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#### NOTE

From: Presidency

To: Delegations

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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

1. On 15<sup>th</sup> 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 Co-operation 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 5<sup>th</sup> October 2015.

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 4<sup>th</sup> 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.

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 4<sup>th</sup> 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 4<sup>th</sup> column. The Presidency takes the view that this change is acceptable.

12. The European Parliament insists on having its Article 53(1(ja)) in Article 52(1(ja)), as indicated in the 4<sup>th</sup> 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 4<sup>th</sup> 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 co-legislators 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 4<sup>th</sup> 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*”.

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 4<sup>th</sup> 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 4<sup>th</sup> 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.

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 4<sup>th</sup> 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
		<i>(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</i>	

		<i>of this Regulation, promote the awareness of the judiciary of their obligations under this Regulation and deal with complaints in relation to such processing.</i>	
(27) The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes, conditions and means of processing through stable arrangements. This criterion should not depend 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 determining criteria for a main establishment. The main establishment of the processor should be the place of its central administration in the Union.	<del>(27) The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes, conditions and means of processing through stable arrangements. This criterion should not depend 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 determining criteria for a main establishment. The main establishment of the processor should be the place of its central administration in the Union.</del>	(27) The main establishment of a controller in the Union should be <b><i>the place of its central administration in the Union, unless determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to on the purposes, conditions and means of processing of personal data are taken in another establishment of the controller in the Union. In this case the latter should be considered as the main establishment.</i></b> <del>through stable arrangements.</del> <b><i>The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining</i></b>	



		<p><i>the main decisions as to the purposes and means of processing through stable arrangements.</i> 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 <i>not</i> determining criteria for a main establishment.</p> <p>The main establishment of the processor should be the place of its central administration in the Union <i>and, if it has no central administration in the Union, the place where the main processing activities take place in the Union.</i></p>	
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		<p><i>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.</i></p> <p><i>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.</i></p>	
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	<b><i>Amendment 64</i></b>		
(92) The establishment of supervisory authorities in Member States, exercising their functions with complete independence, is an essential component of the protection of individuals with regard to the processing of their personal data. Member States may establish more than one supervisory authority, to reflect their constitutional, organisational and administrative structure.	(92) The establishment of supervisory authorities in Member States, exercising their functions with complete independence, is an essential component of the protection of individuals with regard to the processing of their personal data. Member States may establish more than one supervisory authority, to reflect their constitutional, organisational and administrative structure. <b><i>An authority shall have adequate financial and personal resources to fully carry out its role, taking into account the size of the population and the amount of personal data processing.</i></b>	(92) The establishment of supervisory authorities in Member States, <b><i>empowered to perform their tasks and</i></b> <del>exercising</del> <b><i>exercise</i></b> their <del>functions</del> <b><i>powers</i></b> with complete independence, is an essential component of the protection of individuals with regard to the processing of their personal data. Member States may establish more than one supervisory authority, to reflect their constitutional, organisational and administrative structure.	
		<b><i>(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.</i></b>	

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

	<b><i>Amendment 66</i></b>		
(95) The general conditions for the members of the supervisory authority should be laid down by law in each Member State and should in particular provide that those members should be either appointed by the parliament or the government of the Member State, and include rules on the personal qualification of the members and the position of those members.	(95) The general conditions for the members of the supervisory authority should be laid down by law in each Member State and should in particular provide that those members should be <del>either</del> appointed by the parliament or the government of the Member State <b><i>taking due care to minimise the possibility of political interference,</i></b> and include rules on the personal qualification of the members, <b><i>the avoidance of conflicts of interest</i></b> and the position of those members.	(95) The general conditions for the <b><i>member or</i></b> members of the supervisory authority should be laid down by law in each Member State and should in particular provide that those members should be either appointed by the parliament <b><i>and/or</i></b> the government <b><i>or the head of State</i></b> of the Member State, <del>and include rules on the personal qualification of the members and the position of those members</del> <b><i>or by an independent body entrusted by 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.</i></b>	

		<p><i>(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.</i></p>	
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<p>(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 co-operate with each other and the Commission.</p>	<p>(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 co-operate with each other and the Commission.</p>	<p>(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, <b><i>this Regulation should oblige and empower</i></b> the supervisory authorities <del>should</del> <b><i>to</i></b> co-operate with each other and the Commission, <b><i>without the need for any agreement between Member States on the provision of mutual assistance or on such cooperation.</i></b></p>	
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	<b><i>Amendment 67</i></b>		
(97) Where the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union takes place in more than one Member State, one single supervisory authority should be competent for monitoring the activities of the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors.	(97) Where the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union takes place in more than one Member State, one single supervisory authority should be <del>competent for monitoring the activities of</del> <b><i>act as the single contact point and the lead authority responsible for supervising</i></b> the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors.	(97) Where the processing of personal data <b><i>takes place</i></b> in the context of the activities of an establishment of a controller or a processor in the Union <b><i>and the controller or processor is established</i></b> <del>takes place</del> in more than one Member State, <b><i>or where processing taking place in the context of the activities of a</i></b> <del>one</del> single supervisory authority should be competent for monitoring the activities of the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors <b><i>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</i></b>	

		<p><i>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.</i></p>	
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		<p><i>(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.</i></p>	
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		<i>(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.</i>	
		<i>(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,</i>	

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

<p>(99) While this Regulation applies also to the activities of national courts, 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 judges in the performance of their judicial tasks. However, this exemption should be strictly limited to genuine judicial activities in court cases and not apply to other activities where judges might be involved in, in accordance with national law.</p>	<p><del>(99) While this Regulation applies also to the activities of national courts, 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 judges in the performance of their judicial tasks. However, this exemption should be strictly limited to genuine judicial activities in court cases and not apply to other activities where judges might be involved in, in accordance with national law.</del></p>	<p><i>deleted</i></p>	
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<p>(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.</p>	<p>(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.</p>	<p>(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 <del>duties</del> <b>tasks</b> and effective powers, including powers of investigation, <b>corrective powers</b> <del>legally binding intervention, decisions and sanctions, and</del> <b>authorisation and advisory powers</b>, particularly in cases of complaints from individuals, <b>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</b> and/or engage in legal proceedings. <b>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</b></p>	
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		<p><i>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.</i></p> <p><del>Investigative</del>  <b>Investigatory</b> powers of <del>supervisory authorities</del> as regards access to premises should be exercised in <del>conformity</del> <b>accordance with specific requirements in national procedural law, such as with Union law and national law.</b></p> <p><del>This concerns in particular the requirement to obtain a prior judicial authorisation.</del> <b>Each legally</b></p>	
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		<p><i>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.</i></p>	
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	<b><i>Amendment 70</i></b>		
(101) Each supervisory authority should hear complaints lodged by any data subject and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should 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.	(101) Each supervisory authority should hear complaints lodged by any data subject <b><i>or by associations acting in the public interest</i></b> and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject <b><i>or the association</i></b> 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.	(101 & 101a) Each <del>supervisory authority should hear to</del> <b><i>Where the complaints has been lodged is not the lead supervisory authority, the lead supervisory authority should closely co-operate with the supervisory authority to which the complaint has been lodged according to the provisions on co-operation and consistency laid down in this Regulation. In such cases,</i></b> <del>by any data subject and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case.</del>	

		<p><del>The</del><i><b>the lead</b></i> supervisory authority should, <i><b>when taking measures intended to produce legal effects, including the imposition of administrative fines, take utmost account of the view of the</b></i> <del>inform</del> <i><b>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</b></i> <i><b>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.</b></i></p>	
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		<p><i>(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</i></p>	
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		<i>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.</i>	
(102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as data subjects.	(102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as data subjects.	(102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as <del>data subjects</del> <b>individuals in particular in the educational context.</b>	

(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 <del>duties</del> <b>tasks</b> and provide mutual assistance, so as to ensure the consistent application and enforcement of this Regulation in the internal market. <b><i>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.</i></b>	
(104) Each supervisory authority should have the right to participate in joint operations between supervisory authorities. The requested supervisory authority should be obliged to respond to the request in a defined time period.	(104) Each supervisory authority should have the right to participate in joint operations between supervisory authorities. The requested supervisory authority should be obliged to respond to the request in a defined time period.	(104) Each supervisory authority should have the right to participate in joint operations between supervisory authorities. The requested supervisory authority should be obliged to respond to the request in a defined time period.	



	<i>Amendment 71</i>		
(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities themselves and the Commission should be established. This mechanism should in particular apply where a supervisory authority intends to take a measure as regards processing operations that are related to the offering of goods or services to data subjects in several Member States, or to the monitoring such data subjects, or that might substantially affect the free flow of personal data. It should also apply where any supervisory authority or the Commission requests that the matter should be dealt with in the consistency	(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities themselves and the Commission should be established. This mechanism should in particular apply where a supervisory authority intends to take a measure as regards processing operations that are related to the offering of goods or services to data subjects in several Member States, or to the monitoring <i>of</i> such data subjects, or that might substantially affect the free flow of personal data. It should also apply where any supervisory authority or the Commission requests that the matter should be dealt with in the consistency	(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities themselves and the Commission should be established. This mechanism should in particular apply where a supervisory authority intends to <del>take</del> <i>adopt</i> a measure <i>intended to produce legal effects</i> as regards processing operations <del>that are related to the offering of goods or services to data subjects in several Member States, , or to the monitoring such data subjects, or that might</del> <i>which</i> substantially affect <i>a significant number of data subjects in several Member States.</i> <del>the free flow of personal data.</del> It 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. <i>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.</i> This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.	<i>concerned</i> supervisory authority or the Commission requests that <del>the</del> <i>such</i> 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.	
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<p>(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.</p>	<p>(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.</p>	<p>(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a <del>simple</del> majority of its members so decides or if so requested by any <b>concerned</b> supervisory authority <b>concerned</b> or the Commission. <i><b>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.</b></i></p>	
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	<i>Amendment 72</i>		
	<i>(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.</i>		

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

<p>(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.</p>	<p>(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.</p>	<p>(109) The application of this mechanism should be a condition for the <del>legal validity and enforcement of the respective decision</del> <b>lawfulness of a measure intended to produce legal effects</b> by a supervisory authority <b>in those cases where its application is mandatory</b>. In other cases of cross-border relevance, <b>the co-operation mechanism between the lead supervisory authority and concerned supervisory authorities should be applied and</b> mutual assistance and joint <del>investigations</del> <b>operations</b> might be carried out between the concerned supervisory authorities on a bilateral or multilateral basis without triggering the consistency mechanism.</p>	
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	<i>Amendment 74</i>		
(110) At Union level, a European Data Protection Board should be set up. It should replace the Working Party on the Protection of Individuals with Regard to the Processing of Personal Data established by Directive 95/46/EC. It should consist of a head of a supervisory authority of each Member State and of the European Data Protection Supervisor. The Commission should participate in its activities. The European Data Protection Board should contribute to the consistent application of this Regulation throughout the Union, including by advising the Commission and promoting co-operation of the supervisory authorities throughout the Union. The European Data Protection Board should act independently when exercising its tasks.	(110) At Union level, a European Data Protection Board should be set up. It should replace the Working Party on the Protection of Individuals with Regard to the Processing of Personal Data established by Directive 95/46/EC. It should consist of a head of a supervisory authority of each Member State and of the European Data Protection Supervisor. <del>The Commission should participate in its activities.</del> The European Data Protection Board should contribute to the consistent application of this Regulation throughout the Union, including by advising the <del>Commission</del> <b><i>institutions of the Union</i></b> and promoting co-operation of the supervisory authorities throughout the Union, <b><i>including the coordination of joint operations.</i></b> The European Data Protection Board should act independently when exercising its tasks. <b><i>The European Data Protection Board should strengthen the dialogue with concerned stakeholders such as</i></b>	(110) <b><i>In order to promote the consistent application of this Regulation, At Union level, a the</i></b> European Data Protection Board should be set up <b><i>as an independent body of the Union. To fulfil its objectives, the European Data Protection Board should have legal personality. The European Data Protection Board should be represented by its Chair.</i></b> It should replace the Working Party on the Protection of Individuals with Regard to the Processing of Personal Data established by Directive 95/46/EC. It should consist of a head of a supervisory authority of each Member State <b><i>or his or her representative and of the.</i></b> <del>The Commission and the</del> European Data Protection Supervisor. <del>The Commission</del> should participate in its activities <b><i>without voting rights.</i></b> The European Data Protection Board should contribute to the consistent application of this Regulation throughout the Union, including by advising the Commission, <b><i>in</i></b>	

	<i>data subjects' associations, consumer organisations, data controllers and other relevant stakeholders and experts.</i>	<i>particular on the level of protection in third countries or international organisations, and promoting co-operation of the supervisory authorities throughout the Union. The European Data Protection Board should act independently when exercising its tasks.</i>	
		<i>(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.</i>	



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

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

		<p><i>(19a) 'concerned supervisory authority' means a supervisory authority which is concerned by the processing, because:</i></p> <p><i>a) the controller or processor is established on the territory of the Member State of that supervisory authority;</i></p> <p><i>b) data subjects residing in this Member State are substantially affected or likely to be substantially affected by the processing; or</i></p> <p><i>c) the underlying complaint has been lodged to that supervisory authority.</i></p>	<p><i>Tentative Agreement</i></p> <p>19a) "supervisory authority concerned" means a supervisory authority which is concerned by the processing, because:</p> <p>a) the controller or processor is established on the territory of the Member State of that supervisory authority;</p> <p>b) data subjects residing in this Member State are substantially affected or likely to be substantially affected by the processing; or</p> <p>c) a complaint has been lodged to that supervisory authority.</p>
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		<p><b><i>(19b) “transnational processing of personal data” means either:</i></b></p> <p><b><i>(a) processing which takes place in the context of the activities of establishments in more than one Member State of a controller or a processor in the Union and the controller or processor is established in more than one Member State; or</i></b></p> <p><b><i>(b) processing which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.</i></b></p>	<p><i>Tentative Agreement in trilogue</i></p> <p>(19b) “cross-border processing of personal data” means either:</p> <p>(a) processing which takes place in the context of the activities of establishments in more than one Member State of a controller or a processor in the Union and the controller or processor is established in more than one Member State; or</p> <p>(b) processing which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.</p>
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		<p><b><i>(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.</i></b></p>	<p><i>Tentative Agreement in trilogue</i></p> <p>(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.</p>
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CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES	CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES	CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES	CHAPTER VI INDEPENDENT SUPERVISORY AUTHORITIES
SECTION 1 INDEPENDENT STATUS	SECTION 1 INDEPENDENT STATUS	SECTION 1 INDEPENDENT STATUS	SECTION 1 INDEPENDENT STATUS
<i>Article 46</i>	<i>Article 46</i>	<i>Article 46</i>	<i>Article 46</i>
<i>Supervisory authority</i>	<i>Supervisory authority</i>	<i>Supervisory authority</i>	<i>Supervisory authority</i>
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 <b>independent</b> public authorities are responsible for monitoring the application of this Regulation <del>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.</del>	<i>Tentative Agreement in trilogue</i>  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.

		<b><i>1a. Each supervisory authority shall contribute to the consistent application of this Regulation throughout the Union. For this purpose, the supervisory authorities shall co-operate with each other and the Commission in accordance with Chapter VII.</i></b>	<i>Tentative Agreement in trilogue</i>  1a. Each supervisory authority shall contribute to the consistent application of this Regulation throughout the Union. For this purpose, the supervisory authorities shall co-operate with each other and the Commission in accordance with Chapter VII.
2. Where in a Member State more than one supervisory authority are established, that Member State shall designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the European Data Protection Board and shall set out the mechanism to ensure compliance by the other authorities with the rules relating to the consistency mechanism referred to in Article 57.	2. Where in a Member State more than one supervisory authority are established, that Member State shall designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the European Data Protection Board and shall set out the mechanism to ensure compliance by the other authorities with the rules relating to the consistency mechanism referred to in Article 57.	2. Where in a Member State more than one supervisory authority are established, that Member State shall designate the supervisory authority which <del>functions as a single contact point for the effective participation of</del> <b><i>shall represent</i></b> those authorities in the European Data Protection Board and shall set out the mechanism to ensure compliance by the other authorities with the rules relating to the consistency mechanism referred to in Article 57.	<i>Tentative Agreement in trilogue</i>  2. Where in a Member State more than one supervisory authority are established, that Member State shall designate the supervisory authority which shall represent those authorities in the European Data Protection Board and shall set out the mechanism to ensure compliance by the other authorities with the rules relating to the consistency mechanism referred to 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.
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<i>Article 47</i>	<i>Article 47</i>	<i>Article 47</i>	<i>Article 47</i>
<i>Independence</i>	<i>Independence</i>	<i>Independence</i>	<i>Independence</i>
	<i>Amendment 145</i>		
1. The supervisory authority shall act with complete independence in exercising the duties and powers entrusted to it.	1. The supervisory authority shall act with complete independence in exercising the duties and powers entrusted to it, <b><i>notwithstanding co-operative and consistency arrangements related to Chapter VII of this Regulation.</i></b>	1. <del>The</del> <b><i>Each</i></b> supervisory authority shall act with complete independence in <b><i>performing the duties and</i></b> exercising the duties and powers entrusted to it <b><i>in accordance with this Regulation.</i></b>	<i>Tentative Agreement in trilogue</i>  1. Each supervisory authority shall act with complete independence in performing the tasks and exercising the powers entrusted to it in accordance with this Regulation.
2. The members of the supervisory authority shall, in the performance of their duties, neither seek nor take instructions from anybody.	2. The members of the supervisory authority shall, in the performance of their duties, neither seek nor take instructions from anybody.	2. The <b><i>member or</i></b> members of the <del>the</del> <b><i>each</i></b> supervisory authority shall, in the performance of their duties <b><i>and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect and</i></b> neither seek nor take instructions from anybody.	<i>Tentative Agreement in trilogue</i>  2. The member or members of each supervisory authority shall, in the performance of their tasks and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect and neither seek nor take instructions from anybody.
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.	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.	<b><i>deleted</i></b>	<i>Tentative Agreement in trilogue</i>  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.

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.	<del>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.</del>	<del>deleted</del>	<i>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)).</i>
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.	<del>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.</del>	5. Each Member State shall ensure that <del>the</del> <b>each</b> supervisory authority is provided with the <del>adequate</del> human, technical and financial resources, premises and infrastructure necessary for the effective performance of its duties and <b>exercise of its</b> powers, including those to be carried out in the context of mutual assistance, co-operation and participation in the European Data Protection Board.	<i>Tentative Agreement in trilogue</i>  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.	<del>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.</del>	6. Each Member State shall ensure that <del>the</del> <b>each</b> supervisory authority has its own staff which shall be <del>appointed by and be</del> subject to the direction of the <b>member or members</b> <del>head</del> of the supervisory authority.	<i>Tentative Agreement in trilogue</i>  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 the supervisory authority is subject to financial control which shall not affect its independence. Member States shall ensure that the supervisory authority has separate annual budgets. The budgets shall be made public.	7. Member States shall ensure that the supervisory authority is subject to financial control which shall not affect its independence. Member States shall ensure that the supervisory authority has separate annual budgets. The budgets shall be made public.	7. Member States shall ensure that <del>the</del> <b>each</b> supervisory authority is subject to financial control which shall not affect its independence. Member States shall ensure that <del>the</del> <b>each</b> supervisory authority has separate, <b>public</b> , annual budgets, <b>which may be part of the overall state or national budget.</b> <del>The budgets shall be made public.</del>	<i>Tentative Agreement in trilogue</i>  7. Member States shall ensure that each supervisory authority is subject to financial control which shall not affect its independence. Member States shall ensure that each supervisory authority has separate, public, annual budgets, which may be part of the overall state or national budget.
	<b><i>Amendment 146</i></b>		
	<b><i>7a. Each Member State shall ensure that the supervisory authority shall be accountable to the national parliament for reasons of budgetary control.</i></b>		

<i>Article 48</i>	<i>Article 48</i>	<i>Article 48</i>	<i>Article 48</i>
<i>General conditions for the members of the supervisory authority</i>	<i>General conditions for the members of the supervisory authority</i>	<i>General conditions for the members of the supervisory authority</i>	<i>General conditions for the members of the supervisory authority</i>
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 <b>member or</b> members of the <del>the</del> <b>each</b> supervisory authority must be appointed <del>either</del> by the parliament <b>and/or</b> the government or <b>head of State of</b> the Member State concerned <b>or by an independent body entrusted by Member State law with the appointment by means of a transparent procedure.</b>	<i>Council to re-consider</i>  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 <b>member or</b> members shall <b>have the qualifications,</b> <del>be chosen from persons whose independence is beyond doubt and whose</del> experience and skills required to perform their duties <del>notably in the area of protection of personal data are demonstrated</del> <b>and exercise their powers.</b>	<i>Tentative Agreement in trilogue</i>  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 in the event of the expiry of the term of office, resignation or compulsory retirement in accordance with paragraph 5.	3. The duties of a member shall end in the event of the expiry of the term of office, resignation or compulsory retirement in accordance with paragraph 5.	3. The duties of a member shall end in the event of the expiry of the term of office, resignation or compulsory retirement in accordance with paragraph 5 <del>the</del> <b>law of the Member State concerned.</b>	<i>Tentative Agreement in trilogue</i>  3. The duties of a member shall end in the event of the expiry of the term of office, resignation or compulsory retirement in accordance with the law of the Member State concerned.
4. A member may be dismissed or deprived of the right to a pension or other benefits in its stead by the competent national court, if the member no longer fulfils the conditions required for the performance of the duties or is guilty of serious misconduct.	4. A member may be dismissed or deprived of the right to a pension or other benefits in its stead by the competent national court, if the member no longer fulfils the conditions required for the performance of the duties or is guilty of serious misconduct.	<i>deleted</i>	<i>To be redicussed at a later stage</i>
5. Where the term of office expires or the member resigns, the member shall continue to exercise the duties until a new member is appointed.	5. Where the term of office expires or the member resigns, the member shall continue to exercise the duties until a new member is appointed.	<i>deleted</i>	<i>To be rediscussed at a later stage</i>

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

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



<i>Article 50</i>	<i>Article 50</i>	<i>Article 50</i>	<i>Article 50</i>
<i>Professional secrecy</i>	<i>Professional secrecy</i>	<i>Professional secrecy</i>	<i>Professional secrecy</i>
	<i>Amendment 147</i>		
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 <b><i>and in conformity with national legislation and practice</i></b> , 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, <b><i>whilst conducting their duties with independence and transparency as set out in the Regulation.</i></b>	<i>deleted</i>	<i>deleted</i>

SECTION 2 <del>DUTIES</del> COMPETENCE, TASKS AND POWERS	SECTION 2 COMPETENCE, TASKS AND POWERS	SECTION 2 COMPETENCE, TASKS AND POWERS	
<i>Article 51</i>	<i>Article 51</i>	<i>Article 51</i>	
<i>Competence</i>	<i>Competence</i>	<i>Competence</i>	
	<i>Amendment 148</i>		
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 <b><i>be competent to perform the duties and to exercise on the territory of its own Member State</i></b> the powers conferred on it in accordance with this Regulation <b><i>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.</i></b>	1. Each supervisory authority shall <b><i>be competent to perform the tasks and exercise on the territory of its own Member State</i></b> , the powers conferred on it in accordance with this Regulation <b><i>on the territory of its own Member State.</i></b>	<i>Tentative Agreement in trilogue</i>  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 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, the supervisory authority of the main establishment of the controller or processor shall be competent for the supervision of the processing activities of the controller or the processor in all Member States, without prejudice to the provisions of Chapter VII of this Regulation.	<i>deleted</i>	2. 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, the supervisory authority of the main establishment of the controller or processor shall be competent for the supervision of the processing activities of the controller or the processor in all Member States, without prejudice to the provisions of Chapter VII of this Regulation. <i>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.</i>	<i>Tentative Agreement in trilogue</i>  2. Where the processing 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 not be competent to supervise processing operations of courts acting in their judicial capacity.	3. The supervisory authority shall not be competent to supervise processing operations of courts acting in their judicial capacity.	3. The supervisory authorityies shall not be competent to supervise processing operations of courts acting in their judicial capacity.	<i>Tentative Agreement in trilogue</i>  3. Supervisory authorities shall not be competent to supervise processing operations of courts acting in their judicial capacity.

		<i>Article 51a</i>	<i>Article 51a</i>
		<i>Competence of the lead supervisory authority</i>	<i>Competence of the lead supervisory authority</i>
		<b><i>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.</i></b>	<i>Tentative Agreement in trilogue</i>  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.
		<b><i>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.</i></b>	<i>Tentative Agreement in trilogue</i>  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.

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

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

<i>Article 52</i>	<i>Article 52</i>	<i>Article 52</i>	<i>Article 52</i>
<i>Duties</i>	<i>Duties</i>	<i>Tasks</i>	<i>Tasks</i>
1.The supervisory authority shall:	1.The supervisory authority shall:	1. <del>The</del> <i>Without prejudice to other tasks set out under this Regulation, each</i> supervisory authority shall <i>on its territory</i> :	<i>Tentative Agreement in trilogue</i>  1. Without prejudice to other tasks 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 <del>ensure</del> <i>enforce</i> the application of this Regulation;	<i>Tentative Agreement in trilogue</i>  (a) monitor and enforce the application of this Regulation;
		<i>(aa) promote public awareness and understanding of the risks, rules, safeguards and rights in relation to the processing of personal data. Activities addressed specifically to children shall receive specific attention;</i>	<i>Tentative Agreement in trilogue</i>  (aa) promote public awareness and understanding of the risks, rules, safeguards and rights in relation to the processing of personal data. Activities addressed specifically to children shall receive specific attention;
		<i>(ab) advise, in accordance with national law, the national parliament, the government, and other 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;</i>	<i>Tentative Agreement in trilogue</i>  (ab) advise, in accordance with national law, the national parliament, the government, and other 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;

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



(c) share information with and provide mutual assistance to other supervisory authorities and ensure the consistency of application and enforcement of this Regulation;	<del>(c) share information with and provide mutual assistance to other supervisory authorities and ensure the consistency of application and enforcement of this Regulation;</del>	(c) <del>share</del> <b>cooperate with, including sharing</b> information with and provide mutual assistance to other supervisory authorities <b>with a view to and ensure ensuring</b> the consistency of application and enforcement of this Regulation;	<i>Tentative Agreement in trilogue</i>  (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 <b>of specific and documented information received alleging unlawful processing or</b> 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 <del>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</del> <b>on the application of this Regulation, including on the basis of information received from another</b> supervisory authority, <del>of the outcome of the investigations within a reasonable period or other public authority;</del>	<i>Tentative Agreement in trilogue</i>  (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;	<del>(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;</del>	<del>(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;</del>	<del>(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;</del>

(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;	<del>(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;</del>	<del>(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</del> <b><i>adopt standard contractual clauses referred to in Article 26(2c);</i></b>	<i>Tentative Agreement in trilogue</i>  (f) adopt standard contractual clauses referred to in Article 26(2c) and 42(2)(c);
		<b><i>(fa) establish and make a list in relation to the requirement for data protection impact assessment pursuant to Article 33(2a);</i></b>	<i>Tentative Agreement in trilogue</i>  (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;	<del>(g) authorise and be consulted on the processing operations referred to in Article 34;</del>	<del>(g) authorise and be consulted</del> <b><i>give advice</i></b> on the processing operations referred to in Article 34(3);	<i>Tentative Agreement in trilogue</i>  (g) give advice on the processing operations referred to in Article 34(3);
		<b><i>(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);</i></b>	<i>Tentative Agreement in trilogue</i>  (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);

		<b><i>(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);</i></b>	<i>Tentative Agreement in trilogue</i>  (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)];
		<b><i>(gc) where applicable, carry out a periodic review of certifications issued in accordance with Article 39(4);</i></b>	<i>Tentative Agreement in trilogue</i>  (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);	<del>(h) issue an opinion on the draft codes of conduct pursuant to Article 38(2)</del> <b><i>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;</i></b>	<i>Tentative Agreement in trilogue</i>  (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];
		<b><i>(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;</i></b>	<i>Tentative Agreement in trilogue</i>  (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];

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

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

	<i>request with general information on their responsibilities and obligations in accordance with this Regulation.</i>		
3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if appropriate, co-operate with the supervisory authorities in other Member States to this end.	<del>3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if appropriate, co-operate with the supervisory authorities in other Member States to this end.</del>	<i>deleted</i>	<i>deleted</i>
4. For complaints referred to in 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.	<del>4. For complaints referred to in 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.</del>	4. <del>For</del> <b>Each supervisory authority shall facilitate the submission of</b> complaints referred to in point (b) of paragraph 1, <del>the supervisory authority shall provide a</del> <b>by measures such as providing a</b> complaint submission form, which can be completed <b>also</b> electronically, without excluding other means of communication.	<i>Tentative Agreement in trilogue</i>  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.	<del>5. The performance of the duties of the supervisory authority shall be free of charge for the data subject.</del>	5. The performance of the <del>duties</del> <b>tasks</b> of the <del>each</del> supervisory authority shall be free of charge for the data subject <b>and for the data protection officer, if any.</b>	<i>Tentative Agreement in trilogue</i>  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 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.	6. Where requests are manifestly excessive, in particular due to their repetitive character, the supervisory authority may charge a <b>reasonable</b> fee or not take the action requested by the data subject. <b>Such a fee shall not exceed the costs of taking the action requested.</b> The supervisory authority shall bear the burden of proving the manifestly excessive character of the request.	6. Where requests are manifestly <b>unfounded or</b> excessive, in particular <del>due to</del> <b>because of</b> their repetitive character, the supervisory authority may <del>charge a fee or not take the action requested by the data subject</del> <b>refuse to act on the request.</b> The supervisory authority shall bear the burden of <del>proving</del> <b>demonstrating</b> the manifestly <b>unfounded or</b> excessive character of the request.	<i>Tentative Agreement in trilogue</i>  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 of the request.
<b>Article 53</b>	<b>Article 53</b>	<b>Article 53</b>	<b>Article 53</b>
<b>Powers</b>	<b>Powers</b>	<b>Powers</b>	<b>Powers</b>
1. Each supervisory authority shall have the power:	1. Each supervisory authority shall, <b>in line with this Regulation</b> , have the power:	1. Each <b>Member State shall provide by law that its</b> supervisory authority shall have <b>at least</b> the <b>following investigative</b> powers:	<i>To be rediscussed at a later stage</i>  1. Each [Member State shall 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, <i>or to order the controller to communicate a personal data breach to the data subject;</i>	(a) to <del>notify</del> <b>order</b> the controller <del>or</del> <b>and</b> the processor of an alleged breach of the provisions governing the processing of personal data, and, where appropriate <b>applicable</b> , <del>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</del> <b>representative to provide any information it requires for the performance of its tasks;</b>	<i>Tentative agreement in trilogue</i>  (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;
		<i>(aa) to carry out investigations in the form of data protection audits;</i>	<i>Tentative agreement in trilogue</i>  (aa) to carry out investigations in the form of data protection audits;
		<i>(ab) to carry out a review on certifications issued pursuant to Article 39(4);</i>	<i>Tentative agreement in trilogue</i>  (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;	<del>(b) to order the controller or the processor to comply with the data subject's requests to exercise the rights provided by this Regulation;</del>	<i>deleted</i>	<i>deleted</i>
(c) to order the controller and the processor, and, where applicable, the representative to provide any information relevant for the performance of its duties;	<del>(c) to order the controller and the processor, and, where applicable, the representative to provide any information relevant for the performance of its duties;</del>	<i>deleted</i>	<i>deleted</i>



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

		<b><i>(a) to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation;</i></b>	<i>Tentative agreement in trilogue</i>  (a) to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation;
		<b><i>(b) to issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation;</i></b>	<i>Tentative agreement in trilogue</i>  (b) to issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation;
		<del><b><i>(e)</i></b></del> <b><i>(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</i></b>	<i>Tentative agreement in trilogue</i>  (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;

		<b><i>(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;</i></b>	<i>Tentative agreement in trilogue</i>  (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;
			<i>Tentative agreement in trilogue</i>  (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;	<b><i>(e) to impose a temporary or definitive limitation on processing;</i></b>	<i>Tentative agreement in trilogue</i>  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;	<b><i>(f) deleted</i></b> → moved to (d)	<i>Tentative agreement in trilogue</i>  (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 <del>a temporary or definitive ban on processing;</del> <b><i>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.</i></b>	<i>Tentative agreement in trilogue</i>  (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 <del>suspend</del> <b><i>order the suspension of</i></b> data flows to a recipient in a third country or to an international organisation;	<i>Tentative agreement in trilogue</i>  (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;	<b><i>deleted</i></b>	
	<b><i>(ia) to certify controllers and processors pursuant to Article 39;</i></b>		

(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.	<del>(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.</del>	<i>deleted</i>	
	<i>(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).</i>		
		<i>1c. Each Member State shall provide by law that its supervisory authority shall have the following authorisation and advisory powers:</i>	<i>To be rediscussed at a later stage</i> 1c. Each [Member State shall provide by law that its] supervisory authority shall have the following authorisation and advisory powers:
		<i>(a) to advise the controller in accordance with the prior consultation procedure referred to in Article 34;</i>	<i>Tentative agreement in trilogue</i> (a) to advise the controller in accordance with the prior consultation procedure referred to in Article 34;

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

		<i>(b) to adopt standard data protection clauses referred to in point (c) of Article 42(2);</i>	<i>Tentative agreement in trilogue</i>  (b) to adopt standard data protection clauses referred to in point (c) of Article 42(2);
		<i>(c) to authorise contractual clauses referred to in point (a) of Article 42(2a);</i>	<i>Tentative agreement in trilogue</i>  (c) to authorise contractual clauses referred to in point (a) of Article 42(2a);
		<i>(ca) to authorise administrative agreements referred to in point (d) of Article 42 (2a);</i>	<i>Tentative agreement in trilogue</i>  (ca) to authorise administrative agreements referred to in point (d) of Article 42 (2a);
		<i>(d) to approve binding corporate rules pursuant to Article 43.</i>	<i>Tentative agreement in trilogue</i>  (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 <b>without prior notice</b> :	<del>2. Each supervisory authority shall have the investigative power to obtain from the controller or the processor.</del> <i>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.</i>	<i>Tentative agreement in trilogue</i>  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 to all information necessary for the performance of its duties;	(a) access to all personal data and to all <b>documents and</b> information necessary for the performance of its duties;	<i>deleted</i>	
(b) access to any of its premises, including to any data processing equipment and means, where there are reasonable grounds for presuming that an activity in violation of this Regulation is being carried out there.	(b) access to any of its premises, including to any data processing equipment and means, <del>where there are reasonable grounds for presuming that an activity in violation of this Regulation is being carried out there.</del>	<i>deleted</i>	
The powers referred to in point (b) shall be exercised in conformity with Union law and Member State law.	The powers referred to in point (b) shall be exercised in conformity with Union law and Member State law.	<i>deleted</i>	
3. Each supervisory authority shall have the power to bring violations of this Regulation to the attention of the judicial authorities and to engage in legal proceedings, in particular pursuant to Article 74(4) and Article 75(2).	3. Each supervisory authority shall have the power to bring violations of this Regulation to the attention of the judicial authorities and to engage in legal proceedings, in particular pursuant to Article 74(4) and Article 75(2).	3. Each <b>Member State shall provide by law that its</b> supervisory authority shall have the power to bring <del>violations</del> <b>infringements</b> of this Regulation to the attention of the judicial authorities and <b>where appropriate, to commence or</b> engage <b>otherwise</b> in legal proceedings, <del>in particular pursuant to Article 74(4) and Article 75(2),</del> <b>in order to enforce the provisions of this Regulation.</b>	<i>To be rediscussed at a later stage</i>  3. Each [Member State shall provide by law that its] supervisory authority shall have the power to bring infringements of this Regulation to the attention of the judicial authorities and where appropriate, to commence or engage otherwise in legal proceedings, in order to enforce the provisions of this Regulation.



4. Each supervisory authority shall have the power to sanction administrative offences, in particular those referred to in Article 79(4), (5) and (6).	4. Each supervisory authority shall have the power to sanction administrative offences, in particular those referred to in <b>accordance with</b> Article 79(4), (5) and (6). <b>This power shall be exercised in an effective, proportionate and dissuasive manner.</b>	<i>deleted</i>	
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<i>Article 54</i>	<i>Article 54</i>	<i>Article 54</i>	<i>Article 54</i>
<i>Activity report</i>	<i>Activity report</i>	<i>Activity report</i>	<i>Activity report</i>
	<i>Amendment 157</i>		
Each supervisory authority must draw up an annual report on its activities. The report shall be presented to the national parliament and shall be made be available to the public, the Commission and the European Data Protection Board.	Each supervisory authority must draw up <del>an annual</del> <b>a</b> report on its activities <b>at least every two years</b> . The report shall be presented to the <del>national</del> <b>respective</b> parliament and shall be made be available to the public, the Commission and the European Data Protection Board.	Each supervisory authority <del>must</del> <b>shall</b> draw up an annual report on its activities. The report shall be <del>presented</del> <b>transmitted</b> to the national <del>p</del> Parliament, <b>the government and other authorities as designated by national law. and</b> <b>It</b> shall be made be available to the public, the <b>European</b> Commission and the European Data Protection Board.	<i>Tentative Agreement in trilogue</i>  Each supervisory authority shall draw up an annual report on its activities, which may include a list of types of notified breaches and types of imposed sanctions. The report shall be transmitted to the national Parliament, the government and other authorities as designated by national law. It shall be made available to the public, the Commission and the European Data Protection Board.

	<i>Amendment 157</i>		
	<i>Article 54a (new)</i>		
	<i>Lead Authority</i>		
	<p><i>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 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.</i></p>		

	<p><i>2. The lead <del>supervisory</del> 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 <del>paragraph 1</del> 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</i></p>		
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	<b><i>3. The European Data Protection Board shall, at the request of a competent supervisory authority, issue an opinion on the identification of the lead authority responsible for a controller or processor, in cases where:</i></b>		
	<b><i>(a) it is unclear from the facts of the case where the main establishment of the controller or processor is located; or</i></b>		
	<b><i>(b) the competent authorities do not agree on which supervisory authority shall act as lead authority; or</i></b>		
	<b><i>(c) the controller is not established in the Union, and residents of different Member States are affected by processing operations within the scope of this Regulation.</i></b>		
	<b><i>3a. Where the controller exercises also activities as a processor, the supervisory authority of the main establishment of the controller shall act as lead authority for the supervision of processing activities.</i></b>		
	<b><i>4. The European Data Protection Board may decide on the identification of the lead authority.</i></b>		

		<b>CHAPTER VII CO-OPERATION AND CONSISTENCY</b>	<b>CHAPTER VII CO-OPERATION AND CONSISTENCY</b>
		<b>SECTION 1 CO-OPERATION</b>	<b>SECTION 1 CO-OPERATION</b>
		<i>Article 54a</i> <i>Cooperation between the lead supervisory authority and other concerned supervisory authorities</i>	<i>Article 54a</i> <i>Cooperation between the lead supervisory authority and other concerned supervisory authorities</i>
		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.	<i>Tentative Agreement in trilogue</i> 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 authority may request at any time other concerned supervisory authorities to provide mutual assistance pursuant to Article 55 and may conduct joint operations pursuant to Article 56, in particular for carrying out investigations or for monitoring the implementation of a measure concerning a controller or processor established in another Member State.	<i>Tentative Agreement in trilogue</i>  1a. The lead supervisory authority may request at any time other concerned supervisory authorities to provide mutual assistance pursuant to Article 55 and may conduct joint operations pursuant to Article 56, in particular for carrying out investigations or for monitoring the implementation of a measure concerning a controller or processor established in another Member State.
		2. The lead supervisory authority shall, without delay communicate the relevant information on the matter to the other concerned supervisory authorities. It shall without delay submit a draft decision to the other concerned supervisory authorities for their opinion and take due account of their views.	<i>To be rediscussed at a later stage</i>  2. The lead supervisory authority shall, without delay communicate the relevant information on the matter to the other concerned supervisory authorities. It shall without delay submit a draft decision to the other concerned supervisory authorities for their opinion and take [due/utmost] account of their views.

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



		<p>4. Where none of the other 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 concerned supervisory authorities shall be deemed to be in agreement with this draft decision and shall be bound by it.</p>	<p><i>Tentative Agreement in trilogue</i></p> <p>4. Where none of the other 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 concerned supervisory authorities shall be deemed to be in agreement with this draft decision and shall be bound by it.</p>
		<p>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 to which a complaint has been lodged shall inform the complainant on the decision.</p>	<p><i>Tentative Agreement in trilogue</i></p> <p>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 to which a complaint has been lodged shall inform the complainant on the decision.</p>

		4b. By derogation from paragraph 4a, where a complaint is dismissed or rejected, the supervisory authority to which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.	<i>Tentative Agreement in trilogue</i>  4b. By derogation from paragraph 4a, where a complaint is dismissed or rejected, the supervisory authority to which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.
		4bb. Where the lead supervisory authority 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 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 complainant shall adopt the decision for the part concerning dismissal or rejection of that	<i>Tentative Agreement in trilogue</i>  4bb. Where the lead supervisory authority 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 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 complainant shall adopt the

		complaint and notify it on that complainant and shall inform the controller or processor thereof.	decision for the part concerning dismissal or rejection of that 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 and 4bb, the controller or processor shall take the necessary measures to ensure compliance with the decision as regards the processing activities in the context of all its establishments in the Union. The controller or processor shall notify the measures taken for complying with the decision to the lead supervisory authority, which shall inform the other concerned supervisory authorities.	<i>Tentative Agreement in trilogue</i>  4c. After being notified of the decision of the lead supervisory authority pursuant to paragraph 4a and 4bb, the controller or processor shall take the necessary measures to ensure compliance with the decision as regards the processing activities in the context of all its establishments in the Union. The controller or processor shall notify 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 supervisory authority has reasons to consider that there is an urgent need to act in order to protect the interests of data subjects, the urgency procedure referred to in Article 61 shall apply.	<i>Tentative Agreement in trilogue</i>  4d. Where, in exceptional circumstances, a concerned supervisory authority has reasons to consider that there is an urgent 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 and the other concerned supervisory authorities shall supply the information required under this Article to each other by electronic means, using a standardised format.	<i>Tentative Agreement in trilogue</i>  5. The lead supervisory authority and the other concerned supervisory authorities shall supply the information required under this Article to each other by electronic means, using a standardised format.
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<i>Article 55</i>	<i>Article 55</i>	<i>Article 55</i>	<i>Article 55</i>
<i>Mutual assistance</i>	<i>Mutual assistance</i>	<i>Mutual assistance</i>	<i>Mutual assistance</i>
	<i>Amendment 159</i>		
1. Supervisory authorities shall provide each other relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and prompt information on the opening of cases and ensuing developments where data subjects in several Member States are likely to be affected by processing operations.	1. Supervisory authorities shall provide each other relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior <del>authorisations and consultations,</del> inspections <b>and investigations</b> and prompt information on the opening of cases and ensuing developments <b>where the controller or processor has establishments in several Member States or</b> where data subjects in several Member States are likely to be affected by processing operations. <b>The lead authority as defined in Article 54a shall ensure the coordination with involved supervisory authorities and shall act as the single contact point for the controller or processor.</b>	1. Supervisory authorities shall provide each other <b>with</b> relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and <del>prompt information on the opening of cases and ensuing developments</del> where data subjects in several Member States are likely to be affected by processing operations <b>investigations.</b>	<i>Tentative agreement in trilogue</i>  1. Supervisory authorities shall provide each other with relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and investigations.

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.	<del>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.</del>	2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without <b>undue</b> 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 <del>course</del> <b>conduct</b> of an investigation or <del>enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.</del>	<i>Tentative agreement in trilogue</i>  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.
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.	<del>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.</del>	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 <del>in respect of the matter</del> <b>for the purpose</b> for which it was requested.	<i>Tentative agreement in trilogue</i>  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 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:	4. A supervisory authority to which a request for assistance is addressed may not refuse to comply with it unless:	<i>Tentative agreement in trilogue</i>  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 <b><i>subject-matter of the request or for the measures it is requested to execute</i></b> ; or	<i>Tentative agreement in trilogue</i>  (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 <b><i>or with Union or Member State law to which the supervisory authority receiving the request is subject.</i></b>	<i>Tentative agreement to further clarify in a recital</i> (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 <del>meet</del> <b><i>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.</i></b>	<i>Tentative agreement in trilogue</i>  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 by other supervisory authorities by electronic means and within the shortest possible period of time, using a standardised format.	<del>6. Supervisory authorities shall supply the information requested by other supervisory authorities by electronic means and within the shortest possible period of time, using a standardised format.</del>	6. Supervisory authorities shall, <b>as a rule</b> , supply the information requested by other supervisory authorities by electronic means <del>and within the shortest possible period of time</del> , using a standardised format.	<i>Tentative agreement in trilogue</i>  6. Supervisory authorities shall, as a rule, supply the information requested by other supervisory authorities by electronic means, using a standardised format.
		<b><i>Amendment 160</i></b>	
7. No fee shall be charged for any action taken following a request for mutual assistance.	7. No fee shall be charged <b><i>to the requesting supervisory authority</i></b> for any action taken following a request for mutual assistance.	7. No fee shall be charged for any action taken following a request for mutual assistance. <b><i>Supervisory authorities may agree with other supervisory authorities rules for indemnification by other supervisory authorities for specific expenditure arising from the provision of mutual assistance in exceptional circumstances.</i></b>	<i>Tentative agreement in trilogue</i>  7. No fee shall be charged for any action taken following a request for mutual assistance. Supervisory authorities may agree with other supervisory authorities rules for indemnification by other supervisory authorities for specific expenditure arising from the provision of mutual assistance in exceptional circumstances.



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

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

	<b><i>Amendment 163</i></b>		
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).	10. The <del>Commission</del> <b>European Data Protection Board</b> 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. <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).</del>	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).	<i>Tentative agreement in trilogue</i>  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).

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

	<i>Amendment 164</i>		
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 <b><i>where the controller or processor has establishments in several Member States or</i></b> 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 <del>competent supervisory authority</del> <b><i>lead authority as defined in Article 54a</i></b> shall <del>invite</del> <b><i>involve</i></b> the supervisory authority of each of those Member States <del>to take part in the respective joint investigative tasks or joint operations and</del> respond to the request of a supervisory authority to participate in the operations without delay.	2. In cases where <b><i>the controller or processor has establishments in several Member States or where a significant number of</i></b> data subjects in <del>several</del> <b><i>more than one</i></b> Member States are likely to be <b><i>substantially</i></b> affected by processing operations, a supervisory authority of each of those Member States shall have the right to participate in the joint <del>investigative tasks or joint</del> operations, as appropriate. The competent supervisory authority shall invite the supervisory authority of each of those Member States to take part in the <del>respective joint investigative tasks or joint</del> operations <b><i>concerned</i></b> and respond <b><i>without delay</i></b> to the request of a supervisory authority to participate <del>in the operations without delay.</del>	<i>Tentative agreement in trilogue</i>  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.

<p>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.</p>	<p>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.</p>	<p><del>3. Each</del> A supervisory authority may, <del>as a host supervisory authority,</del> in compliance with its own <del>national</del> <b>Member State</b> law, and with the seconding supervisory authority's authorisation, confer <del>executive</del> powers, including investigative <del>tasks</del> <b>powers</b> on the seconding supervisory authority's members or staff involved in joint operations or, in so far as the <b>law of the Member State of the</b> host supervisory authority's <del>law</del> permits, allow the seconding supervisory authority's members or staff to exercise their <del>executive</del> <b>investigative</b> powers in accordance with the <b>law of the Member State of the</b> seconding supervisory authority's <del>law</del>. Such <del>executive</del> <b>investigative</b> powers may be exercised only under the guidance and, <del>as a rule,</del> in the presence of members or staff <del>from</del> <b>of</b> the host supervisory authority. The seconding supervisory authority's members or staff shall be subject to the host supervisory authority's national law. <del>The host supervisory authority shall assume responsibility for their actions.</del></p>	<p><i>Tentative agreement in trilogue</i></p> <p>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.</p>
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		<b><i>3a. Where, in accordance with paragraph 1, staff of a seconding supervisory authority are operating in another Member State, the Member State of the host supervisory authority shall be liable for any damage caused by them during their operations, in accordance with the law of the Member State in whose territory they are operating.</i></b>	<i>Council to re-consider EP's compromise suggestion</i> 3a. Where, in accordance with paragraph 1, staff of a seconding supervisory authority are operating in another Member State, the Member State of the host supervisory authority shall [assume responsibility for their actions, including liability] for any damage caused by them during their operations, in accordance with the law of the Member State in whose territory they are operating.
		<b><i>3b. The Member State in whose territory the damage was caused shall make good such damage under the conditions applicable to damage caused by its own staff. The Member State of the seconding supervisory authority whose staff has caused damage to any person in the territory of another Member State shall reimburse the latter in full any sums it has paid to the persons entitled on their behalf.</i></b>	<i>Tentative agreement in trilogue</i> 3b. The Member State in whose territory the damage was caused shall make good such damage under the conditions applicable to damage caused by its own staff. The Member State of the seconding supervisory authority whose staff has caused damage to any person in the territory of another Member State shall reimburse the latter in full any sums it has paid to the persons entitled on their behalf.

		<b><i>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.</i></b>	<i>Tentative agreement in trilogue</i>  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.	<del>4. Supervisory authorities shall lay down the practical aspects of specific co-operation actions.</del>	<del><b><i>deleted</i></b></del>	
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).	<del>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).</del>	5. Where <b><i>a joint operation is intended and</i></b> a supervisory authority does not comply within one month with the obligation laid down in <b><i>the second sentence of</i></b> paragraph 2, the other supervisory authorities <del>shall be competent to take</del> <b><i>may adopt</i></b> a provisional measure on the territory of its Member State in accordance with Article 51(1).	<i>Tentative agreement in trilogue</i>  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.	<del>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.</del>	6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5 <b>which</b> <del>This period</del> shall not exceed three months. The supervisory authority shall, without delay, communicate <del>those</del> <b>such a</b> measures, <b>together</b> with full <del>its</del> reasons <b>for adopting it</b> , to the European Data Protection Board <del>and to the Commission and shall submit the matter in the</del> <b>in accordance with the consistency</b> mechanism referred to in Article 57.	
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SECTION 2 CONSISTENCY	SECTION 2 CONSISTENCY	SECTION 2 CONSISTENCY	SECTION 2 CONSISTENCY
<i>Article 57</i>	<i>Article 57</i>	<i>Article 57</i>	<i>Article 57</i>
<i>Consistency mechanism</i>	<i>Consistency mechanism</i>	<i>Consistency mechanism</i>	<i>Consistency mechanism</i>
	<i>Amendment 165</i>		
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 <del>as set out</del> <b><i>both on matters of general application and in individual cases in accordance with the provisions of</i></b> in this section.	<b><i>1.</i></b> For the purposes set out in Article 46(1 <b><i>a</i></b> ), the supervisory authorities shall co-operate with each other <del>and the Commission</del> through the consistency mechanism as set out in this section.	<i>Tentative agreement in trilogue</i>  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.
		<b><i>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:</i></b>	<i>See Article 58</i>

		<del>(a)</del> <del>(b)</del> <i>(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</i>	<i>See Article 58</i>
		<i>(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</i>	<i>See Article 58</i>
		<i>(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;</i>	<i>See Article 58</i>
		<i>(d) aims at determining standard data protection clauses referred to in point (c) of Article 42(2); or</i>	<i>See Article 58</i>
		<i>(e) aims at authorising contractual clauses referred to in point (d) of Article 42(2); or</i>	<i>See Article 58</i>

		<i>(f) aims at approving binding corporate rules within the meaning of Article 43.</i>	<i>See Article 58</i>
		<i>3. The European Data Protection Board shall adopt a binding decision in the following cases:</i>	<i>See Article 58a</i>
		<i>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;</i>	<i>See Article 58a</i>
		<i>b) Where, there are conflicting views on which of the concerned supervisory authorities is competent for the main establishment;</i>	<i>See Article 58a</i>
		<i>e);</i>	

		<i>d) Where a competent supervisory 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.</i>	<i>See Article 58a</i>
		<i>4. Any supervisory authority, the 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.</i>	<i>See Article 58</i>

		5. Supervisory authorities and the Commission shall 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 decision, the grounds which make the enactment of such measure necessary, and the views of other concerned supervisory authorities.	<i>See Article 58</i>
		<b><i>6. The chair of the European Data 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.</i></b>	<i>See Article 58</i>

<i>Article 58</i>	<i>Article 58</i>	<i>Article 58</i>	<i>Article 58</i>
	<i>Amendment 166</i>		
<i>Opinion by the European Data Protection Board</i>	<del>Opinion by the European Data Protection Board</del> <i>Consistency on matters of general application</i>	<i>Opinion by the European Data Protection Board</i>	<i>Opinion by the European Data Protection Board</i>
1. Before a supervisory authority adopts a measure referred to in paragraph 2, this supervisory authority shall communicate the draft measure to the European Data Protection Board and the Commission.	<del>1. Before a supervisory authority adopts a measure referred to in paragraph 2, this supervisory authority shall communicate the draft measure to the European Data Protection Board and the Commission.</del>	<i>deleted</i>	<i>Tentative Agreement in trilogue</i>  1. 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:
2. The obligation set out in paragraph 1 shall apply to a measure intended to produce legal effects and which:	<del>2. The obligation set out in paragraph 1 shall apply to a measure intended to produce legal effects and which:</del>	<i>deleted</i>	
(a) relates to processing activities 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	<i>deleted</i>	<i>deleted</i>	

(b) may substantially affect the free movement of personal data within the Union; or	<i>deleted</i>	<i>deleted</i>	
(c) aims at adopting a list of the processing operations subject to prior consultation pursuant to Article 34(5); or	<i>deleted</i>	<i>deleted</i>	<i>Tentative Agreement in trilogue</i>  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
			<i>Tentative Agreement in trilogue</i>  (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
			<i>Tentative Agreement in trilogue</i>  (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	<i>deleted</i>	<i>Tentative Agreement in trilogue</i>  (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	<i>deleted</i>	<i>Tentative Agreement in trilogue</i>  (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.	<i>deleted</i>	<i>Tentative Agreement in trilogue</i>  (f) aims at approving binding corporate rules within the meaning of Article 43.

3. Any supervisory authority or the European Data Protection Board may request that any matter shall be dealt with in the consistency mechanism, in particular where a supervisory authority does not submit a draft measure referred to in paragraph 2 or does not comply with the obligations for mutual assistance in accordance with Article 55 or for joint operations in accordance with Article 56.	3. Any supervisory authority or the European Data Protection Board may request that any matter <i><b>of general application</b></i> shall be dealt with in the consistency mechanism, in particular where a supervisory authority does not submit a draft measure referred to in paragraph 2 or does not comply with the obligations for mutual assistance in accordance with Article 55 or for joint operations in accordance with Article 56.	<i>deleted</i>	<p><i>Tentative Agreement in trilogue</i></p> <p>2. Any supervisory authority, the 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.</p>
			<p><i>Tentative Agreement in trilogue</i></p> <p>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</p>

			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 Regulation, the Commission may request that any matter shall be dealt with in the consistency mechanism.	4. In order to ensure correct and consistent application of this Regulation, the Commission may request that any matter <b><i>of general application</i></b> shall be dealt with in the consistency mechanism.	<b><i>deleted</i></b>	
5. Supervisory authorities and the Commission shall electronically communicate any relevant information, including as the case may be a summary of the facts, the draft measure, and the grounds which make the enactment of such measure necessary, using a standardised format.	5. Supervisory authorities and the Commission shall <b><i>without undue delay</i></b> electronically communicate any relevant information, including as the case may be a summary of the facts, the draft measure, and the grounds which make the enactment of such measure necessary, using a standardised format.	<b><i>deleted</i></b>	<i>Tentative Agreement in trilogue</i>  5. Supervisory authorities 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 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 <del>immediately</del> <b>without undue delay</b> 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 <del>chair</del> <b>secretariat</b> of the European Data Protection Board shall provide translations of relevant information, where necessary.	<b><i>deleted</i></b>	<i>Tentative Agreement in trilogue</i>  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 Commission of the opinion and make it public.
	<b><i>6a. The European Data Protection Board shall adopt an opinion on matters referred to it under paragraph 2.</i></b>		

<p>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.</p>	<p>7. The European Data Protection Board <del>shall issue</del> <b>may decide by simple majority whether to adopt</b> an opinion on the <del>any</del> matter, <del>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.</del> 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. <b>submitted under paragraphs 3 and 4 taking into account :</b></p>	<p><b>7. In the cases referred to in paragraphs 2 and 4 of Article 57,</b> <del>the European Data Protection Board shall issue an opinion on the same matter,</del> 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. <del>The</del> <b>This</b> 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. <b>This period may be extended by a further month, taking into account the complexity</b></p>	
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		<i>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 decision.</i>	
	<i>(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</i>		
	<i>(b) whether the European Data Protection Board has already issued an opinion on the same matter.</i>		
		<i>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.</i>	<i>Tentative Agreement in trilogue</i>  7a. Within the period referred to in paragraph 3 the competent supervisory authority shall not adopt its draft decision referred to in paragraph 1.

		<b><i>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.</i></b>	
8. The supervisory authority referred to in paragraph 1 and the supervisory authority competent under Article 51 shall take 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.	<del>8. The supervisory authority referred to in paragraph 1 and the supervisory authority competent under Article 51 shall take 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</del> <b><i>The European Data Protection Board shall adopt opinions pursuant to paragraphs 6a and 7 by a simple majority of its members. These opinions shall be made public.</i></b>	<del>8. The supervisory authority referred to in paragraph 1-2 of Article 57 and the supervisory authority competent under Article 51 shall take utmost account of the opinion of the European Data Protection Board and shall within two weeks after the information on receiving 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 will amends its draft measure decision and, if any, the amended draft measure decision, using a standardised format.</del>	<i>Tentative Agreement in trilogue</i>  8. The supervisory authority referred to in paragraph 1 shall take utmost account of the opinion of the European Data Protection Board and shall within two weeks after receiving the opinion, electronically communicate to the chair of the European Data Protection Board whether it maintains or will amend its draft decision and, if any, the amended draft decision, using a standardised format.

		<b><i>9. Where the concerned supervisory authority informs the chair of the European Data Protection Board within the period referred to in paragraph 8 that it does not intend to follow the opinion of the Board, in whole or in part, providing the relevant grounds, paragraph 3 of Article 57 shall apply.</i></b>	<i>Tentative Agreement in trilogue</i>  9. Where the concerned supervisory authority informs the chair of the European Data Protection Board within the period referred to in paragraph 8 that it does not intend to follow the opinion of the Board, in whole or in part, providing the relevant grounds, paragraph 1 of Article 58a shall apply.
	<b><i>Amendment 167</i></b>		
	<b><i>Article 58a (new)</i></b>		
	<b><i>Consistency in individual cases</i></b>		
	<b><i>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.</i></b>		



	<i>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.</i>		
	<i>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.</i>		

	<i>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.</i>		
	<i>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.</i>		

	<p><b><i>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.</i></b></p>		
	<p><b><i>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.</i></b></p>		

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

			<p><i>Tentative Agreement in trilogue</i></p> <p>(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;</p>
			<p><i>Tentative Agreement in trilogue</i></p> <p>b) Where there are conflicting views on which of the concerned supervisory authorities is competent for the main establishment;</p>

			<p><i>Tentative Agreement in trilogue</i></p> <p>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.</p>
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		<p><b><i>2. The decision referred to in paragraph 1 shall be adopted within one month from the referral of the subject-matter by a two-third majority of the members of the Board. This period may be extended by a further month on account of the complexity of the subject-matter.</i></b></p>	<p><i>Tentative Agreement in trilogue</i></p> <p>2. The decision referred to in paragraph 1 shall be adopted within one month from the referral of the subject-matter by a two-third majority of the members of the Board. This period may be extended by a further month on account of the complexity of the subject-matter.</p> <p>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.</p>
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		<b><i>3. In case the Board has been unable to adopt a decision within the periods referred to in paragraph 2, it shall adopt its decision within two weeks following the expiration of the second month referred to in paragraph 2 by a simple majority of the members of the Board. In case the members of the Board are split, the decision shall be adopted by the vote of its Chair.</i></b>	<i>Tentative Agreement in trilogue</i>  3. In case the Board has been unable to adopt a decision within the periods referred to in paragraph 2, it shall adopt its decision within two weeks following the expiration of the second month referred to in paragraph 2 by a simple majority of the members of the Board. In case the members of the Board are split, the decision shall be adopted by the vote of its Chair.
		<b><i>4. The concerned supervisory authorities shall not adopt a decision on the subject matter submitted to the Board under paragraph 1 during the periods referred to in paragraphs 2 and 3.</i></b>	<i>Tentative Agreement in trilogue</i>  4. The concerned supervisory authorities shall not adopt a decision on the subject matter submitted to the Board under paragraph 1 during the periods referred to in paragraphs 2 and 3.
		<b><i>5. (...)</i></b>	



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

		<p><b><i>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.</i></b></p>	<p>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.</p>
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	<i>Amendment 168</i>		
<i>Article 59</i>	<i>Article 59</i>	<i>Article 59</i>	<i>Article 59</i>
<i>Opinion by the Commission</i>	<i>Opinion by the Commission</i>	<i>Opinion by the Commission</i>	<i>Opinion by the Commission</i>
1. Within ten weeks after a matter 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.	<i>deleted</i>	<i>deleted</i>	
2. Where the Commission has 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.	<i>deleted</i>	<i>deleted</i>	
3. During the period referred to in paragraph 1, the draft measure shall not be adopted by the supervisory authority.	<i>deleted</i>	<i>deleted</i>	

4. Where the supervisory authority 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.	<i>deleted</i>	<i>deleted</i>	
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	<i>Amendment 169</i>		
<i>Article 60</i>	<i>deleted</i>	<i>Article 60</i>	<i>Article 60</i>
<i>Suspension of a draft measure</i>	<i>deleted</i>	<i>Suspension of a draft measure</i>	<i>Suspension of a draft measure</i>
1. Within one month after the 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:	<i>deleted</i>	<i>deleted</i>	
(a) reconcile the diverging positions of the supervisory authority and the European Data Protection Board, if this still appears to be possible; or	<i>deleted</i>	<i>deleted</i>	

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

	<i>Amendment 170</i>		
	<i>Article 60a (new)</i>		
	<i>Notification of the European Parliament and the Council</i>		
	<i>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.</i>		

<i>Article 61</i>	<i>Article 61</i>	<i>Article 61</i>	<i>Article 61</i>
<i>Urgency procedure</i>	<i>Urgency procedure</i>	<i>Urgency procedure</i>	<i>Urgency procedure</i>
	<i>Amendment 171</i>		
1. In exceptional circumstances, where a supervisory authority considers that there is an urgent need to act in order to protect the interests of data subjects, in particular when the danger exists that the enforcement of a right of a data subject could be considerably impeded by means of an alteration of the existing state or for averting major disadvantages or for other reasons, by way of derogation from the procedure referred to in Article 58, it may immediately adopt provisional measures with a specified period of validity. The supervisory authority shall, without delay, communicate those measures, with full reasons, to the European Data Protection Board and to the Commission.	1. In exceptional circumstances, where a supervisory authority considers that there is an urgent need to act in order to protect the interests of data subjects, in particular when the danger exists that the enforcement of a right of a data subject could be considerably impeded by means of an alteration of the existing state or for averting major disadvantages or for other reasons, by way of derogation from the procedure referred to in Article <del>58</del> <b>58a</b> , it may immediately adopt provisional measures with a specified period of validity. The supervisory authority shall, without delay, communicate those measures, with full reasons, to the European Data Protection Board and to the Commission.	1. In exceptional circumstances, where a <b>concerned</b> supervisory authority considers that there is an urgent need to act in order to protect the <del>interests</del> <b>rights and freedoms</b> of data subjects, <b>it may, in particular</b> <del>when the danger exists that the enforcement of a right of a data subject could be considerably impeded by means of an alteration of the existing state or for averting major disadvantages or for other reasons, by way of derogation from the procedure</del> <b>consistency mechanism</b> referred to in Article <del>58</del> <b>7</b> <b>or the procedure referred to in Article 54a</b> , it may immediately adopt provisional measures <b>intended to produce legal effects within the territory of its own Member State</b> , with a specified period of validity. The supervisory authority shall, without delay, communicate those measures, <del>with full</del> <b>and the reasons for adopting them, to the other concerned supervisory authorities</b> , the European Data Protection Board and to the Commission.	<i>Tentative Agreement in trilogue</i>  1. In exceptional circumstances, where a concerned supervisory authority considers that there is an urgent need to act in order to protect the rights and freedoms of data subjects, it may, by way of derogation from the consistency mechanism referred to in Articles 57, 58 and 58a or the procedure referred to in Article 54a, immediately adopt provisional measures intended to produce legal effects on its own territory with a specified period of validity which shall not exceed three months. The supervisory authority shall, without delay, communicate those measures and the reasons for adopting them, to the other concerned supervisory authorities and the reasons for adopting them, to the other concerned supervisory authorities and the 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.	<del>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.</del>	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 <b>or an urgent binding decision from</b> of the European Data Protection Board, giving reasons for requesting such opinion, <del>including for the urgency of final measures</del> <b>or decision.</b>	<i>Tentative Agreement in trilogue</i>  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 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.	<del>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.</del>	3. Any supervisory authority may request an urgent opinion <b>or an urgent binding decision, as the case may be, from the European Data Protection Board</b> where <del>the</del> <b>a</b> 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 <del>interests</del> <b>rights and freedoms</b> of data subjects, giving reasons for requesting such opinion <b>or decision</b> , including for the urgent need to act.	<i>Tentative Agreement in trilogue</i>  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.

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

<i>Article 62</i>	<i>Article 62</i>	<i>Article 62</i>	<i>Article 62</i>
<i>Implementing acts</i>	<i>Implementing acts</i>	<i>Implementing acts</i>	<i>Implementing acts</i>
	<i>Amendment 173</i>		
1. The Commission may adopt implementing acts for:	1. The Commission may adopt implementing acts <i>of general application, after requesting an opinion of the European Data Protection Board</i> , for:	1. The Commission may adopt implementing acts <i>of general scope</i> for:	<i>Tentative Agreement in trilogue</i> 1. The Commission may adopt implementing acts of general scope for:
(a) deciding on the correct 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;	<i>deleted</i>	<i>deleted</i>	

(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, <del>within the period referred to in Article 59(1),</del> whether it declares draft standard data protection clauses referred to in point (d) of Article <del>58</del> <b>42</b> (2), as having general validity;	<i>deleted</i>	
(c) specifying the format and procedures for the application of the consistency mechanism referred to in this section;	<i>deleted</i>	<i>deleted</i>	
(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 <b>57(5) and (6) and in Article 58(5), (6) and (8).</b>	<i>Tentative Agreement in trilogue</i>  (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).	<i>deleted</i>	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 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.	<i>deleted</i>	<i>deleted</i>	
3. The absence or adoption of a measure under this Section does not prejudice any other measure by the Commission under the Treaties.	<del>3. The absence or adoption of a measure under this Section does not prejudice any other measure by the Commission under the Treaties.</del>	<i>deleted</i>	

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

SECTION 3 EUROPEAN DATA PROTECTION BOARD	SECTION 3 EUROPEAN DATA PROTECTION BOARD	SECTION 3 EUROPEAN DATA PROTECTION BOARD	SECTION 3 EUROPEAN DATA PROTECTION BOARD
<i>Article 64</i>	<i>Article 64</i>	<i>Article 64</i>	<i>Article 64</i>
<i>European Data Protection Board</i>	<i>European Data Protection Board</i>	<i>European Data Protection Board</i>	<i>European Data Protection Board</i>
1. A European Data Protection Board is hereby set up.	1. A European Data Protection Board is hereby set up.	<del>1a. A</del> <b>The European Data Protection Board is hereby set up <i>established as body of the Union and shall have legal personality.</i></b>	<i>Tentative Agreement in trilogue</i>  1a. The European Data Protection Board is hereby established as body of the Union and shall have legal personality.
		<b>1b. The European Data Protection Board shall be represented by its Chair.</b>	<i>Tentative Agreement in trilogue</i>  1b. The European Data Protection Board shall be represented by its Chair.
2. The European Data Protection Board shall be composed of the head of one supervisory authority of each Member State and of the European Data Protection Supervisor.	2. The European Data Protection Board shall be composed of the head of one supervisory authority of each Member State and of the European Data Protection Supervisor.	2. The European Data Protection Board shall be composed of the head of one supervisory authority of each Member State <b>or his/her representative and</b> of the European Data Protection Supervisor.	<i>Tentative Agreement in trilogue</i>  2. The European Data Protection Board shall be composed of the head of one supervisory authority 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.	<del>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.</del>	3. Where in a Member State more than one supervisory authority is responsible for monitoring the application of the provisions pursuant to this Regulation, <del>they shall nominate the head of one of those supervisory authorities as a</del> joint representative <b>shall be appointed in accordance with the national law of that Member State.</b>	<i>Tentative Agreement in trilogue</i>  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.	<del>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.</del>	4. The Commission <b>and the European Data Protection Supervisor or his/her representative</b> shall have the right to participate in the activities and meetings of the European Data Protection Board <del>and shall designate a representative without voting right. The Commission shall designate a representative.</del> The chair of the European Data Protection Board shall, <del>without delay, inform</del> <b>communicate to</b> the Commission <del>the on all</del> activities of the European Data Protection Board.	<i>To be rediscussed at a later stage</i>



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

<i>Article 66</i>	<i>Article 66</i>	<i>Article 66</i>	<i>Article 66</i>
<i>Tasks of the European Data Protection Board</i>	<i>Tasks of the European Data Protection Board</i>	<i>Tasks of the European Data Protection Board</i>	<i>Tasks of the European Data Protection Board</i>
	<i>Amendment 175</i>		
1. The European Data Protection Board shall ensure the consistent application of this Regulation. To this effect, the European Data Protection Board shall, on its own initiative or at the request of the Commission, in particular:	1. The European Data Protection Board shall ensure the consistent application of this Regulation. To this effect, the European Data Protection Board shall, on its own initiative or at the request of the <b>European Parliament, Council or Commission</b> , in particular:	1. The European Data Protection Board shall ensure the consistent application of this Regulation. To this effect, the European Data Protection Board shall, on its own initiative or at the request of the Commission, in particular:	<i>Tentative Agreement in trilogue</i>  1. The European Data Protection Board shall ensure the consistent application of this Regulation. To this effect, the European Data Protection Board shall, on its own initiative or, where relevant, at the request of the Commission, in particular:
		<i>(aa) monitor and ensure the correct application of this Regulation in the cases provided for in Article 57(3) without prejudice to the tasks of national supervisory authorities;</i>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
(a) advise the Commission on any issue related to the protection of personal data in the Union, including on any proposed amendment of this Regulation;	(a) advise the <del>Commission</del> <b>European institutions</b> on any issue related to the protection of personal data in the Union, including on any proposed amendment of this Regulation;	(a) advise the Commission on any issue related to the protection of personal data in the Union, including on any proposed amendment of this Regulation;	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</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;	(b) examine, on its own initiative or on request of one of its members or on request of the <b>European Parliament, Council or the Commission</b> , 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>including on the use of enforcement powers</b> ;	(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 <del>addressed to the supervisory authorities</del> in order to encourage consistent application of this Regulation;	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
		<b><i>(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;</i></b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
(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 <del>report regularly to the Commission on these</del> <b><i>(ba)</i></b> ;	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
		<b><i>(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;</i></b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>

		<b><i>(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;</i></b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
		<b><i>(cd) specify the requirements mentioned in paragraph 3 of Article 39a with a view to the accreditation of certification bodies under Article 39;</i></b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
		<b><i>(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;</i></b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
(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 <b><i>paragraph 2 and on matters submitted pursuant to paragraph 4 of Article 57;</i></b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
	<b><i>(da) provide an opinion on which authority should be the lead authority pursuant to Article 54a(3);</i></b>		<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>

(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, <b><i>including the coordination of joint operations and other joint activities, where it so decides at the request of one or several supervisory authorities;</i></b>	(e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities;	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
(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;	<i>Tentative Agreement in trilogue</i>  (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.	<i>Tentative Agreement in trilogue</i>  (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide.

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

		<del>(h)</del> <b>(i) maintain a publicly accessible electronic register of decisions taken by supervisory authorities and courts on issues dealt with in the consistency mechanism.</b>	<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>
2. Where the 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.	2. Where the <b>European Parliament, the Council or the</b> 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.	2. Where the Commission requests advice from the European Data Protection Board, it may <del>lay out</del> <b>indicate</b> a time limit <del>within which the European Data Protection Board shall provide such advice,</del> taking into account the urgency of the matter.	<i>Tentative Agreement in trilogue</i>  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 <b>European Parliament, the Council and the</b> 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.	<i>Tentative Agreement in trilogue</i>  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.	<del>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.</del>	<i>deleted</i>	
	<b><i>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.</i></b>		<i>Tentative Agreement in trilogue</i>  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.
	<b><i>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.</i></b>		<i>To be aligned with the outcome of trilogue discussions on the other Chapters.</i>



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

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

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

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

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

2. The European Data Protection Board shall lay down the attribution of tasks between the chair and the deputy chairpersons in its rules of procedure.	2. The European Data Protection Board shall lay down the attribution of tasks between the chair and the deputy chairpersons in its rules of procedure.	2. The European Data Protection Board shall lay down the attribution of tasks between the chair and the deputy chairpersons in its rules of procedure.	<i>Tentative Agreement in trilogue</i>  2. The European Data Protection Board shall lay down the attribution of tasks between the chair and the deputy chairs in its rules of procedure.
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<i>Article 71</i>	<i>Article 71</i>	<i>Article 71</i>	<i>Article 71</i>
<i>Secretariat</i>	<i>Secretariat</i>	<i>Secretariat</i>	<i>Secretariat</i>
1. The European Data Protection Board shall have a secretariat. The European Data Protection Supervisor shall provide that secretariat.	1. The European Data Protection Board shall have a secretariat. The European Data Protection Supervisor shall provide that secretariat.	1. The European Data Protection Board shall have a secretariat, <b><i>which shall be provided by the secretariat of</i></b> <del>The European Data Protection Supervisor shall provide that secretariat.</del>	<i>Tentative Agreement in trilogue</i>  1. The European Data Protection Board shall have a secretariat, which shall be provided by the European Data Protection Supervisor.
		<b><i>1a. The secretariat shall perform its tasks exclusively under the instructions of the Chair of the European Data Protection Board.</i></b>	<i>Tentative Agreement in trilogue</i>  1a. The secretariat shall perform its tasks exclusively under the instructions of the Chair of the European Data Protection Board.
		<b><i>1b. 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 shall be organisationally separated from, and subject to separate reporting lines from the staff involved in carrying out tasks conferred on the European Data Protection Supervisor.</i></b>	<i>Tentative Agreement in trilogue</i>  1b. The staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the European Data Protection Board by this Regulation shall be subject to separate reporting lines from the staff involved in carrying out tasks conferred on the European Data Protection Supervisor.

		<b><i>1c. 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.</i></b>	<i>Tentative Agreement in trilogue</i>  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.
	<b><i>Amendment 180</i></b>		
2. The secretariat shall provide analytical, administrative and logistical support to the European Data Protection Board under the direction of the chair.	2. The secretariat shall provide analytical, <b><i>legal</i></b> , administrative and logistical support to the European Data Protection Board under the direction of the chair.	2. The secretariat shall provide analytical, administrative and logistical support to the European Data Protection Board <del>under the direction of the chair.</del>	<i>Tentative Agreement in trilogue</i>  2. The secretariat shall provide analytical, administrative and 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:	<i>Tentative Agreement in trilogue</i>  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;	<i>Tentative Agreement in trilogue</i>  (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;	<i>Tentative Agreement in trilogue</i>  (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;	<i>Tentative Agreement in trilogue</i>  (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;	<i>Tentative Agreement in trilogue</i>  (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;	<i>Tentative Agreement in trilogue</i>  (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, <b><i>decisions on the settlement of disputes between supervisory authorities</i></b> and other texts adopted by the European Data Protection Board.	<i>Tentative Agreement in trilogue</i>  (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.

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

	<sup>1</sup> <i>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)</i>		
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.	<del>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.</del>	<i>deleted</i>	