or |
| | , <i>J</i> , | investigation or coordination with | coordination with another |
| | | another supervisory authority is | supervisory authority is necessary; |
| | | necessary; | baper risory administry to necessary, |

| (c) share information with and provide mutual assistance to other supervisory authorities and ensure the consistency of application and enforcement of this Regulation; | (c) share information with and provide mutual assistance to other supervisory authorities and ensure the consistency of application and enforcement of this Regulation; | (c) share cooperate with, including sharing information—with and provide mutual assistance to other supervisory authorities with a view to and ensure ensuring the consistency of application and enforcement of this Regulation; | Tentative Agreement in trilogue (c) cooperate with, including sharing information and provide mutual assistance to other supervisory authorities with a view to ensuring the consistency of application and enforcement of this Regulation; |
|---|---|--|--|
| (d) conduct investigations either on its own initiative or on the basis of a complaint or on request of another supervisory authority, and inform the data subject concerned, if the data subject has addressed a complaint to this supervisory authority, of the outcome of the investigations within a reasonable period; | (d) conduct investigations either on its own initiative or on the basis of a complaint or of specific and documented information received alleging unlawful processing or on request of another supervisory authority, and inform the data subject concerned, if the data subject has addressed a complaint to this supervisory authority, of the outcome of the investigations within a reasonable period; | (d) conduct investigations either on its own initiative or on the basis of a complaint or on request of another supervisory authority, and inform the data subject concerned, if the data subject has addressed a complaint to this on the application of this Regulation, including on the basis of information received from another supervisory authority, of the outcome of the investigations within a reasonable period or other public authority; | Tentative Agreement in trilogue (d) conduct investigations on the application of this Regulation, including on the basis of information received from another supervisory authority or other public authority; |
| (e) monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices; | (e) monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices; | (e) monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices; | (e) monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices; |

| (f) be consulted by Member State institutions and bodies on legislative and administrative measures relating to the protection of individuals' rights and freedoms with regard to the processing of personal data; | (f) be consulted by Member State institutions and bodies on legislative and administrative measures relating to the protection of individuals' rights and freedoms with regard to the processing of personal data; | (f) be consulted by Member State institutions and bodies on legislative and administrative measures relating to the protection of individuals' rights and freedoms with regard to the processing of personal data-adopt standard contractual clauses referred to in Article 26(2c); | Tentative Agreement in trilogue (f) adopt standard contractual clauses referred to in Article 26(2c) and 42(2)(c); |
|--|--|---|---|
| | | (fa) establish and make a list in relation to the requirement for data protection impact assessment pursuant to Article 33(2a); | (fa) establish and maintain a list in relation to the requirement for data protection impact assessment pursuant to Article 33(2a); |
| (g) authorise and be consulted on the processing operations referred to in Article 34; | (g) authorise and be consulted on the processing operations referred to in Article 34; | (g) authorise and be consulted give advice on the processing operations referred to in Article 34(3); | Tentative Agreement in trilogue (g) give advice on the processing operations referred to in Article 34(3); |
| | | (ga) encourage the drawing up of codes of conduct pursuant to Article 38 and give an opinion and approve such codes of conduct which provide sufficient safeguards, pursuant to Article 38 (2); | (ga) encourage the drawing up of codes of conduct pursuant to Article 38 and give an opinion and approve such codes of conduct which provide sufficient safeguards, pursuant to Article 38 (2); |

| | | (gb) promote the establishment of data protection certification mechanisms and of data protection seals and marks, and approve the criteria of certification pursuant to Article 39 (2a); | Tentative Agreement in trilogue (gb) encourage the establishment of data protection certification mechanisms and of data protection seals and marks pursuant to Article 39(1), [and approve the criteria of certification pursuant to Article 39 (2a)]; |
|---|---|--|--|
| | | (gc) where applicable, carry out a periodic review of certifications issued in accordance with Article 39(4); | (gc) where applicable, carry out a periodic review of certifications issued in accordance with Article 39(4); |
| (h) issue an opinion on the draft codes of conduct pursuant to Article 38(2); | (h) issue an opinion on the draft codes of conduct pursuant to Article 38(2); | (h) issue an opinion on the draft and publish the criteria for accreditation of a body for monitoring codes of conduct pursuant to Article 38(2)a and of a certification body pursuant to Article 39a; | Tentative Agreement in trilogue (h) draft and publish the criteria for accreditation of a body for monitoring codes of conduct pursuant to Article 38 a [and of a certification body pursuant to Article 39a]; |
| | | (ha) conduct the accreditation of a body for monitoring codes of conduct pursuant to Article 38a and of a certification body pursuant to Article 39a; | Tentative Agreement in trilogue (ha) conduct the accreditation of a body for monitoring codes of conduct pursuant to Article 38a [and of a certification body pursuant to Article 39a]; |

| | | (hb) authorise contractual clauses referred to in Article 42(2a)(a); | Tentative Agreement in trilogue (hb) authorise contractual clauses and provisions referred to in Article |
|--|--|---|--|
| | | | 42(2a); |
| (i) approve binding corporate rules pursuant to Article 43; | (i) approve binding corporate rules pursuant to Article 43; | (i) approve binding corporate rules pursuant to Article 43; | (i) approve binding corporate rules pursuant to Article 43; |
| (j) participate in the activities of the European Data Protection Board. | (j) participate in the activities of the European Data Protection Board. | (j) participate in contribute to the activities of the European Data | Tentative Agreement in trilogue |
| - | | Protection Board-; | (j) contribute to the activities of the European Data Protection Board; |
| | | | To be rediscussed at a later stage |
| | | | [(ja) to put in place effective mechanisms to encourage confidential reporting of breaches |
| | | | of this Regulation] |
| | | | To be rediscussed at a later stage |
| | | | (jb) to keep an internal record of breaches of this Regulation, warnings issued, sanctions imposed. |
| | | (k) fulfil any other tasks related to the protection of personal data. | Tentative Agreement in trilogue |
| | | | (k) fulfil any other tasks related to the protection of personal data. |

| | Amendment 152 | | |
|---|---|---------|---------|
| | (ja) certify controllers and | | |
| | processors pursuant to Article 39. | | |
| | Amendment 153 | | |
| 2. Each supervisory authority shall promote the awareness of the public on risks, rules, safeguards and rights in relation to the processing of personnal data. Activities addressed specifically to children shall receive specific attention. | 2. Each supervisory authority shall promote the awareness of the public on risks, rules, safeguards and rights in relation to the processing of personnal data and on appropriate measures for personal data protection. Activities addressed specifically to children shall receive specific attention. 2a. Each supervisory authority shall together with the European Data Protection Board promote the awareness for controllers and processors on risks, rules, safeguards and rights in relation to the processing of personnal data. This includes keeping a register of sanctions and breaches. The register should enrol both all warnings ans sanctions as detailed as possible and the resolving of breaches. Each supervisory authority shall provide micro, small and medium sized entreprise controllers and processors on | deleted | deleted |

| | request with general information on their responsabilities and obligations in accordance with this Regulation. | | |
|--|--|---|---|
| 3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if apropriate, co-operate with the supervisory authorities in other Member States to this end. | 3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if apropriate, eo-operate with the supervisory authorities in other Member States to this end. | deleted | deleted |
| 4. For complaints referred to in | 4. For complaints referred to in | 4. For Each supervisory authority | Tentative Agreement in trilogue |
| point (b) of paragraph 1, the supervisory authority shall provide a complaint submission form, which can be completed also electronically, without excluding other means of communication. | point (b) of paragraph 1, the supervisory authority shall provide a complaint submission form, which can be completed also electronically, without excluding other means of communication. | shall facilitate the submission of complaints referred to in point (b) of paragraph 1, the supervisory authority shall provide a by measures such as providing a complaint submission form, which can be completed also electronically, without excluding other means of communication. | 4. Each supervisory authority shall facilitate the submission of complaints referred to in point (b) of paragraph 1, by measures including providing a complaint submission form, which can be completed also electronically, without excluding other means of communication. |
| 5. The performance of the duties of the supervisory authority shall be free of charge for the data subject. | 5. The performance of the duties of the supervisory authority shall be free of charge for the data subject. | 5. The performance of the dutiestasks of the each supervisory authority shall be free of charge for the data subject and for the data protection officer, if any. | 5. The performance of the tasks of each supervisory authority shall be free of charge for the data subject and for the data protection officer, if any. |

| 6. Where requests are manifestly | 6. Where requests are manifestly | 6. Where requests are manifestly | Tentative Agreement in trilogue |
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| excessive, in particular due to their repetitive character, the supervisory authority may charge a fee or not take the action requested by the data subject. The supervisory authority shall bear the burden of proving the manifestly excessive character of the request. | excessive, in particular due to their repetitive character, the supervisory authority may charge a <i>reasonable</i> fee or not take the action requested by the data subject. <i>Such a fee shall not exceed the costs of taking the action requested.</i> The supervisory authority shall bear the burden of proving the manifestly excessive character of the request. | unfounded or excessive, in particular due to because of their repetitive character, the supervisory authority may charge a fee or not take the action requested by the data subject refuse to act on the request. The supervisory authority shall bear the burden of proving demonstrating the manifestly unfounded or excessive character | 6. Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, the supervisory authority may refuse to act on the request. The supervisory authority shall bear the burden of demonstrating the manifestly unfounded or excessive character |
| | 1 | of the request. | of the request. |
| Article 53 | Article 53 | Article 53 | Article 53 |
| Powers | Powers | Powers | Powers |
| 1. Each supervisory authority shall | 1. Each supervisory authority shall, | 1. Each <i>Member State shall</i> | To be rediscussed at a later stage |
| have the power: | in line with this Regulation, have | provide by law that its supervisory | _ |
| | the power: | authority shall have <i>at least</i> the | 1. Each [Member State shall |
| | | following investigative powers: | provide by law that its] supervisory |
| | | | authority shall have [at least] the |
| | | | following investigative powers: |

| (a) to notify the controller or the processor of an alleged breach of the provisions governing the processing of personal data, and, where appropriate, order the controller or the processor to remedy that breach, in a specific manner, in order to improve the protection of the data subject; | (a) to notify the controller or the processor of an alleged breach of the provisions governing the processing of personal data, and, where appropriate, order the controller or the processor to remedy that breach, in a specific manner, in order to improve the protection of the data subject, or to order the controller to communicate a personal data | (a) to notify-order the controller or and the processor of an alleged breach of the provisions governing the processing of personal data, and, where appropriate applicable, order the controller's or the processor to remedy that breach, in a specific manner, in order to improve the protection of the data subject-representative to provide any information it requires for the | (a) to order the controller and the processor, and, where applicable, the controller's or the processor's representative to provide any information it requires for the performance of its tasks; |
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| | breach to the data subject; | performance of its tasks; (aa) to carry out investigations in the form of data protection audits; (ab) to carry out a review on certifications issued pursuant to Article 39(4); | Tentative agreement in trilogue (aa) to carry out investigations in the form of data protection audits; Tentative agreement in trilogue (ab) to carry out a review on certifications issued pursuant to Article 39(4); |
| (b) to order the controller or the processor to comply with the data subject's requests to exercise the rights provided by this Regulation; (c) to order the controller and the processor, and, where applicable, the representative to provide any information relevant for the performance of its duties; | (b) to order the controller or the processor to comply with the data subject's requests to exercise the rights provided by this Regulation; (c) to order the controller and the processor, and, where applicable, the representative to provide any information relevant for the performance of its duties; | deleted | deleted |

| (d) to ensure the compliance with prior authorisations and prior | (d) to ensure the compliance with prior authorisations and prior | (d) to ensure <i>notify</i> the compliance with prior authorisations and prior | Tentative agreement in trilogue |
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| consultations referred to in Article | consultations referred to in Article | consultations referred to in Article | (d) to notify the controller or the |
| 34; | 34; | 34 controller or the processor of | processor of an alleged infringment |
| | | an alleged infringment of this | of this Regulation; |
| | | Regulation; | |
| | | (da) to obtain, from the controller | Tentative agreement in trilogue |
| | | and the processor, access to all | |
| | | personal data and to all | (da) to obtain, from the controller |
| | | information necessary for the | and the processor, access to all |
| | | performance of its tasks; | personal data and to all information |
| | | | necessary for the performance of its |
| | | | tasks; |
| | | (db) to obtain access to any | Tentative agreement in trilogue |
| | | premises of the controller and the | |
| | | processor, including to any data | (db) to obtain access to any |
| | | processing equipment and means, | premises of the controller and the |
| | | in conformity with Union law or | processor, including to any data |
| | | Member State procedural law. | processing equipment and means, |
| | | | in conformity with Union law or |
| | | | Member State procedural law. |
| | | 1b. Each Member State shall | To be rediscussed at a later stage |
| | | provide by law that its supervisory | |
| | | authority shall have the following | 1b. Each [Member State shall |
| | | corrective powers: | provide by law that its] supervisory |
| | | | authority shall have the following corrective powers: |

| (a) to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation; | Tentative agreement in trilogue (a) to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation; |
|--|--|
| (b) to issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation; | (b) to issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation; |
| (ca) to order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation | Tentative agreement in trilogue (ca) to order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation; |

| | | (d) to order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period; in particular by ordering the rectification, restriction or erasure of data pursuant to Articles 16, 17 and 17a and the notification of such actions to recipients to whom the data have been disclosed pursuant to Articles 17(2a) and 17b; | (d) to order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period; |
|--|--|--|---|
| | | | Tentative agreement in trilogue (da) to order the controller to communicate a personal data breach to the data subject; |
| (e) to warn or admonish the controller or the processor; | (e) to warn or admonish the controller or the processor; | (e) to impose a temporary or definitive limitation on processing; | e) to impose a temporary or definitive limitation including a ban on processing; |

| (f) to order the rectification, erasure or destruction of all data when they have been processed in breach of the provisions of this Regulation and the notification of such actions to third parties to whom the data have been disclosed; | (f) to order the rectification, erasure or destruction of all data when they have been processed in breach of the provisions of this Regulation and the notification of such actions to third parties to whom the data have been disclosed; | (f) deleted → moved to (d) | (f) to order the rectification, restriction or erasure of data pursuant to Articles 16, 17 and 17a and the notification of such actions to recipients to whom the data have been disclosed pursuant to Articles 17(2a) and 17b; |
|---|---|--|--|
| (g) to impose a temporary or definitive ban on processing; | (g) to impose a temporary or definitive ban on processing; | (g) to impose a temporary or definitive ban on processing; an administrative fine pursuant to Articles 79 and 79a, in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case. | Tentative agreement in trilogue (g) to impose an administrative fine pursuant to Articles 79 [and 79a], in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case. |
| (h) to suspend data flows to a recipient in a third country or to an international organisation; | (h) to suspend data flows to a recipient in a third country or to an international organisation; | (h) to <i>order the</i> suspend suspension of data flows to a recipient in a third country or to an international organisation; | Tentative agreement in trilogue (h) to order the suspension of data flows to a recipient in a third country or to an international organisation; |
| (i) to issue opinions on any issue related to the protection of personal data; | (i) to issue opinions on any issue related to the protection of personal data; (ia) to certify controllers and processors pursuant to Article 39; | deleted | |

| (j) to inform the national parliament, the government or other political institutions as well as the public on any issue related to the protection of personal data. | (j) to inform the national parliament, the government or other political institutions as well as the public on any issue related to the protection of personal data. | deleted | |
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| | (ja) to put in place effective mechanisms to encourage confidential reporting of breaches of this Regulation, taking into account guidance issued by the European Data Protection Board pursuant to Article 66(4b). | | |
| | | 1c. Each Member State shall provide by law that its supervisory authority shall have the following | To be rediscussed at a later stage 1c. Each [Member State shall provide by law that its] supervisory |
| | | authorisation and advisory powers: | authority shall have the following authorisation and advisory powers: |
| | | (a) to advise the controller in accordance with the prior | Tentative agreement in trilogue |
| | | consultation procedure referred to in Article 34; | (a) to advise the controller in accordance with the prior consultation procedure referred to in Article 34; |

| (aa) to issue, on its own initiative | Tentative agreement in trilogue |
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| or on request, opinions to the | |
| national parliament, the Member | (aa) to issue, on its own initiative or |
| State government or, in | on request, opinions to the national |
| accordance with national law, to | parliament, the Member State |
| other institutions and bodies as | government or, in accordance with |
| well as to the public on any issue | national law, to other institutions |
| related to the protection of | and bodies as well as to the public |
| personal data; | on any issue related to the |
| | protection of personal data; |
| (ab) to authorise processing | Tentative agreement in trilogue |
| referred to in Article 34(7a), if the | |
| law of the Member State requires | (ab) to authorise processing |
| such prior authorisation; | referred to in Article 34(7a), if the |
| | law of the Member State requires |
| | such prior authorisation; |
| (ac) to issue an opinion and | Tentative agreement in trilogue |
| approve draft codes of conduct | |
| pursuant to Article 38(2); | (ac) to issue an opinion and |
| | approve draft codes of conduct |
| | pursuant to Article 38(2); |
| (ad) to accredit certification bodies | Tentative agreement in trilogue |
| under the terms of Article 39a; | |
| | [(ad) to accredit certification bodies |
| | under the terms of Article 39a;] |
| (ae) to issue certifications and | Tentative agreement in trilogue |
| approve criteria of certification in | |
| accordance with Article 39(2a); | (ae) to issue certifications [and |
| | approve criteria of certification] in |
| | accordance with Article 39(2a); |

| | | (b) to adopt standard data protection clauses referred to in point (c) of Article 42(2); (c) to authorise contractual | (b) to adopt standard data protection clauses referred to in point (c) of Article 42(2); Tentative agreement in trilogue |
|--|---|--|--|
| | | clauses referred to in point (a) of Article 42(2a); | (c) to authorise contractual clauses referred to in point (a) of Article 42(2a); |
| | | (ca) to authorise administrative agreements referred to in point (d) of Article 42 (2a); | Tentative agreement in trilogue (ca) to authorise administrative agreements referred to in point (d) of Article 42 (2a); |
| | | (d) to approve binding corporate rules pursuant to Article 43. | (d) to approve binding corporate rules pursuant to Article 43. |
| 2. Each supervisory authority shall have the investigative power to obtain from the controller or the processor: | 2. Each supervisory authority shall have the investigative power to obtain from the controller or the processor without prior notice: | 2. Each supervisory authority shall have the investigative power to obtain from the controller or the processor: The exercise of the powers conferred on the supervisory authority pursuant to this Article shall be subject to appropriate safeguards, including effective judicial remedy and due process, set out in Union and Member State law in accordance with the Charter of Fundamental Rights of the European Union. | 2. The exercise of the powers conferred on the supervisory authority pursuant to this Article shall be subject to appropriate safeguards, including effective judicial remedy and due process, set out in Union and Member State law in accordance with the Charter of Fundamental Rights of the European Union. |

| (a) access to all personal data and | (a) access to all personal data and | deleted | |
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| to all information necessary for the | to all documents and information | | |
| performance of its duties; | necessary for the performance of its | | |
| | duties; | | |
| (b) access to any of its premises, | (b) access to any of its premises, | deleted | |
| including to any data processing | including to any data processing | | |
| equipment and means, where there | equipment and means, where there | | |
| are reasonable grounds for | are reasonable grounds for | | |
| presuming that an activity in | presuming that an activity in | | |
| violation of this Regulation is being | violation of this Regulation is being | | |
| carried out there. | carried out there. | | |
| The powers referred to in point (b) | The powers referred to in point (b) | deleted | |
| shall be exercised in conformity | shall be exercised in conformity | | |
| with Union law and Member State | with Union law and Member State | | |
| law. | law. | | |
| 3. Each supervisory authority shall | 3. Each supervisory authority shall | 3. Each <i>Member State shall</i> | To be rediscussed at a later stage |
| have the power to bring violations | have the power to bring violations | provide by law that its supervisory | |
| of this Regulation to the attention | of this Regulation to the attention | authority shall have the power to | 3. Each [Member State shall |
| of the judicial authorities and to | of the judicial authorities and to | bring violations infringements of | provide by law that its] supervisory |
| engage in legal proceedings, in | engage in legal proceedings, in | this Regulation to the attention of | authority shall have the power to |
| particular pursuant to Article 74(4) | particular pursuant to Article 74(4) | the judicial authorities and where | bring infringements of this |
| and Article 75(2). | and Article 75(2). | appropriate, to commence or | Regulation to the attention of the |
| | | engage <i>otherwise</i> in legal | judicial authorities and where |
| | | proceedings, in particular pursuant | appropriate, to commence or |
| | | to Article 74(4) and Article 75(2), | engage otherwise in legal |
| | | in order to enforce the provisions | proceedings, in order to enforce the |
| | | of this Regulation. | provisions of this Regulation. |

| 4. Each supervisory authority shall | 4. Each supervisory authority shall | deleted | |
|-------------------------------------|-------------------------------------|---------|--|
| have the power to sanction | have the power to sanction | | |
| administrative offences, in | administrative offences, in | | |
| particular those referred to in | particular those referred to in | | |
| Article 79(4), (5) and (6). | accordance with Article 79(4), (5) | | |
| | and (6). This power shall be | | |
| | exercised in an effective, | | |
| | proportionate and dissuasive | | |
| | manner. | | |

| Article 54 | Article 54 | Article 54 | Article 54 |
|--------------------------------------|---|--|--------------------------------------|
| Activity report | Activity report | Activity report | Activity report |
| | Amendment 157 | | |
| Each supervisory authority must | Each supervisory authority must | Each supervisory authority must | Tentative Agreement in trilogue |
| draw up an annual report on its | draw up an annual <i>a</i> report on its | shall draw up an annual report on | |
| activities. The report shall be | activities at least every two years. | its activities. The report shall be | Each supervisory authority shall |
| presented to the national parliament | The report shall be presented to the | presented transmitted to the | draw up an annual report on its |
| and shall be made be available to | national respective parliament and | national pP arliament, the | activities, which may include a list |
| the public, the Commission and the | shall be made be available to the | government and other authorities | of types of notified breaches and |
| European Data Protection Board. | public, the Commission and the | as designated by national law. and | types of imposed sanctions. The |
| | European Data Protection Board. | It shall be made be available to the | report shall be transmitted to the |
| | | public, the <i>European</i> Commission | national Parliament, the |
| | | and the European Data Protection | government and other authorities as |
| | | Board. | designated by national law. It shall |
| | | | be made available to the public, the |
| | | | Commission and the European |
| | | | Data Protection Board. |

| Amendment 157 Article 54a (new) Lead Authority 1. Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union, and the controller or processor is established in more than one Member State, or where personal data of the residents of several Member States are processed, the supervisory authority of the main establishment of the controller or | |
|--|--|
| Lead Authority 1. Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union, and the controller or processor is established in more than one Member State, or where personal data of the residents of several Member States are processed, the supervisory authority of the main | |
| 1. Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union, and the controller or processor is established in more than one Member State, or where personal data of the residents of several Member States are processed, the supervisory authority of the main | |
| personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union, and the controller or processor is established in more than one Member State, or where personal data of the residents of several Member States are processed, the supervisory authority of the main | |
| processor shall act as the lead authority responsible for the supervision of the processing activities of the controller or the processor in all Member States, in accordance with the provisions of Chapter VII of this Regulation. | |

2. The lead supervisory authority shall take appropriate measures for the supervision of the processing activities of the controller or processor for which it is responsible only after consulting all other competent supervisory authorities within the meaning of paragraph 1 of Article 51(1) in an endeavour to reach a consensus. For that purpose it shall in particular submit any relevant information and consult the other authorities before it adopts a measure intended to produce legal effects vis-à-vis a controller or a processor within the meaning of paragraph 1 of Article 51(1). The lead authority shall take the utmost account of the opinions of the authorities involved. The lead authority shall be the sole authority empowered to decide on measures intended to produce legal effects as regards the processing activities of the controller or processor for which it is responsible

| The European Data Protection | | |
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| oard shall, at the request of a | | |
| ompetent supervisory authority, | | |
| sue an opinion on the | | |
| lentification of the lead authority | | |
| esponsible for a controller or | | |
| rocessor, in cases where: | | |
| u) it is unclear from the facts of | | |
| ne case where the main | | |
| stablishment of the controller or | | |
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| uthority; or | | |
| e) the controller is not established | | |
| the Union, and residents of | | |
| ifferent Member States are | | |
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| a. Where the controller exercises | | |
| lso activities as a processor, the | | |
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| ipervision of processing | | |
| ctivities. | | |
| The European Data Protection | | |
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| lentification of the lead authority. | | |
| | oard shall, at the request of a competent supervisory authority, sue an opinion on the lentification of the lead authority esponsible for a controller or rocessor, in cases where: a) it is unclear from the facts of the case where the main stablishment of the controller or rocessor is located; or b) the competent authorities do not agree on which supervisory authority shall act as lead authority; or c) the controller is not established at the Union, and residents of effected by processing operations ithin the scope of this regulation. a. Where the controller exercises as a processor, the apervisory authority of the main stablishment of the controller itall act as lead authority for the apervision of processing ctivities. The European Data Protection oard may decide on the | coard shall, at the request of a competent supervisory authority, sue an opinion on the lentification of the lead authority esponsible for a controller or rocessor, in cases where: (a) it is unclear from the facts of the case where the main stablishment of the controller or rocessor is located; or (b) the competent authorities do contagree on which supervisory authority shall act as lead authority; or (c) the controller is not established the Union, and residents of ifferent Member States are (ffected by processing operations ithin the scope of this egulation. (a) Where the controller exercises are an authority of the main stablishment of the controller the main stablishment of the controller the controller thall act as lead authority for the apervision of processing civities. The European Data Protection coard may decide on the |

| CHAPTER VII CO-OPERATION AND | CHAPTER VII CO-OPERATION AND |
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| CONSISTENCY SECTION 1 CO-OPERATION | CONSISTENCY SECTION 1 CO-OPERATION |
| Article 54a Cooperation between the lead supervisory authority and other concerned supervisory authorities | Article 54a Cooperation between the lead supervisory authority and other concerned supervisory authorities |
| 1. The lead supervisory authority shall cooperate with the other concerned supervisory authorities in accordance with this article in an endeavour to reach consensus. The lead supervisory authority and the concerned supervisory authorities shall exchange all relevant information with each other. | Tentative Agreement in trilogue 1. The lead supervisory authority shall cooperate with the other concerned supervisory authorities in accordance with this article in an endeavour to reach consensus. The lead supervisory authority and the concerned supervisory authorities shall exchange all relevant information with each other. |

| 1a. The lead supervisory | Tentative Agreement in trilogue |
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| authority may request at any time | |
| other concerned supervisory | 1a. The lead supervisory |
| authorities to provide mutual | authority may request at any time |
| assistance pursuant to Article 55 | other concerned supervisory |
| and may conduct joint operations | authorities to provide mutual |
| pursuant to Article 56, in particular | assistance pursuant to Article 55 |
| for carrying out investigations or | and may conduct joint operations |
| for monitoring the implementation | pursuant to Article 56, in particular |
| of a measure concerning a | for carrying out investigations or |
| controller or processor established | for monitoring the implementation |
| in another Member State. | of a measure concerning a |
| | controller or processor established |
| | in another Member State. |
| 2. The lead supervisory authority | To be rediscussed at a later stage |
| shall, without delay communicate | |
| the relevant information on the | 2. The lead supervisory authority |
| matter to the other concerned | shall, without delay communicate |
| supervisory authorities. It shall | the relevant information on the |
| without delay submit a draft | matter to the other concerned |
| decision to the other concerned | supervisory authorities. It shall |
| supervisory authorities for their | without delay submit a draft |
| opinion and take due account of | decision to the other concerned |
| their views. | supervisory authorities for their |
| | opinion and take [due/utmost] |
| | account of their views. |

| 3. Where any of the other | Tentative Agreement in trilogue |
|---------------------------------------|---------------------------------------|
| concerned supervisory authorities | |
| within a period of four weeks after | 3. Where any of the other |
| having been consulted in | concerned supervisory authorities |
| accordance with paragraph 2, | within a period of four weeks after |
| expresses a relevant and reasoned | having been consulted in |
| objection to the draft decision, the | accordance with paragraph 2, |
| lead supervisory authority shall, if | expresses a relevant and reasoned |
| it does not follow the objection or | objection to the draft decision, the |
| is of the opinion it is not relevant | lead supervisory authority shall, if |
| and reasoned, submit the matter to | it does not follow the objection or |
| the consistency mechanism referred | is of the opinion it is not relevant |
| to in Article 57. | and reasoned, submit the matter to |
| | the consistency mechanism referred |
| | to in Article 57. |
| 3a. Where the lead supervisory | Tentative Agreement in trilogue |
| authority intends to follow the | |
| objection made, it shall submit to | 3a. Where the lead supervisory |
| the other concerned supervisory | authority intends to follow the |
| authorities a revised draft decision | objection made, it shall submit to |
| for their opinion. This revised draft | the other concerned supervisory |
| decision shall be subject to the | authorities a revised draft decision |
| procedure referred to in paragraph | for their opinion. This revised draft |
| 3 within a period of two weeks. | decision shall be subject to the |
| | procedure referred to in paragraph |
| | 3 within a period of two weeks. |

| 4. Where none of the other | Tentative Agreement in trilogue |
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| concerned supervisory authority has objected to the draft decision | 4. Where none of the other |
| submitted by the lead supervisory authority within the period referred to in paragraphs 3 and 3a, the lead supervisory authority and the concerned supervisory authorities shall be deemed to be in agreement with this draft decision and shall be bound by it. | concerned supervisory authority has objected to the draft decision submitted by the lead supervisory authority within the period referred to in paragraphs 3 and 3a, the lead supervisory authority and the |
| | bound by it. |
| 4a. The lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the controller or processor, as the case may be and inform the other concerned supervisory authorities and the European Data Protection Board of the decision in question including a summary of the relevant facts and grounds. The supervisory authority | Tentative Agreement in trilogue 4a. The lead supervisory authority shall adopt and notify the decision to the main establishment or single establishment of the controller or processor, as the case may be and inform the other concerned |
| to which a complaint has been lodged shall inform the complainant on the decision. | summary of the relevant facts and grounds. The supervisory authority to which a complaint has been lodged shall inform the complainant on the decision. |

| 4b. By derogation from 4a, where a complaint or rejected, the superv authority to which the was lodged shall adopt and notify it to the conshall inform the control | is dismissed isory complaint the decision applainant and 4b. By derogation from paragraph 4a, where a complaint is dismissed or rejected, the supervisory authority to which the complaint |
|--|--|
| 4bb. Where the lead so authority and the conc supervisory authorities agreement to dismiss of a complaint and to a parts of that complaint decision shall be adopt of those parts of the magnetic lead supervisory authorities adopt the decision for concerning actions in a controller and notify it establishment or single establishment of the comprocessor on the territies of the complainant thereof, where the part is a supervisory authority of the part confidence in the part of the part of dismissal or rejection of the part of dismissal or rejection of the part of dismissal or rejection of the part of the part of dismissal or rejection o | remed sare in or reject parts act on other atter. The rity shall the part relation to the to the main or roy of its Inform the or of the concerning and the concerned supervisory authorities are in agreement to dismiss or reject parts of a complaint and to act on other parts of that complaint, a separate decision shall be adopted for each of those parts of the matter. The lead supervisory authority shall adopt the decision for the part concerning actions in relation to the controller or ory of its Il inform the while the of the oncerning Tentative Agreement in trilogue 4bb. Where the lead supervisory authorities are in agreement to dismiss or reject parts of a complaint and to act on other parts of that complaint, a separate decision shall be adopted for each of those parts of the matter. The lead supervisory authority shall adopt the decision for the part concerning actions in relation to the controller and notify it to the main establishment or single establishment of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the supervisory authority of the |

| complaint and notify it on that complainant and shall inform the | decision for the part concerning dismissal or rejection of that |
|---|---|
| controller or processor thereof. | complaint and notify it on that complainant and shall inform the controller or processor thereof. |
| 4c. After being notified of the decision of the lead supervisory authority pursuant to paragraph 4a | Tentative Agreement in trilogue 4c. After being notified of the |
| and 4bb, the controller or processor shall take the necessary measures to ensure compliance with the | decision of the lead supervisory authority pursuant to paragraph 4a and 4bb, the controller or processor |
| decision as regards the processing activities in the context of all its establishments in the Union. The | shall take the necessary measures to ensure compliance with the decision as regards the processing |
| controller or processor shall notify the measures taken for complying with the decision to the lead | activities in the context of all its establishments in the Union. The controller or processor shall notify |
| supervisory authority, which shall inform the other concerned supervisory authorities. | the measures taken for complying with the decision to the lead supervisory authority, which shall inform the other concerned supervisory authorities. |
| 4d. Where, in exceptional circumstances, a concerned | Tentative Agreement in trilogue |
| supervisory authority has reasons to consider that there is an urgent | 4d. Where, in exceptional circumstances, a concerned |
| need to act in order to protect the interests of data subjects, the | supervisory authority has reasons to consider that there is an urgent |
| urgency procedure referred to in Article 61 shall apply. | need to act in order to protect the interests of data subjects, the urgency procedure referred to in Article 61 shall apply. |

| 5. The lead supervisory authority | Tentative Agreement in trilogue |
|--------------------------------------|--------------------------------------|
| and the other concerned | |
| supervisory authorities shall supply | 5. The lead supervisory authority |
| the information required under this | and the other concerned |
| Article to each other by electronic | supervisory authorities shall supply |
| means, using a standardised format. | the information required under this |
| | Article to each other by electronic |
| | means, using a standardised format. |

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- 2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the course of an investigation or enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.
- 3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only in respect of the matter for which it was requested.
- 2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the course of an investigation or enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.
- 3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only in respect of the matter for which it was requested.
- 2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without *undue* delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the course *conduct* of an investigation-or enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.
- 3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only in respect of the matter for the purpose for which it was requested.

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2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without undue delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the conduct of an investigation.

Tentative agreement in trilogue

3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only for the purpose for which it was requested.

| 4. A supervisory authority to which a request for assistance is | 4. A supervisory authority to which a request for assistance is | 4. A supervisory authority to which a request for assistance is | Tentative agreement in trilogue |
|---|---|--|---|
| addressed may not refuse to comply with it unless: | addressed may not refuse to comply with it unless: | addressed may not refuse to comply with it unless: | 4. A supervisory authority to which a request for assistance is addressed may not refuse to comply with it unless: |
| (a) it is not competent for the request; or | (a) it is not competent for the request; or | (a) it is not competent for the subject-matter of the request or for the measures it is requested to execute; or | (a) it is not competent for the subject-matter of the request or for the measures it is requested to execute; or |
| (b) compliance with the request would be incompatible with the provisions of this Regulation. | (b) compliance with the request would be incompatible with the provisions of this Regulation. | (b) compliance with the request would be incompatible with the provisions of this Regulation or with Union or Member State law to which the supervisory authority receiving the request is subject. | Tentative agreement to further clarify in a recital (b) compliance with the request would be incompatible with the provisions of this Regulation or with Union or Member State law to which the supervisory authority receiving the request is subject. |
| 5. The requested supervisory authority shall inform the requesting supervisory authority of the results or, as the case may be, of the progress or the measures taken in order to meet the request by the requesting supervisory authority. | 5. The requested supervisory authority shall inform the requesting supervisory authority of the results or, as the case may be, of the progress or the measures taken in order to meet the request by the requesting supervisory authority. | 5. The requested supervisory authority shall inform the requesting supervisory authority of the results or, as the case may be, of the progress or the measures taken in order to meet respond to the request by the requesting supervisory authority. In cases of a refusal under paragraph 4, it shall explain its reasons for refusing the request. | 5. The requested supervisory authority shall inform the requesting supervisory authority of the results or, as the case may be, of the progress or the measures taken in order to respond to the request. In cases of a refusal under paragraph 4, it shall explain its reasons for refusing the request. |

| 6. Supervisory authorities shall supply the information requested | 6. Supervisory authorities shall supply the information requested | 6. Supervisory authorities shall, <i>as a rule</i> , supply the information | Tentative agreement in trilogue |
|---|---|---|--------------------------------------|
| by other supervisory authorities by | by other supervisory authorities by | requested by other supervisory | 6. Supervisory authorities shall, as |
| electronic means and within the | electronic means and within the | authorities by electronic means and | a rule, supply the information |
| shortest possible period of time, | shortest possible period of time, | within the shortest possible period | requested by other supervisory |
| using a standardised format. | using a standardised format. | of time, using a standardised | authorities by electronic means, |
| | | format. | using a standardised format. |
| | | Amendment 160 | |
| 7. No fee shall be charged for any | 7. No fee shall be charged <i>to the</i> | 7. No fee shall be charged for any | Tentative agreement in trilogue |
| action taken following a request for | | action taken following a request for | |
| mutual assistance. | for any action taken following a | mutual assistance. Supervisory | 7. No fee shall be charged for any |
| | request for mutual assistance. | authorities may agree with other | action taken following a request for |
| | | supervisory authorities rules for | mutual assistance. Supervisory |
| | | indemnification by other | authorities may agree with other |
| | | supervisory authorities for specific | supervisory authorities rules for |
| | | expenditure arising from the | indemnification by other |
| | | provision of mutual assistance in | supervisory authorities for specific |
| | | exceptional circumstances. | expenditure arising from the |
| | | | provision of mutual assistance in |
| | | | exceptional circumstances. |

Amendment 161 8. Where a supervisory authority 8. Where a supervisory authority 8. Where a supervisory authority Tentative agreement in trilogue does not act within one month on does not act within one month on does not act provide the request of another supervisory request of another supervisory information referred to in 8. Where a supervisory authority does not provide the information authority, the requesting authority, the requesting paragraph 5 within one month of supervisory authorities shall be supervisory authorities shall be receiving the on-request of another referred to in paragraph 5 within competent to take a provisional competent to take a provisional supervisory authority, the one month of receiving the request measure on the territory of its measure on the territory of its requesting supervisory authoritiesy of another supervisory authority, Member State in accordance with Member State in accordance with shall be competent to take may the requesting supervisory Article 51(1) and shall submit the Article 51(1) and shall submit the adopt a provisional measure on the authority may adopt a provisional matter to the European Data matter to the European Data territory of its Member State in measure on the territory of its Protection Board in accordance accordance with Article 51(1) and Member State in accordance with Protection Board in accordance with the procedure referred to in with the procedure referred to in Article 51(1). In this case, the shall submit the matter to the Article 57. Where no definitive European Data Protection Board in urgent need to act under Article Article 57. accordance with the procedure 61(1) will be presumed to be met measure is yet possible because the assistance is not yet consistency mechanism referred to and require an urgent binding completed, the requesting decision from the European Data in Article 57. supervisory authority may take Protection Board pursuant to interim measures under Article 53 Article 61(2). in the territory of its Member

State.

| | Amendment 162 | | |
|------------------------------------|---------------------------------------|---|--|
| 9. The supervisory authority shall | 9. The supervisory authority shall | 9. The supervisory authority shall | |
| specify the period of validity of | specify the period of validity of | specify the period of validity of | |
| such provisional measure. This | such provisional measure. This | such provisional measure <i>which</i> - | |
| period shall not exceed three | period shall not exceed three | This period shall not exceed three | |
| months. The supervisory authority | months. The supervisory authority | months. The supervisory authority | |
| shall, without delay, communicate | shall, without delay, communicate | shall, without delay, communicate | |
| those measures, with full reasons, | those measures, with full reasons, | those such a measures, together | |
| to the European Data Protection | to the European Data Protection | with full its reasons for adopting it, | |
| Board and to the Commission. | Board and to the Commission <i>in</i> | to the European Data Protection | |
| | accordance with the procedure | Board-and to the Commission in | |
| | referred to in Article 57. | accordance with the consistency | |
| | | mechanism referred to in Article | |
| | | 57. | |

10. The Commission may specify the format and procedures for mutual assistance referred to in this article and the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 163

10. The Commission European Data Protection Board may specify the format and procedures for mutual assistance referred to in this article and the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

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Tentative agreement in trilogue

10. The Commission may specify the format and procedures for mutual assistance referred to in this article and the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

| Article 56 | Article 56 | Article 56 | Article 56 |
|--------------------------------------|--------------------------------------|-------------------------------------|-------------------------------------|
| Joint operations of supervisory | Joint operations of supervisory | Joint operations of supervisory | Joint operations of supervisory |
| authorities | authorities | authorities | authorities |
| 1. In order to step up co-operation | 1. In order to step up co-operation | 1. In order to step up co-operation | To be re-discussed at a later stage |
| and mutual assistance, the | and mutual assistance, the | and mutual assistance, Tthe | |
| supervisory authorities shall carry | supervisory authorities shall carry | supervisory authorities shall carry | 1.The supervisory authorities |
| out joint investigative tasks, joint | out joint investigative tasks, joint | out may, where appropriate, | [may/shall], where |
| enforcement measures and other | enforcement measures and other | conduct joint operations including | [appropriate/necessary], conduct |
| joint operations, in which | joint operations, in which | joint investigations and | joint operations including joint |
| designated members or staff from | designated members or staff from | investigative tasks, joint | investigations and joint |
| other Member States' supervisory | other Member States' supervisory | enforcement measures and other | enforcement measures in which |
| authorities are involved. | authorities are involved. | joint operations, in which | members or staff from other |
| | | designated members or staff from | Member States' supervisory |
| | | other Member States' supervisory | authorities are involved. |
| | | authorities are involved. | |

2. In cases where data subjects in several Member States are likely to be affected by processing operations, a supervisory authority of each of those Member States shall have the right to participate in the joint investigative tasks or joint operations, as appropriate. The competent supervisory authority shall invite the supervisory authority of each of those Member States to take part in the respective joint investigative tasks or joint operations and respond to the request of a supervisory authority to participate in the operations without delay.

2. In cases where the controller or processor has establishments in several Member States or where data subjects in several Member States are likely to be affected by processing operations, a supervisory authority of each of those Member States shall have the right to participate in the joint investigative tasks or joint operations, as appropriate. The competent supervisory authority lead authority as defined in Article 54a shall invite involve the supervisory authority of each of those Member States to take part in the respective joint investigative tasks or joint operations and respond to the request of a supervisory authority to participate in the operations without delay.

Amendment 164

2. In cases where *the controller or* procecssor has establishments in several Member States or where a significant number of data subjects in several more than one Member States are likely to be substantially affected by processing operations, a supervisory authority of each of those Member States shall have the right to participate in the joint investigative tasks or joint operations, as appropriate. The competent supervisory authority shall invite the supervisory authority of each of those Member States to take part in the respective joint investigative tasks or joint operations *concerned* and respond without delay to the request of a supervisory authority to participate in the operations without delay.

Tentative agreement in trilogue

2. In cases where the controller or processor has establishments in several Member States or where a significant number of data subjects in more than one Member States are likely to be substantially affected by processing operations, a supervisory authority of each of those Member States shall have the right to participate in the joint operations, as appropriate. The competent supervisory authority in accordance with Article 51a (1) or 51a(2c) shall invite the supervisory authority of each of those Member States to take part in the joint operations concerned and respond without delay to the request of a supervisory authority to participate.

- 3. Each supervisory authority may, as a host supervisory authority, in compliance with its own national law, and with the seconding supervisory authority's authorisation, confer executive powers, including investigative tasks on the seconding supervisory authority's members or staff involved in joint operations or, in so far as the host supervisory authority's law permits, allow the seconding supervisory authority's members or staff to exercise their executive powers in accordance with the seconding supervisory authority's law. Such executive powers may be exercised only under the guidance and, as a rule, in the presence of members or staff from the host supervisory authority. The seconding supervisory authority's members or staff shall be subject to the host supervisory authority's national law. The host supervisory authority shall assume responsibility for their actions.
- 3. Each supervisory authority may. as a host supervisory authority, in compliance with its own national/ law, and with the seconding supervisory authority's authorisation, confer executive powers, including investigative tasks on the seconding supervisory authority's members or staff involved in joint operations or, in so far as the host supervisory authority's law permits, allow the seconding supervisory authority's members or staff to exercise their executive powers in accordance with the seconding supervisory authority's law. Such executive powers may be exercised only under the guidance and, as a rule, in the presence of members or staff from the host supervisory authority. The seconding supervisory authority's members or staff shall be subject to the host supervisory authority's national law. The host supervisory authority shall assume responsibility for their actions.
- 3. Each A supervisory authority may, as a host supervisory authority, in compliance with its own national Member State law. and with the seconding supervisory authority's authorisation, confer executive-powers, including investigative tasks powers on the seconding supervisory authority's members or staff involved in joint operations or, in so far as the *law* of the Member State of the host supervisory authority's law permits, allow the seconding supervisory authority's members or staff to exercise their executive *investigative* powers in accordance with the *law of the Member State* of the seconding supervisory authority's law. Such executive investigative powers may be exercised only under the guidance and, as a rule, in the presence of members or staff from of the host supervisory authority. The seconding supervisory authority's members or staff shall be subject to the host supervisory authority's national law. The host supervisory authority shall assume

responsibility for their actions.

Tentative agreement in trilogue

3. A supervisory authority may, in compliance with its own Member State law, and with the seconding supervisory authority's authorisation, confer powers, including investigative powers on the seconding supervisory authority's members or staff involved in joint operations or, in so far as the law of the Member State of the host supervisory authority permits, allow the seconding supervisory authority's members or staff to exercise their investigative powers in accordance with the law of the Member State of the seconding supervisory authority. Such investigative powers may be exercised only under the guidance and in the presence of members or staff of the host supervisory authority. The seconding supervisory authority's members or staff shall be subject to the host supervisory authority's national law.

| 3a. Where, in accordance with | Council to re-consider EP's |
|-------------------------------------|-------------------------------------|
| paragraph 1, staff of a seconding | compromise suggestion |
| supervisory authority are | 3a. Where, in accordance with |
| operating in another Member | paragraph 1, staff of a seconding |
| State, the Member State of the | supervisory authority are operating |
| host supervisory authority shall be | in another Member State, the |
| liable for any damage caused by | Member State of the host |
| them during their operations, in | supervisory authority shall [assume |
| accordance with the law of the | responsibility for their actions, |
| Member State in whose territory | including liability] for any damage |
| they are operating. | caused by them during their |
| , , | operations, in accordance with the |
| | law of the Member State in whose |
| | territory they are operating. |
| 3b. The Member State in whose | Tentative agreement in trilogue |
| territory the damage was caused | |
| shall make good such damage | 3b. The Member State in whose |
| under the conditions applicable to | territory the damage was caused |
| damage caused by its own staff. | shall make good such damage |
| The Member State of the | under the conditions applicable to |
| seconding supervisory authority | damage caused by its own staff. |
| whose staff has caused damage to | The Member State of the |
| any person in the territory of | seconding supervisory authority |
| another Member State shall | whose staff has caused damage to |
| reimburse the latter in full any | any person in the territory of |
| sums it has paid to the persons | another Member State shall |
| entitled on their behalf. | reimburse the latter in full any |
| | sums it has paid to the persons |
| | entitled on their behalf. |

| | | 3c. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3b, each Member State shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from another Member State. | 3c. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3b, each Member State shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from another Member State. |
|--|---|--|---|
| 4. Supervisory authorities shall lay down the practical aspects of specific co-operation actions. 5. Where a supervisory authority does not comply within one month with the obligation laid down in paragraph 2, the other supervisory authorities shall be competent to take a provisional measure on the territory of its Member State in accordance with Article 51(1). | 4. Supervisory authorities shall lay down the practical aspects of specific co-operation actions. 5. Where a supervisory authority does not comply within one month with the obligation laid down in paragraph 2, the other supervisory authorites shall be competent to take a provisional measure on the territory of its Member State in accordance with Article 51(1). | 5. Where a joint operation is intended and a supervisory authority does not comply within one month with the obligation laid down in the second sentence of paragraph 2, the other supervisory authorities shall be competent to take may adopt a provisional measure on the territory of its Member State in accordance with Article 51(1). | Tentative agreement in trilogue 5. Where a joint operation is intended and a supervisory authority does not comply within one month with the obligation laid down in the second sentence of paragraph 2, the other supervisory authorities may adopt a provisional measure on the territory of its Member State in accordance with Article 51. In this case, the urgent need to act under Article 61(1) will be presumed to be met and require an opinion or an urgent binding decision from the European Data Protection Board pursuant to Article 61(2). |

6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5. This period shall not exceed three months. The supervisory authority shall, without delay, communicate those measures, with full reasons, to the European Data Protection Board and to the Commission and shall submit the matter in the mechanism referred to in Article 57.

6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5. This period shall not exceed three months. The supervisory authority shall, without delay, communicate those measures, with full reasons, to the European Data Protection Board and to the Commission and shall submit the matter in the mechanism referred to in Article 57.

6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5 which. This period shall not exceed three months. The supervisory authority shall, without delay, communicate those such a measures, together with full-its reasons for adopting it, to the European Data Protection Board and to the Commission and shall submit the matter in the in accordance with the consistency mechanism referred to in Article 57.

| SECTION 2 | SECTION 2 | SECTION 2 | SECTION 2 |
|--|--|---|---|
| CONSISTENCY | CONSISTENCY | CONSISTENCY | CONSISTENCY |
| Article 57 | Article 57 | Article 57 | Article 57 |
| Consistency mechanism | Consistency mechanism | Consistency mechanism | Consistency mechanism |
| | Amendment 165 | | |
| For the purposes set out in Article 46(1), the supervisory authorities shall co-operate with each other and the Commission through the consistency mechanism as set out in this section. | For the purposes set out in Article 46(1), the supervisory authorities shall co-operate with each other and the Commission through the consistency mechanism as set out both on matters of general application and in individual cases in accordance with the provisions of in this section. | 1. For the purposes set out in Article 46(1a), the supervisory authorities shall co-operate with each other and the Commission through the consistency mechanism as set out in this section. | 1. In order to contribute to the consistent application of this Regulation throughout the Union, the supervisory authorities shall co-operate with each other and, where relevant, with the Commission, through the consistency mechanism as set out in this section. |
| | | 2. The European Data Protection Board shall issue an opinion whenever a competent supervisory authority intends to adopt any of the measures below. To that end, the competent supervisory authority shall communicate the draft decision to the European Data Protection Board, when it: | See Article 58 |

| (A) | (a) (b) (c) aims at adopting a list of the processing operations subject to the equirement for a data protection impact assessment pursuant to | See Article 58 |
|--|--|----------------|
| (CA) | Article 33(2a); or (ca) concerns a matter pursuant to Article 38(2b) whether a draft code of conduct or an amendment or extension to a code of conduct is in compliance with this Regulation; or | See Article 58 |
| for production of the producti | cb) aims at approving the criteria for accreditation of a body pursuant to paragraph 3 of Article 8a or a certification body pursuant to paragraph 3 of Article | See Article 58 |
| do in | d) aims at determining standard lata protection clauses referred to n point (c) of Article 42(2); or | See Article 58 |
| ci | e) aims to authorising contractual clauses referred to in point (d) of Article 42(2); or | See Article 58 |

| (f) aims at approving binding | See Article 58 |
|---------------------------------------|-----------------|
| corporate rules within the meaning | |
| of Article 43. | |
| 3. The European Data Protection | See Article 58a |
| Board shall adopt a binding | |
| decision in the following cases: | |
| a) Where, in a case referred to in | See Article 58a |
| paragraph 3 of Article 54a, a | |
| concerned supervisory authority | |
| has expressed a relevant and | |
| reasoned objection to a draft | |
| decision of the lead authority or the | |
| lead authority has rejected an | |
| objection as being not relevant | |
| and/or reasoned. The binding | |
| decision shall concern all the | |
| matters which are the subject of the | |
| relevant and reasoned objection, in | |
| particular whether there is an | |
| infringement of the Regulation; | |
| b) Where, there are conflicting | See Article 58a |
| views on which of the concerned | |
| supervisory authorities is | |
| competent for the main | |
| establishment; | |
| c) ; | |

| d) Where a competent supervisory | See Article 58a |
|------------------------------------|-----------------|
| authority does not request the | |
| opinion of the European Data | |
| Protection Board in the cases | |
| mentioned in paragraph 2 of this | |
| Article, or does not follow the | |
| opinion of the European Data | |
| Protection Board issued under | |
| | |
| Article 58. In that case, any | |
| concerned supervisory authority or | |
| the Commission may communicate | |
| the matter to the European Data | |
| Protection Board. | |
| 4. Any supervisory authority, the | See Article 58 |
| Chair of the European Data | |
| Protection Board or the | |
| Commission may request that any | |
| matter of general application or | |
| producing effects in more than one | |
| Member State be examined by the | |
| European Data Protection Board | |
| with a view to obtaining an | |
| opinion, in particular where a | |
| competent supervisory authority | |
| does not comply with the | |
| obligations for mutual assistance | |
| in accordance with Article 55 or | |
| for joint operations in accordance | |
| with Article 56. | |

| 5. Supervisory authorities and the | See Article 58 |
|-------------------------------------|------------------|
| Commission shall electronically | Sec III tiete 30 |
| communicate to the European Data | |
| Protection Board, using a | |
| standardised format any relevant | |
| = | |
| information, including as the case | |
| may be a summary of the facts, the | |
| draft decision, the grounds which | |
| make the enactment of such | |
| measure necessary, and the views of | |
| other concerned supervisory | |
| authorities. | |
| 6. The chair of the European Data | See Article 58 |
| Protection Board shall without | |
| undue delay electronically inform | |
| the members of the European Data | |
| Protection Board and the | |
| Commission of any relevant | |
| information which has been | |
| communicated to it using a | |
| standardised format. The | |
| secretariat of the European Data | |
| Protection Board shall, where | |
| necessary, provide translations of | |
| relevant information. | |

| Article 58 | Article 58 | Article 58 | Article 58 |
|--------------------------------------|--|------------------------------|-----------------------------------|
| | Amendment 166 | | |
| Opinion by the European Data | Opinion by the European Data | Opinion by the European Data | Opinion by the European Data |
| Protection Board | Protection Board-Consistency on | Protection Board | Protection Board |
| | matters of general application | | |
| 1. Before a supervisory authority | 1. Before a supervisory authority | deleted | Tentative Agreement in trilogue |
| adopts a measure referred to in | adopts a measure referred to in | | |
| paragraph 2, this supervisory | paragraph 2, this supervisory | | 1. The European Data Protection |
| authority shall communicate the | authority shall communicate the | | Board shall issue an opinion |
| draft measure to the European Data | draft measure to the European Data | | whenever a competent |
| Protection Board and the | Protection Board and the | | supervisory authority intends to |
| Commission. | Commission. | | adopt any of the measures below. |
| | | | To that end, the competent |
| | | | supervisory authority shall |
| | | | communicate the draft decision to |
| | | | the European Data Protection |
| 0 TPI 11' (') | 2 771 11: (: / / / / / / / / / / / / / / / / / / | | Board, when it: |
| 2. The obligation set out in | 2. The obligation set out in | deleted | |
| paragraph 1 shall apply to a | paragraph 1 shall apply to a | | |
| measure intended to produce legal | measure intended to produce legal | | |
| effects and which: | effects and which: | 77.7 | |
| (a) relates to processing activities | deleted | deleted | |
| which are related to the offering of | | | |
| goods or services to data subjects | | | |
| in several Member States, or to the | | | |
| monitoring of their behaviour; or | | | |

| (b) may substantially affect the free movement of personal data within the Union; or | deleted | deleted | |
|--|---------|---------|--|
| (c) aims at adopting a list of the processing operations subject to prior consultation pursuant to Article 34(5); or | deleted | deleted | c) aims at adopting a list of the processing operations subject to the requirement for a data protection impact assessment pursuant to Article 33(2a); or |
| | | | Tentative Agreement in trilogue (ca) concerns a matter pursuant to Article 38(2b) whether a draft code of conduct or an amendment or extension to a code of conduct is in compliance with this Regulation; or |
| | | | (cb) aims at approving the criteria for accreditation of a body pursuant to paragraph 3 of Article 38a [or a certification body pursuant to paragraph 3 of Article 39a]; or |

| (d) aims to determine standard data protection clauses referred to in point (c) of Article 42(2); or | (d) aims to determine standard data protection clauses referred to in point (c) of Article 42(2); or | deleted | (d) aims at determining standard data protection clauses referred to in point (c) of Article 42(2); or |
|--|--|---------|---|
| (e) aims to authorise contractual clauses referred to in point (d) of Article 42(2); or | (e) aims to authorise contractual clauses referred to in point (d) of Article 42(2); or | deleted | Tentative Agreement in trilogue (e) aims to authorising contractual clauses referred to in Article 42(2a(a)); or |
| (f) aims to approve binding corporate rules within the meaning of Article 43. | (f) aims to approve binding corporate rules within the meaning of Article 43. | deleted | Tentative Agreement in trilogue (f) aims at approving binding corporate rules within the meaning of Article 43. |

| 3. Any supervisory authority or the | 3. Any supervisory authority or the | deleted | Tentative Agreement in trilogue |
|--|--|---------|--|
| European Data Protection Board may request that any matter shall | European Data Protection Board may request that any matter <i>of</i> | | 2. Any supervisory authority, the |
| be dealt with in the consistency | general application shall be dealt | | Chair of the European Data |
| mechanism, in particular where a | with in the consistency mechanism, | | Protection Board or the |
| supervisory authority does not | in particular where a supervisory | | Commission may request that any |
| submit a draft measure referred to | authority does not submit a draft | | matter of general application or |
| in paragraph 2 or does not comply | measure referred to in paragraph 2 | | producing effects in more than |
| with the obligations for mutual | or does not comply with the | | one Member State be examined |
| assistance in accordance with | obligations for mutual assistance in | | by the European Data Protection |
| Article 55 or for joint operations in | accordance with Article 55 or for | | Board with a view to obtaining an |
| accordance with Article 56. | joint operations in accordance with | | opinion, in particular where a |
| | Article 56. | | competent supervisory authority |
| | | | does not comply with the |
| | | | obligations for mutual assistance in accordance with Article 55 or |
| | | | for joint operations in accordance |
| | | | with Article 56. |
| | | | Tentative Agreement in trilogue |
| | | | |
| | | | 3. In the cases referred to in |
| | | | paragraphs 1 and 2, the European |
| | | | Data Protection Board shall issue |
| | | | an opinion on the matter |
| | | | submitted to it provided that it has |
| | | | not already issued an opinion on |
| | | | the same matter. This opinion |
| | | | shall be adopted within eight weeks by simple majority of the |
| | | | members of the European Data |
| | | | Protection Board. This period may |
| | L | | 1 1000000011 Dourd. Tills period illay |

| | | | be extended by a further six weeks, taking into account the complexity of the subject matter. Regarding the draft decision referred to in paragraph 1 circulated to the members of the Board in accordance with paragraph 6, a member which has not objected within a reasonable period indicated by the Chair, shall be deemed to be in agreement with the draft decision. |
|--|--|---------|---|
| 4. In order to ensure correct and consistent application of this | 4. In order to ensure correct and consistent application of this | deleted | |
| Regulation, the Commission may | Regulation, the Commission may | | |
| request that any matter shall be | request that any matter of general | | |
| dealt with in the consistency | application shall be dealt with in | | |
| mechanism. | the consistency mechanism. | | |
| 5. Supervisory authorities and the | 5. Supervisory authorities and the | deleted | Tentative Agreement in trilogue |
| Commission shall electronically | Commission shall without undue | | |
| communicate any relevant | delay electronically communicate | | 5. Supervisory authorities and the |
| information, including as the case | any relevant information, including | | Commission shall without undue |
| may be a summary of the facts, the | as the case may be a summary of | | delay electronically communicate |
| draft measure, and the grounds | the facts, the draft measure, and the | | to the European Data Protection |
| which make the enactment of such | grounds which make the enactment | | Board, using a standardised |
| measure necessary, using a | of such measure necessary, using a | | format any relevant information, |
| standardised format. | standardised format. | | including as the case may be a |
| | | | summary of the facts, the draft |
| | | | decision, the grounds which make |
| | | | the enactment of such measure |
| | | | necessary, and the views of other |
| | | | concerned supervisory authorities. |

| 6. The chair of the European Data Protection Board shall immediately electronically inform the members of the European Data Protection Board and the Commission of any relevant information which has been communicated to it, using a standardised format. The chair of the European Data Protection Board shall provide translations of relevant information, where necessary. | 6. The chair of the European Data Protection Board shall immediately without undue delay electronically inform the members of the European Data Protection Board and the Commission of any relevant information which has been communicated to it, using a standardised format. The chair secretariat of the European Data Protection Board shall provide translations of relevant information, where necessary. | deleted | 6. The chair of the European Data Protection Board shall without undue delay electronically inform: (a) the members of the European Data Protection Board and the Commission of any relevant information which has been communicated to it using a standardised format. The secretariat of the European Data Protection Board shall, where necessary, provide translations of relevant information. (b) the supervisory authority referred to, as the case may be, in paragraphs 1 and 2, and the |
|--|--|---------|---|
| | 6a. The European Data Protection Board shall adopt an opinion on | | Commission of the opinion and make it public. |
| | matters referred to it under paragraph 2. | | |

- 7. The European Data Protection Board shall issue an opinion on the matter, if the European Data Protection Board so decides by simple majority of its members or any supervisory authority or the Commission so requests within one week after the relevant information has been provided according to paragraph 5. The opinion shall be adopted within one month by simple majority of the members of the European Data Protection Board. The chair of the European Data Protection Board shall inform, without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 1 and 3, the Commission and the supervisory authority competent under Article 51 of the opinion and make it public.
- 7. The European Data Protection Board shall issue may decide by simple majority whether to adopt an opinion on the any matter, if the European Data Protection Board so decides by simple majority of its members or any supervisory authority or the Commission so requests within one week after the relevant information has been provided according to paragraph 5. The opinion shall be adopted within one month by simple majority of the members of the European Data Protection Board. The chair of the European Data Protection Board shall inform. without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 1 and 3, the Commission and the supervisory authority competent under Article 51 of the opinion and make it public. submitted under paragraphs 3 and 4 taking into account:
- 7. In the cases referred to in paragraphs 2 and 4 of Article 57, **T**the European Data Protection Board shall issue an opinion on the same matter., if the European Data Protection Board so decides by simple majority of its members or any supervisory authority or the Commission so requests within one week after the relevant information has been provided according to paragraph 5. The This opinion shall be adopted within one month by simple majority of the members of the European Data Protection Board. The chair of the European Data Protection Board shall inform. without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 1 and 3. the Commission and the supervisory authority competent under Article 51 of the opinion and make it public This period may be extended by a further month, taking into account the complexity

| | of the subject matter. Regarding the draft decision circulated to the members of the Board in accordance with paragraph 6 of Article 57, a member which has not objected within the period indicated by the Chair, shall be deemed to be in agreement with the draft | |
|--|--|--|
| (a) whether the matter presents elements of novelty, taking account of legal or factual developments, in particular in information technology and in the light of the state of progress in the information society; and (b) whether the European Data Protection Board has already issued an opinion on the same | | |
| matter. | 7a. Within the period referred to in paragraph 7 the competent supervisory authority shall not adopt its draft decision in accordance with paragraph 2 of Article 57. | Tentative Agreement in trilogue 7a. Within the period referred to in paragraph 3 the competent supervisory authority shall not adopt its draft decision referred to in paragraph 1. |

7b. The chair of the European Data Protection Board shall inform, without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 2 and 4 of Article 57 and the Commission of the opinion and make it public. 8. The supervisory authority 8. The supervisory authority 8. The supervisory authority Tentative Agreement in trilogue referred to in paragraph 1 and the referred to in paragraph 1 and the referred to in paragraph 1-2 of supervisory authority competent supervisory authority competent Article 57 and the supervisory 8. The supervisory authority under Article 51 shall take account authority competent under Article referred to in paragraph 1 shall under Article 51 shall take account. of the opinion of the European 51 shall take *utmost* account of the take utmost account of the opinion of the opinion of the European Data Protection Board and shall Data Protection Board and shall opinion of the European Data of the European Data Protection within two weeks after the within two weeks after the Protection Board and shall within Board and shall within two weeks two weeks after the information on information on the opinion by the information on the opinion by the after receiving the opinion, chair of the European Data chair of the European Data electronically communicate to the receiving the opinion by the chair of Protection Board, electronically Protection Board, electronically the European Data Protection chair of the European Data communicate to the chair of the communicate to the chair of the Board, electronically communicate Protection Board whether it European Data Protection Board European Data Protection Board to the chair of the European Data maintains or will amend its draft and to the Commission whether it and to the Commission whether it Protection Board and to the decision and, if any, the amended Commission whether it maintains or maintains or amends its draft draft decision, using a maintains or amends its draft measure and, if any, the amended measure and, if any, the amended will amends-its draft measure standardised format. draft measure, using a standardised draft measure, using a standardised decision and, if any, the amended draft measuredecision, using a format The European Data format. standardised format. Protection Board shall adopt opinions pursuant to paragraphs 6a and 7 by a simple majority of its members. These opinions shall be made public.

| | 9. Where the concerned | Tentative Agreement in trilogue |
|------------------------------------|------------------------------------|------------------------------------|
| | supervisory authority informs the | |
| | chair of the European Data | 9. Where the concerned |
| | Protection Board within the period | supervisory authority informs the |
| | referred to in paragraph 8 that it | chair of the European Data |
| | does not intend to follow the | Protection Board within the |
| | opinion of the Board, in whole or | period referred to in paragraph 8 |
| | in part, providing the relevant | that it does not intend to follow |
| | grounds, paragraph 3 of Article 57 | the opinion of the Board, in whole |
| | shall apply. | or in part, providing the relevant |
| | | grounds, paragraph 1 of Article |
| | | 58a shall apply. |
| Amendment 167 | | |
| Article 58a (new) | | |
| Consistency in individual cases | | |
| 1. Before taking a measure | | |
| intended to produce legal effects | | |
| within the meaning of Article 54a, | | |
| the lead authority shall share all | | |
| relevant information and submit | | |
| the draft measure to all other | | |
| competent authorities. The lead | | |
| authority shall not adopt the | | |
| measure if a competent authority | | |
| has, within a period of three | | |
| weeks, indicated it has serious | | |
| objections to the measure. | | |

| 2. Where a competent authority |
|------------------------------------|
| has indicated that it has serious |
| objections to a draft measure of |
| the lead authority, or where the |
| lead authority does not submit a |
| draft measure referred to in |
| paragraph 1 or does not comply |
| with the obligations for mutual |
| assistance in accordance with |
| Article 55 or for joint operations |
| in accordance with Article 56, the |
| issue shall be considered by the |
| European Data Protection Board. |
| 3. The lead authority and/or other |
| competent authorities involved |
| and the Commission shall without |
| undue delay electronically |
| communicate to the European |
| Data Protection Board using a |
| standardised format any relevant |
| information, including as the case |
| may be a summary of the facts, |
| the draft measure, the grounds |
| which make the enactment of |
| such measure necessary, the |
| objections raised against it and |
| the views of other supervisory |
| authorities concerned. |

| 4. The European Data Protection | |
|------------------------------------|--|
| | |
| Board shall consider the issue, | |
| taking into account the impact of | |
| the draft measure of the lead | |
| authority on the fundamental | |
| rights and freedoms of data | |
| subjects, and shall decide by | |
| simple majority of its members | |
| whether to issue an opinion on the | |
| matter within two weeks after the | |
| relevant information has been | |
| provided pursuant to paragraph 3. | |
| 5. In case the European Data | |
| Protection Board decides to issue | |
| an opinion, it shall do so within | |
| six weeks and make the opinion | |
| public. | |

| 6. The lead authority shall take |
|------------------------------------|
| utmost account of the opinion of |
| the European Data Protection |
| Board and shall within two weeks |
| after the information on the |
| opinion by the chair of the |
| European Data Protection Board, |
| electronically communicate to the |
| chair of the European Data |
| Protection Board and to the |
| Commission whether it maintains |
| or amends its draft measure and, |
| if any, the amended draft |
| measure, using a standardised |
| format. Where the lead authority |
| intends not to follow the opinion |
| of the European Data Protection |
| Board, it shall provide a reasoned |
| justification. |
| 7. In case the European Data |
| Protection Board still objects to |
| the measure of the supervisory |
| authority as referred to in |
| paragraph 5, it may within one |
| month adopt by a two thirds |
| majority a measure which shall be |
| binding upon the supervisory |
| authority. |

| Article 58a | Article 58a |
|-------------------------------------|-------------------------------------|
| Dispute Resolution by the | Dispute Resolution by the |
| European Data Protection Board | European Data Protection Board |
| 1. In the cases referred to in | Tentative Agreement in trilogue |
| paragraph 3 of Article 57, the | |
| European Data Protection Board | 1. In order to ensure the correct |
| shall adopt a decision on the | and consistent application of this |
| subject-matter submitted to it in | Regulation in individual cases, the |
| order to ensure the correct and | European Data Protection Board |
| consistent application of this | shall adopt a binding decision in |
| Regulation in individual cases. The | the following cases: |
| decision shall be reasoned and | |
| addressed to the lead supervisory | |
| authority and all the concerned | |
| supervisory authorities and binding | |
| on them. | |

| | Tentative Agreement in trilogue (a) Where, in a case referred to in paragraph 3 of Article 54a, a concerned supervisory authority has expressed a relevant and reasoned objection to a draft |
|--|---|
| | decision of the lead authority or the lead authority has rejected an objection as being not relevant and/or reasoned. The binding decision shall concern all the matters which are the subject of the relevant and reasoned objection, in particular whether there is an infringement of the Regulation; |
| | b) Where there are conflicting views on which of the concerned supervisory authorities is competent for the main establishment; |

| | Tentative Agreement in trilogue |
|--|--|
| | d) Where a competent supervisory authority does not request the opinion of the European Data Protection Board in the cases mentioned in paragraph 1 of this Article, or does not follow the opinion of the European Data Protection Board issued under Article 58. In that case, any concerned supervisory authority |
| | or the Commission may communicate the matter to the |
| | European Data Protection Board. |

| 2. The decision referred to in | Tentative Agreement in trilogue |
|--------------------------------------|-------------------------------------|
| paragraph 1 shall be adopted | |
| within one month from the referral | 2. The decision referred to in |
| of the subject-matter by a two-third | paragraph 1 shall be adopted |
| majority of the members of the | within one month from the |
| Board. This period may be | referral of the subject-matter by a |
| extended by a further month on | two-third majority of the members |
| account of the complexity of the | of the Board. This period may be |
| subject-matter. | extended by a further month on |
| | account of the complexity of the |
| | subject-matter. |
| | The decision referred to in |
| | paragraph 1 shall be reasoned and |
| | addressed to the lead supervisory |
| | authority and all the concerned |
| | supervisory authorities and |
| | binding on them. |

| 3. In case the Board has been | Tentative Agreement in trilogue |
|--------------------------------------|--------------------------------------|
| unable to adopt a decision within | |
| the periods referred to in | 3. In case the Board has been |
| paragraph 2, it shall adopt its | unable to adopt a decision within |
| decision within two weeks | the periods referred to in |
| following the expiration of the | paragraph 2, it shall adopt its |
| second month referred to in | decision within two weeks |
| paragraph 2 by a simple majority | following the expiration of the |
| of the members of the Board. In | second month referred to in |
| case the members of the Board are | paragraph 2 by a simple majority |
| split, the decision shall by adopted | of the members of the Board. In |
| by the vote of its Chair. | case the members of the Board are |
| | split, the decision shall by adopted |
| | by the vote of its Chair. |
| 4. The concerned supervisory | Tentative Agreement in trilogue |
| authorities shall not adopt a | |
| decision on the subject matter | 4. The concerned supervisory |
| submitted to the Board under | authorities shall not adopt a |
| paragraph 1 during the periods | decision on the subject matter |
| referred to in paragraphs 2 and 3. | submitted to the Board under |
| | paragraph 1 during the periods |
| | referred to in paragraphs 2 and 3. |
| 5. () | |

| 6. The Chair of the European Data | Tentative Agreement in trilogue |
|--------------------------------------|--------------------------------------|
| Protection Board shall notify, | |
| without undue delay, the decision | 6. The Chair of the European Data |
| referred to in paragraph 1 to the | Protection Board shall notify, |
| concerned supervisory authorities. | without undue delay, the decision |
| It shall inform the Commission | referred to in paragraph 1 to the |
| thereof. The decision shall be | concerned supervisory authorities. |
| published on the website of the | It shall inform the Commission |
| European Data Protection Board | thereof. The decision shall be |
| without delay after the supervisory | published on the website of the |
| authority has notified the final | European Data Protection Board |
| decision referred to in paragraph 7. | without delay after the |
| | supervisory authority has notified |
| | the final decision referred to in |
| | paragraph 7. |
| 7. The lead supervisory authority | Tentative Agreement in trilogue |
| or, as the case may be, the | |
| supervisory authority to which the | 7. The lead supervisory authority |
| complaint has been lodged shall | or, as the case may be, the |
| adopt their final decision on the | supervisory authority to which the |
| basis of the decision referred to in | complaint has been lodged shall |
| paragraph 1, without undue delay | adopt its final decision on the |
| and at the latest by one month after | basis of the decision referred to in |
| the European Data Protection | paragraph 1, without undue delay |
| Board has notified its decision. The | and at the latest by one month |
| lead supervisory authority or, as | after the European Data |
| the case may be, the supervisory | Protection Board has notified its |
| authority to which the complaint | decision. The lead supervisory |
| has been lodged, shall inform the | authority or, as the case may be, |

European Data Protection Board of the date when its final decision is notified respectively to the controller or the processor and the data subject. The final decision of the concerned supervisory authorities shall be adopted under the terms of Article 54a, paragraph 4a, 4b and 4bb. The final decision shall refer to the decision referred to in paragraph 1 and shall specify that the decision referred to in paragraph 1 will be published on the website of the European Data Protection Board in accordance with paragraph 6. The final decision shall attach the decision referred to in paragraph 1.

the supervisory authority to which the complaint has been lodged, shall inform the European Data Protection Board of the date when its final decision is notified respectively to the controller or the processor and the data subject. The final decision of the concerned supervisory authorities shall be adopted under the terms of Article 54a, paragraph 4a, 4b and 4bb. The final decision shall refer to the decision referred to in paragraph 1 and shall specify that the decision referred to in paragraph 1 will be published on the website of the European Data Protection Board in accordance with paragraph 6. The final decision shall attach the decision referred to in paragraph 1.

| | Amendment 168 | | |
|---------------------------------------|---------------------------|---------------------------|---------------------------|
| Article 59 | Article 59 | Article 59 | Article 59 |
| Opinion by the Commission | Opinion by the Commission | Opinion by the Commission | Opinion by the Commission |
| 1. Within ten weeks after a matter | deleted | deleted | |
| has been raised under Article 58, or | | | |
| at the latest within six weeks in the | | | |
| case of Article 61, the Commission | | | |
| may adopt, in order to ensure | | | |
| correct and consistent application | | | |
| of this Regulation, an opinion in | | | |
| relation to matters raised pursuant | | | |
| to Articles 58 or 61. | | | |
| 2. Where the Commission has | deleted | deleted | |
| adopted an opinion in accordance | | | |
| with paragraph 1, the supervisory | | | |
| authority concerned shall take | | | |
| utmost account of the | | | |
| Commission's opinion and inform | | | |
| the Commission and the European | | | |
| Data Protection Board whether it | | | |
| intends to maintain or amend its | | | |
| draft measure. | | | |
| 3. During the period referred to in | deleted | deleted | |
| paragraph 1, the draft measure | | | |
| shall not be adopted by the | | | |
| supervisory authority. | | | |

| 4. Where the supervisory authority | deleted | deleted | |
|---------------------------------------|---------|---------|--|
| concerned intends not to follow the | | | |
| opinion of the Commission, it shall | | | |
| inform the Commission and the | | | |
| European Data Protection Board | | | |
| thereof within the period referred | | | |
| to in paragraph 1 and provide a | | | |
| justification. In this case the draft | | | |
| measure shall not be adopted for | | | |
| one further month. | | | |

| | Amendment 169 | | |
|-------------------------------------|---------------|-------------------------------|-------------------------------|
| Article 60 | deleted | Article 60 | Article 60 |
| Suspension of a draft measure | deleted | Suspension of a draft measure | Suspension of a draft measure |
| 1. Within one month after the | deleted | deleted | |
| communication referred to in | | | |
| Article 59(4), and where the | | | |
| Commission has serious doubts as | | | |
| to whether the draft measure would | | | |
| ensure the correct application of | | | |
| this Regulation or would otherwise | | | |
| result in its inconsistent | | | |
| application, the Commission may | | | |
| adopt a reasoned decision requiring | | | |
| the supervisory authority to | | | |
| suspend the adoption of the draft | | | |
| measure, taking into account the | | | |
| opinion issued by the European | | | |
| Data Protection Board pursuant to | | | |
| Article 58(7) or Article 61(2), | | | |
| where it appears necessary in order | | | |
| to: | | | |
| (a) reconcile the diverging | deleted | deleted | |
| positions of the supervisory | | | |
| authority and the European Data | | | |
| Protection Board, if this still | | | |
| appears to be possible; or | | | |

| (b) adopt a measure pursuant to | deleted | deleted | |
|-------------------------------------|---------|---------|--|
| point (a) of Article 62(1). | | | |
| 2. The Commission shall specify | deleted | deleted | |
| the duration of the suspension | | | |
| which shall not exceed 12 months. | | | |
| 3. During the period referred to in | deleted | deleted | |
| paragraph 2, the supervisory | | | |
| authority may not adopt the draft | | | |
| measure. | | | |

| 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | |
|---|------|
| Amendment 170 | |
| Article 60a (new) | |
| Notification of the European | |
| Parliament and the Council | |
| The Commission shall notify the | |
| European Parliament and the | |
| Council at regular intervals, at | |
| least every six months, on the | |
| basis of a report from the Chair of | |
| the European Data Protection | |
| Board, of the matters dealt with | |
| under the consistency mechanism, | |
| setting out the conclusions drawn | |
| by the Commission and the | |
| European Data Protection Board | |
| with a view to ensuring the | |
| consistent implementation and | |
| application of this Regulation. | |

| Article 61 | Article 61 | Article 61 | Article 61 |
|---------------------------------------|---------------------------------------|---|--------------------------------------|
| Urgency procedure | Urgency procedure | Urgency procedure | Urgency procedure |
| | Amendment 171 | | |
| 1. In exceptional circumstances, | 1. In exceptional circumstances, | 1. In exceptional circumstances, | Tentative Agreement in trilogue |
| where a supervisory authority | where a supervisory authority | where a <i>concerned</i> supervisory | |
| considers that there is an urgent | considers that there is an urgent | authority considers that there is an | 1. In exceptional circumstances, |
| need to act in order to protect the | need to act in order to protect the | urgent need to act in order to protect | where a concerned supervisory |
| interests of data subjects, in | interests of data subjects, in | the interests rights and freedoms of | authority considers that there is an |
| particular when the danger exists | particular when the danger exists | data subjects, <i>it may</i> , in particular | urgent need to act in order to |
| that the enforcement of a right of a | that the enforcement of a right of a | when the danger exists that the | protect the rights and freedoms of |
| data subject could be considerably | data subject could be considerably | enforcement of a right of a data | data subjects, it may, by way of |
| impeded by means of an alteration | impeded by means of an alteration | subject could be considerably | derogation from the consistency |
| of the existing state or for averting | of the existing state or for averting | impeded by means of an alteration | mechanism referred to in Articles |
| major disadvantages or for other | major disadvantages or for other | of the existing state or for averting | 57, 58 and 58a or the procedure |
| reasons, by way of derogation from | reasons, by way of derogation from | major disadvantages or for other | referred to in Article 54a, |
| the procedure referred to in Article | the procedure referred to in Article | reasons, by way of derogation from | immediately adopt provisional |
| 58, it may immediately adopt | 5858a, it may immediately adopt | the procedure consistency | measures intended to produce |
| provisional measures with a | provisional measures with a | mechanism referred to in Article | legal effects on its own territory |
| specified period of validity. The | specified period of validity. The | 587 or the procedure referred to in | with a specified period of validity |
| supervisory authority shall, without | supervisory authority shall, without | Article 54a, it may immediately | which shall not exceed three |
| delay, communicate those | delay, communicate those | adopt provisional measures | months. The supervisory authority |
| measures, with full reasons, to the | measures, with full reasons, to the | intended to produce legal effects | shall, without delay, communicate |
| European Data Protection Board | European Data Protection Board | within the territory of its own | those measures and the reasons |
| and to the Commission. | and to the Commission. | Member State, with a specified | for adopting them, to the other |
| | | period of validity. The supervisory | concerned supervisory authorities |
| | | authority shall, without delay, | and the reasons for adopting them, |
| | | communicate those measures, with | to the other concerned supervisory |
| | | full and the reasons for adopting | authorities and the European Data |
| | | them, to the other concerned | Protection Board and to the |
| | | supervisory authorities, the | Commission. |
| | | European Data Protection Board | |
| | | and to the Commission. | |

- 2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion of the European Data Protection Board, giving reasons for requesting such opinion, including for the urgency of final measures.
- 2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion of the European Data Protection Board, giving reasons for requesting such opinion, including for the urgency of final measures.
- 2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion or an urgent binding decision from of the European Data Protection Board, giving reasons for requesting such opinion, including for the urgency of final measures or decision.
- 2. Where a supervisory authority

Tentative Agreement in trilogue

has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion or an urgent binding decision from the European Data Protection Board, giving reasons for requesting such opinion-or decision.

- 3. Any supervisory authority may request an urgent opinion where the competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests of data subjects, giving reasons for requesting such opinion, including for the urgent need to act.
- 3. Any supervisory authority may request an urgent opinion where the competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests of data subjects, giving reasons for requesting such opinion, including for the urgent need to act.
- 3. Any supervisory authority may request an urgent opinion or an urgent binding decision, as the case may be, from the European Data Protection Board where the a competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests rights and freedoms of data subjects, giving reasons for requesting such opinion or decision, including for the urgent need to act.

Tentative Agreement in trilogue

3. Any supervisory authority may request an urgent opinion or an urgent binding decision, as the case may be, from the European Data Protection Board where a competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the rights and freedoms of data subjects, giving reasons for requesting such opinion or decision, including for the urgent need to act.

| | Amendment 172 | | |
|--------------------------------------|-------------------------------------|---|------------------------------------|
| 4. By derogation from Article | 4. By derogation from Article | 4. By derogation from <i>paragraph 7</i> | Tentative Agreement in trilogue |
| 58(7), an urgent opinion referred to | 58(7), a An urgent opinion referred | of Article 58 (7) and paragraph 2 of | |
| in paragraphs 2 and 3 of this | to in paragraphs 2 and 3 of this | Article 58a, an urgent opinion or an | 4. By derogation from paragraph |
| Article shall be adopted within two | Article shall be adopted within two | urgent binding decision referred to | 3 of Article 58 and paragraph 2 of |
| weeks by simple majority of the | weeks by simple majority of the | in paragraphs 2 and 3 of this Article | Article 58a, an urgent opinion or |
| members of the European Data | members of the European Data | shall be adopted within two weeks | an urgent binding decision |
| Protection Board. | Protection Board. | by simple majority of the members | referred to in paragraphs 2 and 3 |
| | | of the European Data Protection | of this Article shall be adopted |
| | | Board. | within two weeks by simple |
| | | | majority of the members of the |
| | | | European Data Protection Board. |

| Article 62 | Article 62 | Article 62 | Article 62 |
|---------------------------------------|----------------------------------|------------------------------------|---------------------------------|
| Implementing acts | Implementing acts | Implementing acts | Implementing acts |
| | Amendment 173 | | |
| 1. The Commission may adopt | 1. The Commission may adopt | 1. The Commission may adopt | Tentative Agreement in trilogue |
| implementing acts for: | implementing acts of general | implementing acts of general scope | |
| | application, after requesting an | for: | 1. The Commission may adopt |
| | opinion of the European Data | | implementing acts of general |
| | Protection Board, for: | | scope for: |
| (a) deciding on the correct | deleted | deleted | |
| application of this Regulation in | | | |
| accordance with its objectives and | | | |
| requirements in relation to matters | | | |
| communicated by supervisory | | | |
| authorities pursuant to Article 58 | | | |
| or 61, concerning a matter in | | | |
| relation to which a reasoned | | | |
| decision has been adopted pursuant | | | |
| to Article 60(1), or concerning a | | | |
| matter in relation to which a | | | |
| supervisory authority does not | | | |
| submit a draft measure and that | | | |
| supervisory authority has indicated | | | |
| that it does not intend to follow the | | | |
| opinion of the Commission | | | |
| adopted pursuant to Article 59; | | | |

| (b) deciding, within the period referred to in Article 59(1), whether it declares draft standard data protection clauses referred to in point (d) of Article 58(2), as having general validity; | (b) deciding, within the period referred to in Article 59(1), whether it declares draft standard data protection clauses referred to in point (d) of Article 5842(2), as having general validity; | deleted | |
|---|---|--|---|
| (c) specifying the format and procedures for the application of the consistency mechanism referred to in this section; | deleted | deleted | |
| (d) specifying the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in Article 58(5), (6) and (8). | (d) specifying the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in Article 58(5), (6) and (8). | (d) specifying the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in Article 57(5) and (6) and in Article 58(5), (6) and (8). | (d) specifying the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board, in particular the standardised format referred to in Article 58. |
| Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). | deleted | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). |

| 2. On duly justified imperative | deleted | deleted | |
|------------------------------------|------------------------------------|---------|--|
| grounds of urgency relating to the | | | |
| interests of data subjects in the | | | |
| cases referred to in point (a) of | | | |
| paragraph 1, the Commission shall | | | |
| adopt immediately applicable | | | |
| implementing acts in accordance | | | |
| with the procedure referred to in | | | |
| Article 87(3). Those acts shall | | | |
| remain in force for a period not | | | |
| exceeding 12 months. | | | |
| 3. The absence or adoption of a | 3. The absence or adoption of a | deleted | |
| measure under this Section does | measure under this Section does | | |
| not prejudice any other measure by | not prejudice any other measure by | | |
| the Commission under the Treaties. | the Commission under the Treaties. | | |

| Article 63 | Article 63 | deleted | |
|--------------------------------------|--------------------------------------|---------|--|
| Enforcement | Enforcement | deleted | |
| 1. For the purposes of this | 1. For the purposes of this | deleted | |
| Regulation, an enforceable | Regulation, an enforceable | | |
| measure of the supervisory | measure of the supervisory | | |
| authority of one Member State | authority of one Member State | | |
| shall be enforced in all Member | shall be enforced in all Member | | |
| States concerned. | States concerned. | | |
| | Amendment 174 | | |
| 2. Where a supervisory authority | 2. Where a supervisory authority | deleted | |
| does not submit a draft measure to | does not submit a draft measure to | | |
| the consistency mechanism in | the consistency mechanism in | | |
| breach of Article 58(1) to (5), the | breach of Article 58(1) and (2) or | | |
| measure of the supervisory | adopts a measure despite an | | |
| authority shall not be legally valid | indication of serious objection | | |
| and enforceable. | pursuant to Article 58a(1), the | | |
| | measure of the supervisory | | |
| | authority shall not be legally valid | | |
| | and enforceable. | | |

| SECTION 3 | SECTION 3 | SECTION 3 | SECTION 3 |
|-----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|
| EUROPEAN DATA | EUROPEAN DATA | EUROPEAN DATA | EUROPEAN DATA |
| PROTECTION BOARD | PROTECTION BOARD | PROTECTION BOARD | PROTECTION BOARD |
| Article 64 | Article 64 | Article 64 | Article 64 |
| European Data Protection Board | European Data Protection Board | European Data Protection Board | European Data Protection Board |
| 1. A European Data Protection | 1. A European Data Protection | 1a. A-The European Data Protection | Tentative Agreement in trilogue |
| Board is hereby set up. | Board is hereby set up. | Board is hereby-set up-established | |
| | | as body of the Union and shall | 1a. The European Data Protection |
| | | have legal personality. | Board is hereby established as |
| | | | body of the Union and shall have |
| | | | legal personality. |
| | | 1b. The European Data | Tentative Agreement in trilogue |
| | | Protection Board shall be | |
| | | represented by its Chair. | 1b. The European Data |
| | | | Protection Board shall be |
| | | | represented by its Chair. |
| 2. The European Data Protection | 2. The European Data Protection | 2. The European Data Protection | Tentative Agreement in trilogue |
| Board shall be composed of the | Board shall be composed of the | Board shall be composed of the | |
| head of one supervisory authority | head of one supervisory authority | head of one supervisory authority of | 2. The European Data Protection |
| of each Member State and of the | of each Member State and of the | each Member State <i>or his/her</i> | Board shall be composed of the |
| European Data Protection | European Data Protection | representative and of the European | head of one supervisory authority |
| Supervisor. | Supervisor. | Data Protection Supervisor. | of each Member State and of the |
| | | | European Data Protection |
| | | | Supervisor, or their respective |
| | | | representatives. |

- 3. Where in a Member State more than one supervisory authority is responsible for monitoring the application of the provisions pursuant to this Regulation, they shall nominate the head of one of those supervisory authorities as joint representative.
- 3. Where in a Member State more than one supervisory authority is responsible for monitoring the application of the provisions pursuant to this Regulation, they shall nominate the head of one of those supervisory authorities as joint representative.
- 3. Where in a Member State more than one supervisory authority is responsible for monitoring the application of the provisions pursuant to this Regulation, they shall nominate the head of one of those supervisory authorities as a joint representative shall be appointed in accordance with the national law of that Member State.
- Tentative Agreement in trilogue
- 3. Where in a Member State more than one supervisory authority is responsible for monitoring the application of the provisions pursuant to this Regulation, a joint representative shall be appointed in accordance with the national law of that Member State.

- 4. The Commission shall have the right to participate in the activities and meetings of the European Data Protection Board and shall designate a representative. The chair of the European Data Protection Board shall, without delay, inform the Commission on all activities of the European Data Protection Board.
- 4. The Commission shall have the right to participate in the activities and meetings of the European Data Protection Board and shall designate a representative. The chair of the European Data Protection Board shall, without delay, inform the Commission on all activities of the European Data Protection Board.
- 4. The Commission and the European Data Protection Supervisor or his/her representative shall have the right to participate in the activities and meetings of the European Data Protection Board and shall designate a representative without voting right. The Commission shall designate a representative. The chair of the European Data Protection Board shall, without delay, inform-communicate to the Commission the on all activities of the European Data Protection Board.

To be rediscussed at a later stage

| Article 65 | Article 65 | Article 65 | Article 65 |
|-------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|
| Independence | Independence | Independence | Independence |
| 1. The European Data Protection | 1. The European Data Protection | 1. The European Data Protection | Tentative Agreement in trilogue |
| Board shall act independently | Board shall act independently | Board shall act independently when | |
| when exercising its tasks pursuant | when exercising its tasks pursuant | exercising performing its tasks or | 1. The European Data Protection |
| to Articles 66 and 67. | to Articles 66 and 67. | exercising its powers pursuant to | Board shall act independently |
| | | Articles 66 and 67. | when performing its tasks or |
| | | | exercising its powers pursuant to |
| | | | Articles 66 and 67. |
| 2. Without prejudice to requests by | 2. Without prejudice to requests by | 2. Without prejudice to requests by | Tentative Agreement in trilogue |
| the Commission referred to in | the Commission referred to in | the Commission referred to in point | |
| point (b) of paragraph 1 and in | point (b) of paragraph 1 and in | (b) of paragraph 1 and in paragraph | 2. Without prejudice to requests |
| paragraph 2 of Article 66, the | paragraph 2 of Article 66, the | 2 of Article 66, the European Data | by the Commission referred to in |
| European Data Protection Board | European Data Protection Board | Protection Board shall, in the | point (b) of paragraph 1 and in |
| shall, in the performance of its | shall, in the performance of its | performance of its tasks or the | paragraph 2 of Article 66, the |
| tasks, neither seek nor take | tasks, neither seek nor take | exercise of its powers, neither seek | European Data Protection Board |
| instructions from anybody. | instructions from anybody. | nor take instructions from anybody. | shall, in the performance of its |
| | | | tasks or the exercise of its powers, |
| | | | neither seek nor take instructions |
| | | | from anybody. |

| Article 66 | Article 66 | Article 66 | Article 66 |
|-------------------------------------|---------------------------------------|-------------------------------------|---------------------------------------|
| Tasks of the European Data | Tasks of the European Data | Tasks of the European Data | Tasks of the European Data |
| Protection Board | Protection Board | Protection Board | Protection Board |
| | Amendment 175 | | |
| 1. The European Data Protection | 1. The European Data Protection | 1. The European Data Protection | Tentative Agreement in trilogue |
| Board shall ensure the consistent | Board shall ensure the consistent | Board shall ensure the consistent | |
| application of this Regulation. To | application of this Regulation. To | application of this Regulation. To | 1. The European Data Protection |
| this effect, the European Data | this effect, the European Data | this effect, the European Data | Board shall ensure the consistent |
| Protection Board shall, on its own | Protection Board shall, on its own | Protection Board shall, on its own | application of this Regulation. To |
| initiative or at the request of the | initiative or at the request of the | initiative or at the request of the | this effect, the European Data |
| Commission, in particular: | European Parliament, Council or | Commission, in particular: | Protection Board shall, on its own |
| | Commission, in particular: | | initiative or, where relevant, at the |
| | | | request of the Commission, in |
| | | | particular: |
| | | (aa) monitor and ensure the | To be aligned with the outcome of |
| | | correct application of this | trilogue discussions on the other |
| | | Regulation in the cases provided | Chapters. |
| | | for in Article 57(3) without | |
| | | prejudice to the tasks of national | |
| | | supervisory authorities; | |
| (a) advise the Commission on any | (a) advise the Commission | (a) advise the Commission on any | To be aligned with the outcome of |
| issue related to the protection of | European institutions on any issue | issue related to the protection of | trilogue discussions on the other |
| personal data in the Union, | related to the protection of personal | personal data in the Union, | Chapters. |
| including on any proposed | data in the Union, including on any | including on any proposed | |
| amendment of this Regulation; | proposed amendment of this | amendment of this Regulation; | |
| | Regulation; | | |

| (b) examine, on its own initiative or on request of one of its members or on request of the Commission, any question covering the application of this Regulation and issue guidelines, recommendations and best practices addressed to the supervisory authorities in order to encourage consistent application of this Regulation; | (b) examine, on its own initiative or on request of one of its members or on request of the <i>European Parliament, Council or the</i> Commission, any question covering the application of this Regulation and issue guidelines, recommendations and best practices addressed to the supervisory authorities in order to encourage consistent application of this Regulation, <i>including on the use of enforcement powers</i> ; | (b) examine, on its own initiative or on request of one of its members or on request of the Commission, any question covering the application of this Regulation and issue guidelines, recommendations and best practices addressed to the supervisory authorities in order to encourage consistent application of this Regulation; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
|---|--|---|---|
| | | (ba) draw up guidelines for supervisory authorities concerning the application of measures referred to in paragraph 1, 1b and 1c of Article 53 and the fixing of administrative fines pursuant to Articles 79 and 79a; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these; | (c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these; | (c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these(ba); | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| | | (ca) encourage the drawing-up of codes of conduct and the establishment of data protection certification mechanisms and data protection seals and marks pursuant to Articles 38 and 39; | To be aligned with the outcome of trilogue discussions on the other Chapters. |

| | | (cb) carry out the accreditation of certification bodies and its periodic review pursuant to Article 39a and maintain a public register of accredited bodies pursuant to paragraph 6 of Article 39a and of the accredited controllers or processors established in third countries pursuant to paragraph 4 of Article 39; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
|---|---|---|---|
| | | (cd) specify the requirements mentioned in paragraph 3 of Article 39a with a view to the accreditation of certification bodies under Article 39; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| | | (ce) give the Commission an opinion on the level of protection of personal data in third countries or international organisations, in particular in the cases referred to in Article 41; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in Article 57; | (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in Article 57; | (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in <i>paragraph 2 and on matters submitted pursuant to paragraph 4 of</i> Article 57; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| | (da) provide an opinion on which authority should be the lead authority pursuant to Article 54a(3); | | To be aligned with the outcome of trilogue discussions on the other Chapters. |

| (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities; | (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities, including the coordination of joint operations and other joint activities, where it so decides at the request of one or several supervisory authorities; | (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
|--|---|--|--|
| (f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; | (f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; | (f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; | (f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; |
| (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide. | (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide; | (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide. | Tentative Agreement in trilogue (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide. |

| (ga) give its opinion to the Commission in the preparation of delegated and implementing acts based on this Regulation; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
|--|---|
| (gb) give its opinion on codes of conduct drawn up at Union level pursuant to Article 38(4); | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (gc) give its opinion on criteria and requirements for the data protection certification mechanisms pursuant to Article 39(3); | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (gd) maintain a public electronic register on valid and invalid certificates pursuant to Article 39(1h); | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (ge) provide assistance to national supervisory authorities, at their request; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (gf) establish and make public a list of the processing operations which are subject to prior consultation pursuant to Article 34; | To be aligned with the outcome of trilogue discussions on the other Chapters. |
| (gg) maintain a registry of sanctions imposed on controllers or processors by the competent supervisory authorities. | To be aligned with the outcome of trilogue discussions on the other Chapters. |

| | | (h) (i) maintain a publicly accessible electronic register of decisions taken by supervisory authorities and courts on issues dealt with in the consistency mechanism. | To be aligned with the outcome of trilogue discussions on the other Chapters. |
|---|--|---|---|
| 2. Where the Commission requests advice from the European Data | 2. Where the European Parliament, the Council or the | 2. Where the Commission requests advice from the European Data | Tentative Agreement in trilogue |
| Protection Board, it may lay out a time limit within which the European Data Protection Board shall provide such advice, taking into account the urgency of the matter. | Commission requests advice from the European Data Protection Board, it may lay out a time limit within which the European Data Protection Board shall provide such advice, taking into account the urgency of the matter. | Protection Board, it may lay out indicate a time limit within which the European Data Protection Board shall provide such advice, taking into account the urgency of the matter. | 2. Where the Commission requests advice from the European Data Protection Board, it may indicate a time limit, taking into account the urgency of the matter. |
| 3. The European Data Protection Board shall forward its opinions, guidelines, recommendations, and best practices to the Commission and to the committee referred to in Article 87 and make them public. | 3. The European Data Protection Board shall forward its opinions, guidelines, recommendations, and best practices to the <i>European Parliament, the Council and the</i> Commission and to the committee referred to in Article 87 and make them public. | 3. The European Data Protection Board shall forward its opinions, guidelines, recommendations, and best practices to the Commission and to the committee referred to in Article 87 and make them public. | Tentative Agreement in trilogue 3. The European Data Protection Board shall forward its opinions, guidelines, recommendations, and best practices to the Commission and to the committee referred to in Article 87 and make them public. |

| 4. The Commission shall inform the European Data Protection Board of the action it has taken following the opinions, guidelines, recommendations and best practices issued by the European Data Protection Board. | 4. The Commission shall inform the European Data Protection Board of the action it has taken following the opinions, guidelines, recommendations and best practices issued by the European Data Protection Board. 4a. The European Data Protection Board shall, where appropriate, consult interested parties and give them the opportunity to comment within a reasonable period. The European Data Protection Board shall, without prejudice to Article 72, make the results of the consultation procedure publicly available. | deleted | Tentative Agreement in trilogue 4a. The European Data Protection Board shall, where appropriate, consult interested parties and give them the opportunity to comment within a reasonable period. The European Data Protection Board shall, without prejudice to Article 72, make the results of the consultation procedure publicly |
|---|---|---------|--|
| | 4b. The European Data Protection Board shall be entrusted with the task of issuing guidelines, recommendations and best practices in accordance with point (b) of paragraph 1 for establishing common procedures for receiving and investigating information concerning allegations of unlawful processing and for safeguarding confidentiality and sources of information received. | | available. To be aligned with the outcome of trilogue discussions on the other Chapters. |

| Article 67 | Article 67 | Article 67 | Article 67 |
|-------------------------------------|---|------------|------------|
| Reports | Reports | Reports | Reports |
| | Amendment 176 | | |
| 1. The European Data Protection | 1. The European Data Protection | deleted | |
| Board shall regularly and timely | Board shall regularly and timely | | |
| inform the Commission about the | inform the European Parliament, | | |
| outcome of its activities. It shall | the Council and the Commission | | |
| draw up an annual report on the | about the outcome of its activities. | | |
| situation regarding the protection | It shall draw up an annual <i>a</i> report | | |
| of natural persons with regard to | at least every two years on the | | |
| the processing of personal data in | situation regarding the protection | | |
| the Union and in third countries. | of natural persons with regard to | | |
| The report shall include the review | the processing of personal data in | | |
| of the practical application of the | the Union and in third countries. | | |
| guidelines, recommendations and | The report shall include the review | | |
| best practices referred to in point | of the practical application of the | | |
| (c) of Article 66(1). | guidelines, recommendations and | | |
| | best practices referred to in point | | |
| | (c) of Article 66(1). | | |

| 2. The report shall be made public and transmitted to the European | 2. The report shall be made public and transmitted to the European | 2. The European Data Protection | Tentative Agreement in trilogue |
|--|--|---|--|
| Parliament, the Council and the | Parliament, the Council and the | Board shall draw up an annual report regarding the protection of | 2. The European Data Protection |
| Commission. | Commission. | natural persons with regard to the | Board shall draw up an annual |
| | | processing of personal data in the | report regarding the protection of |
| | | Union and, where relevant, in | natural persons with regard to the |
| | | third countries and international | processing of personal data in the |
| | | organisations. The report shall be | Union and, where relevant, in |
| | | made public and be transmitted to | third countries and international |
| | | the European Parliament, the | organisations. The report shall be |
| | | Council and the Commission. | made public and be transmitted to |
| | | | the European Parliament, the Council and the Commission. |
| | | 3. The annual report shall include | Tentative Agreement in trilogue |
| | | a review of the practical | Tentative Agreement in tritogue |
| | | application of the guidelines, | 3. The annual report shall include |
| | | recommendations and best | a review of the practical |
| | | practices referred to in point (c) of | application of the guidelines, |
| | | Article 66(1) as well as of the | recommendations and best |
| | | binding decisions referred to in | practices referred to in point (c) of |
| | | paragraph 3 of Article 57. | Article 66(1) as well as of the |
| | | | binding decisions referred to in |
| | | | paragraph 3 of Article 57. |

| Article 68 | Article 68 | Article 68 | Article 68 |
|--|--|---|---|
| Procedure | Procedure | Procedure | Procedure |
| | Amendment 177 | | |
| 1. The European Data Protection | 1. The European Data Protection | 1. The European Data Protection | Tentative Agreement in trilogue |
| Board shall take decisions by a | Board shall take decisions by a | Board shall take decisions adopt | |
| simple majority of its members. | simple majority of its members, | binding decisions referred to in | 1. The European Data Protection |
| | unless otherwise provided in its | paragraph 3 of Article 57 in | Board shall take decisions by a |
| | rules of procedure. | accordance with majority | simple majority of its members, |
| | | requirements set out in paragraphs | unless otherwise provided for in |
| | | 2 and 3 of Article 58a. As regards | this Regulation. |
| | | decisions related to the other tasks | |
| | | listed in Article 66 hereof, they | |
| | | shall be taken by a simple majority | |
| | 2 5 5 | of its members. | |
| 2. he European Data Protection | 2. The European Data Protection | 2. The European Data Protection | Tentative Agreement in trilogue |
| Board shall adopt its own rules of | Board shall adopt its own rules of | Board shall adopt its own rules of | |
| procedure and organise its own | procedure and organise its own | procedure by a two-third majority | 2. The European Data Protection |
| operational arrangements. In | operational arrangements. In | of its members and organise its own | Board shall adopt its own rules of |
| particular, it shall provide for the | particular, it shall provide for the | operational arrangements. In particular, it shall provide for the | procedure by a two-third majority |
| continuation of exercising duties when a member's term of office | continuation of exercising duties when a member's term of office | continuation of exercising duties | of its members and organise its own operational arrangements. |
| expires or a member resigns, for | expires or a member resigns, for | when a member's term of office | own operational arrangements. |
| the establishment of subgroups for | the establishment of subgroups for | expires or a member resigns, for the | |
| specific issues or sectors and for its | specific issues or sectors and for its | establishment of subgroups for | |
| procedures in relation to the | procedures in relation to the | specific issues or sectors and for its | |
| consistency mechanism referred to | consistency mechanism referred to | procedures in relation to the | |
| in Article 57. | in Article 57. | consistency mechanism referred to | |
| | | in Article 57. | |

| Article 69 | Article 69 | Article 69 | Article 69 |
|------------------------------------|---|---|------------------------------------|
| Chair | Chair | Chair | Chair |
| | Amendment 178 | | |
| 1. The European Data Protection | 1. The European Data Protection | 1. The European Data Protection | Tentative Agreement in trilogue |
| Board shall elect a chair and two | Board shall elect a chair and at | Board shall elect a chair and two | |
| deputy chairpersons from amongst | <i>least</i> two deputy chairpersons from | deputy chairpersons <i>chairs</i> from | 1. The European Data Protection |
| its members. One deputy | amongst its members. One deputy | amongst its members by simple | Board shall elect a chair and two |
| chairperson shall be the European | chairperson shall be the European | majority. One deputy chairperson | deputy chairs from amongst its |
| Data Protection Supervisor, unless | Data Protection Supervisor, unless | shall be the European Data | members by simple majority. |
| he or she has been elected chair. | he or she has been elected chair. | Protection Supervisor, unless he or | |
| | | she has been elected chair. | |
| 2. The term of office of the chair | 2. The term of office of the chair | 2. The term of office of the chair | Tentative Agreement in trilogue |
| and of the deputy chairpersons | and of the deputy chairpersons | and of the deputy chairpersons | |
| shall be five years and be | shall be five years and be | <i>chairs</i> shall be five years and be | 2. The term of office of the Chair |
| renewable. | renewable. | renewable <i>once</i> . | and of the deputy chairs shall be |
| | | | five years and be renewable once. |
| | Amendment 179 | | |
| | 2a. The position of the chair shall | | Tentative Agreement to be deleted |
| | be a full-time position. | | |

| Article 70 | Article 70 | Article 70 | Article 70 |
|-------------------------------------|-------------------------------------|--|--|
| Tasks of the chair | Tasks of the chair | Tasks of the chair | Tasks of the chair |
| 1. The chair shall have the | 1. The chair shall have the | 1. The chair shall have the | Tentative Agreement in trilogue |
| following tasks: | following tasks: | following tasks: | |
| | | | 1. The chair shall have the |
| | | | following tasks: |
| | | | |
| (a) to convene the meetings of the | (a) to convene the meetings of the | (a) to convene the meetings of the | Tentative Agreement in trilogue |
| European Data Protection Board | European Data Protection Board | European Data Protection Board | () () () () () |
| and prepare its agenda; | and prepare its agenda; | and prepare its agenda; | (a) to convene the meetings of the |
| | | | European Data Protection Board |
| | | (aa) to notify decisions adopted by | and prepare its agenda; Tentative Agreement in trilogue |
| | | the European Data Protection | Tentative Agreement in trilogue |
| | | Board pursuant to Article 58a to | (aa) to notify decisions adopted by |
| | | the lead supervisory authority and | the European Data Protection |
| | | the concerned supervisory | Board pursuant to Article 58a to |
| | | authorities; | the lead supervisory authority and |
| | | , | the concerned supervisory |
| | | | authorities; |
| (b) to ensure the timely fulfilment | (b) to ensure the timely fulfilment | (b) to ensure the timely fulfilment | Tentative Agreement in trilogue |
| of the tasks of the European Data | of the tasks of the European Data | <i>performance</i> of the tasks of the | |
| Protection Board, in particular in | Protection Board, in particular in | European Data Protection Board, in | (b) to ensure the timely |
| relation to the consistency | relation to the consistency | particular in relation to the | performance of the tasks of the |
| mechanism referred to in Article | mechanism referred to in Article | consistency mechanism referred to | European Data Protection Board, |
| 57. | 57. | in Article 57. | in particular in relation to the |
| | | | consistency mechanism referred |
| | | | to in Article 57. |

2. The European Data Protection 2. The European Data Protection 2. The European Data Protection Tentative Agreement in trilogue Board shall lay down the Board shall lay down the Board shall lay down the attribution attribution of tasks between the attribution of tasks between the of tasks between the chair and the 2. The European Data Protection chair and the deputy chairpersons chair and the deputy chairpersons deputy chairpersons in its rules of Board shall lay down the attribution of tasks between the in its rules of procedure. in its rules of procedure. procedure. chair and the deputy chairs in its rules of procedure.

| Article 71 | Article 71 | Article 71 | Article 71 |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Secretariat | Secretariat | Secretariat | Secretariat |
| 1. The European Data Protection | 1. The European Data Protection | 1. The European Data Protection | Tentative Agreement in trilogue |
| Board shall have a secretariat. The | Board shall have a secretariat. The | Board shall have a secretariat, | |
| European Data Protection | European Data Protection | which shall be provided by the | 1. The European Data Protection |
| Supervisor shall provide that | Supervisor shall provide that | secretariat of . Tthe European Data | Board shall have a secretariat, |
| secretariat. | secretariat. | Protection Supervisor-shall provide | which shall be provided by the |
| | | that secretariat. | European Data Protection |
| | | | Supervisor. |
| | | 1a. The secretariat shall perform | Tentative Agreement in trilogue |
| | | its tasks exclusively under the | |
| | | instructions of the Chair of the | 1a. The secretariat shall perform |
| | | European Data Protection Board. | its tasks exclusively under the |
| | | | instructions of the Chair of the |
| | | | European Data Protection Board. |
| | | 1b. The staff of the secretariat of | Tentative Agreement in trilogue |
| | | the European Data Protection | |
| | | Supervisor involved in carrying out | 1b. The staff of the European Data |
| | | the tasks conferred on the | Protection Supervisor involved in |
| | | European Data Protection Board | carrying out the tasks conferred |
| | | by this Regulation shall be | on the European Data Protection |
| | | organisationally separated from, | Board by this Regulation shall be |
| | | and subject to separate reporting | subject to separate reporting lines |
| | | lines from the staff involved in | from the staff involved in carrying |
| | | carrying out tasks conferred on the | out tasks conferred on the |
| | | European Data Protection | European Data Protection |
| | | Supervisor. | Supervisor. |

| | | Ic. Where needed, the European Data Protection Board in consultation with the European Data Protection Supervisor shall establish and publish a Code of Conduct implementing this Article and applicable to the staff of the secretariat of the European Data Protection Supervisor involved in carrying out the tasks conferred on the European Data Protection Board by this Regulation. | 1c. Where appropriate, the European Data Protection and the European Data Protection Supervisor shall establish and publish a Memorandum of Understanding implementing this Article, determining the terms of their cooperation, and applicable to the staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the European Data Protection Board by this Regulation. |
|--|--|--|--|
| | Amendment 180 | | |
| 2. The secretariat shall provide analytical, administrative and logistical support to the European | 2. The secretariat shall provide analytical, <i>legal</i> , administrative and logistical support to the | 2. The secretariat shall provide analytical, administrative and logistical support to the European | Tentative Agreement in trilogue 2. The goarderiet shell provide |
| Data Protection Board under the | European Data Protection Board | Data Protection Board under the | 2. The secretariat shall provide analytical, administrative and |
| direction of the chair. | under the direction of the chair. | direction of the chair. | logistical support to the European Data Protection Board. |
| 3. The secretariat shall be responsible in particular for: | 3. The secretariat shall be responsible in particular for: | 3. The secretariat shall be responsible in particular for: | Tentative Agreement in trilogue |
| | | | 3. The secretariat shall be responsible in particular for: |
| (a) the day-to-day business of the European Data Protection Board; | (a) the day-to-day business of the European Data Protection Board; | (a) the day-to-day business of the European Data Protection Board; | Tentative Agreement in trilogue |
| | | | (a) the day-to-day business of the European Data Protection Board; |

| (b) the communication between the members of the European Data Protection Board, its chair and the Commission and for communication with other institutions and the public; | (b) the communication between the members of the European Data Protection Board, its chair and the Commission and for communication with other institutions and the public; | (b) the communication between the members of the European Data Protection Board, its chair and the Commission and for communication with other institutions and the public; | Tentative Agreement in trilogue (b) the communication between the members of the European Data Protection Board, its chair and the Commission and for communication with other institutions and the public; |
|---|---|--|--|
| (c) the use of electronic means for the internal and external communication; | (c) the use of electronic means for the internal and external communication; | (c) the use of electronic means for the internal and external communication; | (c) the use of electronic means for the internal and external communication; |
| (d) the translation of relevant information; | (d) the translation of relevant information; | (d) the translation of relevant information; | Tentative Agreement in trilogue (d) the translation of relevant information; |
| (e) the preparation and follow-up of the meetings of the European Data Protection Board; | (e) the preparation and follow-up of the meetings of the European Data Protection Board; | (e) the preparation and follow-up of the meetings of the European Data Protection Board; | (e) the preparation and follow-up of the meetings of the European Data Protection Board; |
| (f) the preparation, drafting and publication of opinions and other texts adopted by the European Data Protection Board. | (f) the preparation, drafting and publication of opinions and other texts adopted by the European Data Protection Board. | (f) the preparation, drafting and publication of opinions, <i>decisions</i> on the settlement of disputes between supervisory authorities and other texts adopted by the European Data Protection Board. | (f) the preparation, drafting and publication of opinions, decisions on the settlement of disputes between supervisory authorities and other texts adopted by the European Data Protection Board. |

| Article 72 | Article 72 | Article 72 | Article 72 |
|--------------------------------------|--|--|-------------------------------------|
| Confidentiality | Confidentiality | Confidentiality | Confidentiality |
| | Amendment 181 | | |
| 1. The discussions of the European | 1. The discussions of the European | 1. The discussions of the European | To be re-discussed at a later stage |
| Data Protection Board shall be | Data Protection Board <i>may</i> be | Data Protection Board shall be | 1. The discussions of the |
| confidential. | confidential where necessary, | confidential. | European Data Protection Board |
| | unless otherwise provided in its | | [shall/may] be confidential, unless |
| | rules of procedure. The agendas | | otherwise provided in its rules of |
| | of the meetings of the European | | procedure. |
| | Protection Board shall be made | | |
| | public. | | |
| 2. Documents submitted to | 2. Documents submitted to | 2. Access to Ddocuments submitted | Tentative Agreement in trilogue |
| members of the European Data | members of the European Data | to members of the European Data | |
| Protection Board, experts and | Protection Board, experts and | Protection Board, experts and | 2. Access to documents submitted |
| representatives of third parties | representatives of third parties shall | representatives of third parties shall | to members of the European Data |
| shall be confidential, unless access | be confidential, unless access is | be confidential, unless access is | Protection Board, experts and |
| is granted to those documents in | granted to those documents in | granted to those documents in | representatives of third parties |
| accordance with Regulation (EC) | accordance with Regulation (EC) | accordance with governed by | shall be governed by Regulation |
| No 1049/2001 or the European | No 1049/2001 of the European | Regulation (EC) No 1049/2001-or | (EC) No 1049/2001. |
| Data Protection Board otherwise | Parliament and of the Council or | the European Data Protection Board | |
| makes them public. | the European Data Protection | otherwise makes them public. | |
| | Board otherwise makes them | | |
| | public. | | |

| | ¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L145, 31.5.2001, p.43) | | |
|---|---|---------|--|
| 3. The members of the European Data Protection Board, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them. | 3. The members of the European Data Protection Board, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them. | deleted | |