

NOTE

Council of the European Union

Brussels, 20 November 2015 (OR. en) 14319/15 LIMITE DATAPROTECT 205 JAI 892 MI 732 DIGIT 94 DAPIX 213 FREMP 267 COMIX 605 CODEC 1550

Interinstitutional File: 2012/0011 (COD)

NOTE			
From:	Presidency		
То:	Permanent Representatives Committee		
No. prev. doc.:	13633/15, 13606/15, 13395/15, 13394/15 and 12733/1/15 REV 1		
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) [First reading]		
	 Presidency debriefing on the outcome of the trilogue 		
	- Preparation for trilogue - Chapters I, VI, VII, VIII, IX, X and XI		

Delegations will find in Annex a comparative table which compares in 4 columns the Commission proposal, the position of the European Parliament in 1st reading, the Council's General Approach and compromises tentatively agreed at previous trilogues as well as compromise suggestions by the Presidency. Text marked in brackets will be discussed by the Permanent Representatives Committee at a later stage in relation to other provisions of the text.

COM (2012)0011	EP Position / First Reading	Council General Approach (15/06/2015)	Tentative agreement in trilogue
(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.	(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.	(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.	Tentative agreement in trilogue (1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.

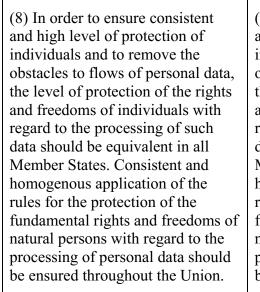
 (2) The processing of personal data is designed to serve man; the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals. (2) The processing of personal data is designed to serve man; the protection of individuals with regard to the processing of personal data should, what regard to the processing of persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals. 	dataPresidency suggestion(2) The principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the ence internal market, and the well-being of individuals.
--	--

(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.	 (3) Directive 95/46/EC of the European Parliament and of the Council¹ of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States. <i>1</i> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31). 	(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.	Presidency suggestion (3) Directive 95/46/EC of the European Parliament and of the Council seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.
--	---	--	--

	(3a) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality. This Regulation	Presidency suggestion (3a) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance
	respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.	proportionality. This Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.

(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors across the Union increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.	(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors across the Union increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.	(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors, <i>including</i> <i>individuals and undertakings</i> across the Union <i>has</i> increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.	Presidency suggestion (4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between public and private actors, including individuals and undertakings across the Union has increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an
		5	1

(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to create the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.	(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to create the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.	(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to of create creating the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.	Presidency suggestion (6) These developments require a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance of creating the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.
		(6a) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for the coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of the Regulation in their respective national law.	Presidency suggestion (6a) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for the coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of the Regulation in their respective national law.



(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union.

(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data within the Union, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. *Regarding* the processing of personal data for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. In conjunction with the general and horizontal law on data protection implementing

Presidency suggestion

(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data within the Union, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. Regarding the processing of personal data for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. In conjunction with the general and horizontal law on data protection implementing Directive

		Directive 95/46/EC Member States have several sector specific laws in areas that need more specific provisions. This Regulation also provides a margin of manoeuvre for Member States to specify its rules. Within this margin of manoeuvre sector-specific laws that Member States have issued implementing Directive 95/46/EC should be able to be upheld.	95/46/EC Member States have several sector specific laws in areas that need more specific provisions. This Regulation also provides a margin of manoeuvre for Member States to specify its rules. Within this margin of manoeuvre sector- specific laws that Member States have issued implementing Directive 95/46/EC should be able to be upheld.
(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.	(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.	(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.	<i>Tentative agreement in trilogue</i> (9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.

(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data	(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data	(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data.	<i>Tentative agreement in trilogue</i> (10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data.
(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co- operation by the supervisory authorities of different Member	(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co- operation by the supervisory authorities of different Member	(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co-operation by the supervisory authorities of different Member	Presidency suggestion (11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member

States. To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro,	States. To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro,	States. The proper functioning of the internal market requires that the free movement of personal data within the Union should not be restricted or prohibited for reasons connected with the protection of individuals with regard to the processing of personal data. To take account of the specific situation of micro, small and medium-sized enterprises, this	States as well as effective co- operation by the supervisory authorities of different Member States. The proper functioning of the internal market requires that the free movement of personal data within the Union should not be restricted or prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.
small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.	small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC ¹ of <u>6 May 2003 concerning the</u> definition of micro, small and medium-sized enterprises. ¹ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.	To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC.

(12) The protection afforded by this Regulation concerns natural	(12) The protection afforded by this Regulation concerns natural	(12) The protection afforded by this Regulation concerns natural persons	Presidency suggestion
Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural	Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more	Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural persons.	(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person.
persons.	natural persons.	natural persons.	

(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.	(14) This Regulation does not This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law , nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to. Regulation (EC) No 45/2001 , or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union of the European Parliament and of the Council ¹ should be brought in line with this Regulation and applied in accordance with this Regulation.	(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, <i>such as</i> <i>activities concerning national</i> <i>security</i> , nor does it cover the processing of personal data by the <u>Union institutions, bodies, offices</u> and agencies, which are subject to <u>Regulation (EC) No 45/2001, or the</u> processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.	Presidency suggestion (14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, such as activities concerning national security, nor does it cover the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.
	¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).		



	(14a) Regulation (EC) No 45/2001 applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation.Presidency suggestion(14a) Regulation (EC) No applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation.Presidency suggestion(14a) Regulation (EC) No applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation.
--	---

	Amendment 2		
(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal or domestic, such as correspondence and the holding of addresses, and without any gainful interest and thus without any connection with a professional or commercial activity. The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.	(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal, <i>family-</i> <i>related</i> , or domestic, such as correspondence and the holding of addresses <i>or a private sale</i> ; and without any gainful interest and thus without any connection with a professional or commercial activity. The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities. However, this Regulation should apply to controllers and processors which provide the means for processing personal data for such personal or domestic activities.	(15) This Regulation should not apply to processing of personal data by a natural person <i>in the course of</i> <i>a</i> , which are exclusively personal or domestichousehold activity, such as correspondence and the holding of addresses, and without any gainful interest and thus without any a connection with a professional or commercial activity. <i>Personal and</i> <i>household activities include social</i> <i>networking and on-line activity</i> <i>undertaken within the context of</i> <i>such personal and household</i> <i>activities. However, this Regulation</i> The exemption-should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.	Tentative agreement in trilogue (15) This Regulation should not apply to processing of personal data by a natural person in the course of a personal or household activity-and thus without a connection with a professional or commercial activity. Personal and household activities could include social networking and on-line activity undertaken within the context of such personal and household activities. However, this Regulation should apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.

(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYY).	(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYY (Directive 2014//EU of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the	 (16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYY). Member States may entrust competent authorities within the 	Presidency suggestion (16) The protection of individuals with regard to the processing of personal data [by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences the execution of criminal penalties or the safeguarding against and the prevention of threats to public security, and the free movement of such data] is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYY). Member States may entrust
	processing of personal data by		1 0
	<i>competent autorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal</i>	competent authorities within the meaning of Directive XX/YYY with other tasks which are not necessarily carried out for the	Member States may entrust competent authorities within the meaning of Directive XX/YYY with other tasks which are not

penalties, and the free movement	purposes of the prevention,	necessarily carried out for [the
of such data).	investigation, detection or	purposes of the prevention,
y	prosecution of criminal offences or	investigation, detection or
	the safeguarding against and	prosecution of criminal offences or
	prevention of threats to public	the safeguarding against and
	security, so that the processing of	prevention of threats to public
	personal data for those other	security], so that the processing of
	purposes, in so far as it is within	personal data for those other
	the scope of Union law, fallw	purposes, in so far as it is within
	within the scope of this Regulation.	the scope of Union law, fall within
		the scope of this Regulation.
	With regard to the processing of	······································
	personal data by those competent	With regard to the processing of
	authorities for purposes falling	personal data by those competent
	within scope of the General Data	authorities for purposes falling
	Protection Regulation, Member	within scope of the General Data
	States may maintain or introduce	Protection Regulation, Member
	more specific provisions to adapt	States may maintain or introduce
	the application of the rules of the	more specific provisions to adapt
	General Data Protection	the application of the rules of the
	Regulation. Such provisions may	General Data Protection
	determine more precisely specific	Regulation. Such provisions may
	requirements for processing of	determine more precisely specific
	personal data by those competent	requirements for processing of
	authorities for those other	personal data by those competent
	purposes, taking into account the	authorities for those other purposes,
	constitutional, organisational and	taking into account the
	administrative structure of the	constitutional, organisational and
	respective Member State.	administrative structure of the
		respective Member State.
	When processing of personal data	
	by private bodies falls within the	When processing of personal data
	scope of this Regulation, this	by private bodies falls within the

Regulation should provide for the possibility for Member States under specific conditions to restrict by law certain obligations and rights when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests including public security and the prevention, investigation, detection and prosecution of criminal offences. This is relevant for instance in the framework of anti-money laundering or the activities of forensic laboratories.	scope of this Regulation, this Regulation should provide for the possibility for Member States under specific conditions to restrict by law certain obligations and rights when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests including public security and [the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public
activities of forensic laboratories.	0 0 0

(16a) While this Regulation	Presidency suggestion
applies also to the activities of	1 residency suggestion
courts and other judicial	(16a) While this Regulation applies
authorities, Union or Member State	also to the activities of courts and
law could specify the processing	other judicial authorities, Union or
	Member State law could specify
operations and processing procedures in relation to the	the processing operations and
-	processing procedures in relation to
processing of personal data by	the processing of personal data by
courts and other judicial	courts and other judicial
<i>authorities.</i> The competence of the	authorities. The competence of the
supervisory authorities should not	supervisory authorities should not
cover the processing of personal	cover the processing of personal
data when courts are acting in	data when courts are acting in their
their judicial capacity, in order to	e
safeguard the independence of the	judicial capacity, in order to safeguard the independence of the
judiciary in the performance of its	
judicial tasks, including its	judiciary in the performance of its
decision-making. Supervision of	judicial tasks, including its
such data processing operations	decision-making. Supervision of
may be entrusted to specific bodies	such data processing operations
within the judicial system of the	may be entrusted to specific bodies
Member State, which should in	within the judicial system of the
particular control compliance with	Member State, which should in
the rules of this Regulation,	particular control compliance with
promote the awareness of the	the rules of this Regulation,
judiciary of their obligations under	promote the awareness of the
this Regulation and deal with	judiciary of their obligations under
complaints in relation to such	this Regulation and deal with
processing.	complaints in relation to such
	processing.

(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC of the <i>European Parliament and of the</i> <i>Council</i> ¹ , in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	(17) Directive 2000/31/EC does not apply to questions relating to information society services covered by this Regulation. That Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society	<i>Tentative agreement in trilogue</i> (17) This Regulation should be without prejudice to the application of Directive 2000/31/EC of the European Parliament and of the Council, in particular of the liability rules of intermediary
	¹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).	<i>services between Member States. Its</i> <i>application should not be affected</i> <i>by this Regulation.</i> This Regulation should <i>therefore</i> be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	service providers in Articles 12 to 15 of that Directive. That Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between Member States.

(18) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation.	(18) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. <i>Personal</i> <i>data in documents held by a public</i> <i>authority or public body may be</i> <i>disclosed by that authority or body</i> <i>in accordance with Union or</i> <i>Member State law regarding</i> <i>public access to official</i> <i>documents, which reconciles the</i> <i>right to data protection with the</i> <i>right of public access to official</i> <i>documents and constitutes a fair</i> <i>balance of the various interests</i> <i>involved.</i>	(18) deleted	
--	---	--------------	--

(23) The principles of protection should apply to any information concerning an identified or identifiable person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual. The principles of data protection should not apply to data rendered anonymous in such a way that the data subject is no longer identifiable.

(23) The principles of data protection should apply to any information concerning an identified or identifiable **natural** person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably likely to be used either by the controller or by any other person to identify or single out the individual directly or indirectly. To ascertain whether means are reasonably likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development. The principles of data protection should **therefore** not apply to **anonymous** data rendered anonymous in such a way that the data subject is no longer identifiable, which is information that does not relate to an identified or identifiable natural person. This Regulation does therefore not concern the processing of such anonymous

(23) The principles of *data* protection should apply to any information concerning an identified or identifiable natural person. Data including pseudonymised data, which could be attributed to a natural person by the use of additional information, should be considered as information on an *identifiable natural person.* To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual directly or indirectly. To ascertain whether means are reasonable likely to be used to *identify the individual, account* should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development. The principles of data protection should *therefore* not apply to *anonymous information*, that is information which does not relate to an identified or identifiable natural person or to

Presidency suggestion

(23) The principles of data protection should apply to any information concerning an identified or identifiable natural person. Data including pseudonymised data, which could be attributed to a natural person by the use of additional information. should be considered as information on an identifiable natural person. To determine whether a person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by any other person to identify the individual directly or indirectly. To ascertain whether means are reasonable likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development. The principles of data protection should therefore not apply to anonymous information,



data, including for statistical and research purposes.	data rendered anonymous in such a way that the data subject is <i>not or</i> no longer identifiable. <i>This Regulation</i> <i>does therefore not concern the</i> <i>processing of such anonymous</i> <i>information, including for</i> <i>statistical and research purposes.</i>	that is information which does not relate to an identified or identifiable natural person or to data rendered anonymous in such a way that the data subject is not or no longer identifiable. This Regulation does therefore not concern the processing of such anonymous information, including for statistical and research purposes.
	(23aa) The principles of data protection should not apply to data of deceased persons. The national law of a Member State may provide for rules regarding the processing of data of deceased persons.	<i>Tentative agreement in trilogue</i> (23aa) This Regulation should not apply to data of deceased persons. The national law of a Member State may provide for rules regarding the processing of data of deceased persons.

(24) When using online services. individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers. location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.

(24) When using online services, individuals may be associated with online This Regulation should be applicable to processing involving identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers and **Radio Frequency Identification** tags, unless those identifiers do not relate to an identified or identifiable natural person. This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers. location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.

(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, when combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that iIdentification numbers, location data, online identifiers or other specific factors as such need should not necessarily be considered as personal datain all circumstances if they do not identify an individual or make an individual identifiable.

Presidency suggestion

(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses, cookie identifiers or Radio Frequency Identification tags. This may leave traces which, when combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them.

Identification numbers, location data, online identifiers or other specific factors as such should not be considered as personal data if they do not identify an individual or make an individual identifiable.

Presidency suggestion	
(24c) Public authoritie data are disclosed in c with a legal obligation exercise of their offici- such as tax and custom financial investigation independent administr authorities, or financia authorities, responsible regulation and supervi securities markets, ma regarded as recipients receive data which are carry out a particular i general interest, in acc Union or Member Stat requests for disclosure public authorities shou written, reasoned and and should never conc entirety of a filing syst the interconnection of systems. The processin data by those public authorities	s to whom ompliance for the al mission, as authorities, units, ative l market e for the sion of y not be if they necessary to nquiry in the ordance with te law. The e sent by the ald always be occasional ern the tem or lead to filing ng of these athorities
should be in compliant applicable data protect according to the purpo processing.	tion rules

(25a	aa) It is often not possible to	Presidency suggestion
	y identify the purpose of data	,
proc	cessing for scientific purposes at	(25aa) It is often not possible to
the t	time of data collection.	fully identify the purpose of data
The	erefore data subjects can give	processing for scientific purposes at
their	ir consent to certain areas of	the time of data collection.
	entific research when in keeping	Therefore data subjects can give
	h recognised ethical standards	their consent to certain areas of
for s	scientific research. Data	scientific research when in keeping
subj	jects should have the	with recognised ethical standards
	ortunity to give their consent	for scientific research. Data
	y to certain areas of research or	subjects should have the
	ts of research projects to the	opportunity to give their consent
	ent allowed by the intended	only to certain areas of research or
	pose and provided that this does	parts of research projects to the
	involve disproportionate efforts	extent allowed by the intended
in vi	view of the protective purpose.	purpose and provided that this does
		not involve disproportionate efforts
		in view of the protective purpose.

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

processing activities do not, in	establishment.
themselves, constitute such main	The main establishment of the
establishment and are therefore not	processor should be the place of its
determining criteria for a main	central administration in the Union
establishment.	
	and, if it has no central
The main establishment of the	administration in the Union, the
processor should be the place of its	place where the main processing
central administration in the Union	activities take place in the Union. In
and, if it has no central	cases involving both the controller
administration in the Union, the	and the processor, the competent
place where the main processing	lead supervisory authority should
activities take place in the Union.	remain the supervisory authority of
In cases involving both the	the Member State where the
controller and the processor, the	controller has its main
competent lead supervisory	establishment but the supervisory
authority should remain the	authority of the processor should be
supervisory authority of the	considered as a concerned
Member State where the controller	supervisory authority and
has its main establishment but the	participate to the cooperation
supervisory authority of the	procedure provided for by this
processor should be considered as	Regulation. In any case, the
a concerned supervisory authority	supervisory authorities of the
and participate to the cooperation	Member State or Member States
procedure provided for by this	where the processor has one or
Regulation. In any case, the	more establishments should not be
supervisory authorities of the	considered as concerned
Member State or Member States	supervisory authorities when the
where the processor has one or	draft decision concerns only the
more establishments should not be	controller.
considered as concerned	Where the processing is carried out
supervisory authorities when the	by a group of undertakings, the
draft decision concerns only the	main establishment of the

	controller.	controlling undertaking should be
	Where the processing is carried	considered as the main
	out by a group of undertakings,	establishment of the group of
	the main establishment of the	undertakings, except where the
	controlling undertaking should be	purposes and means of processing
	considered as the main	are determined by another
	establishment of the group of	undertaking.
	undertakings, except where the	
	purposes and means of processing	
	are determined by another	
	undertaking.	



Amendment 10		
	(31a) Wherever this Regulation	Presidency suggestion
	refers to a legal basis or a	
	legislative measure, this does not	(31a) Wherever this Regulation
	necessarily require a legislative act	refers to a legal basis or a
	adopted by a parliament, without	legislative measure, this does not
	prejudice to requirements	necessarily require a legislative act
	pursuant the constitutional order	adopted by a parliament, without
	of the Member State concerned,	prejudice to requirements pursuant
	however such legal basis or	the constitutional order of the
	legislative measure should be clear	
	and precise and its application	Member State concerned, however
	foreseeable for those subject to it	such legal basis or legislative
	as required by the case law of the	measure should be clear and precise
	Court of Justice of the European	and its application foreseeable for
	Union and the European Court of	those subject to it as required by the
	Human Rights.(31a) Wherever this	case law of the Court of Justice of
	Regulation refers to a legal basis	the European Union and the
	or a legislative measure, this does	European Court of Human Rights.
	not necessarily require a legislative	
	act adopted by a parliament,	
	without prejudice to requirements	
	pursuant the constitutional order	
	of the Member State concerned,	
	however such legal basis or	
	legislative measure should be clear	
	and precise and its application	
	foreseeable for those subject to it	
	as required by the case law of the	
	Court of Justice of the European	
	Union and the European Court of	
	Human Rights.	

(35a) This Regulation provides for	Presidency suggestion
general rules on data protection	
and that in specific cases Member	(35a) This Regulation provides for
States are also empowered to lay	general rules on data protection and
down national rules on data	that in specific cases Member
protection. The Regulation does	States are also empowered to lay
therefore not exclude Member	down national rules on data
State law that defines the	protection. The Regulation does
circumstances of specific	therefore not exclude Member State
processing situations, including	law that defines the circumstances
determining more precisely the	of specific processing situations,
conditions under which processing	including determining more
of personal data is lawful.	precisely the conditions under
National law may also provide for	which processing of personal data
special processing conditions for	is lawful. National law may also
specific sectors and for the	provide for special processing
processing of special categories of	conditions for specific sectors and
data.	for the processing of special
	categories of data.

(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. It is also for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.

(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. *This should include also* collective agreements that could be recognised under national law as having general validity. It is also for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.

(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in *the national law of* a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. It is should be also for Union or national law to determine *the* purpose of processing. whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association. Furthermore, this basis could specify the general conditions of the Regulation governing the lawfulness of data processing, determine specifications for determining the controller, the type of data which

Presidency suggestion

(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a basis in Union law, or in the national law of a Member State. No specific law is necessary for each individual processing. A general law as a basis for several processing operations based on a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority may be sufficient. It should be also for Union or national law to determine the purpose of processing. Furthermore, this basis could specify the general conditions of the Regulation governing the lawfulness of data processing, determine specifications for determining the controller, the type of data which are subject to the

F F. F F	• 1 1 1 1
are subject to the processing, the	processing, the data subjects
data subjects concerned, the	concerned, the entities to which the
entities to which the data may be	data may be disclosed, the purpose
disclosed, the purpose limitations,	limitations, the storage period and
the storage period and other	other measures to ensure lawful and
measures to ensure lawful and fair	fair processing.
processing.	
	It should also be for Union or
It should also be for Union or	national law to determine whether
national law to determine whether	the controller performing a task
the controller performing a task	carried out in the public interest or
carried out in the public interest or	in the exercise of official authority
in the exercise of official authority	should be a public authority or
should be a public authority or	another natural or legal person
another natural or legal person	governed by public law, or by
governed by public law, or by	private law such as a professional
private law such as a professional	association, where grounds of
association, where grounds of	public interest so justify including
public interest so justify including	for health purposes, such as public
for health purposes, such as public	health and social protection and the
health and social protection and	management of health care
the management of health care	services.
services.	

(59) Restrictions on specific (59) Restrictions on specific (59) Restrictions on specific principles and on the rights of principles and on the rights of principles and on the rights of information, access, rectification information, access, rectification information, access, rectification and erasure or on the right to data and erasure or on the right of access and erasure or on the right to data portability, the right to object, and to obtain data portability, the portability, the right to object, measures based on profiling, as right to object, measures based on measures based on profiling, as well as on the communication of a well as on the communication of a profiling, as well as on the personal data breach to a data personal data breach to a data communication of a personal data breach to a data subject and on subject and on certain related subject and on certain related obligations of the controllers may certain related obligations of the obligations of the controllers may be imposed by Union or Member controllers may be imposed by be imposed by Union or Member State law, as far as necessary and Union or Member State law, as far State law, as far as necessary and proportionate in a democratic proportionate in a democratic as necessary and proportionate in a society to safeguard public security, society to safeguard public security, democratic society to safeguard including the protection of human public security, including the including the protection of human life especially in response to natural protection of human life especially life especially in response to natural or man made disasters, the or man made disasters, the in response to natural or man made prevention, investigation and disasters, the prevention, prevention, investigation and prosecution of criminal offences or investigation and prosecution of prosecution of criminal offences or criminal offences or of breaches of of breaches of ethics for regulated of breaches of ethics for regulated professions, other public interests ethics for regulated professions, professions, other public interests of the Union or of a Member State. other specific and well-defined of the Union or of a Member State. in particular an important economic public interests of the Union or of a in particular an important economic or financial interest of the Union or or financial interest of the Union or Member State, in particular an of a Member State, or the important economic or financial of a Member State, *the keeping of* interest of the Union or of a protection of the data subject or the public registers kept for reasons of rights and freedoms of others. Member State, or the protection of general public interest, further the data subject or the rights and processing of archived personal Those restrictions should be in freedoms of others. data to provide specific compliance with requirements set information related to the political out by the Charter of Fundamental Those restrictions should be in behaviour under former Rights of the European Union and compliance with requirements set totalitarian state regimes or the

Presidency suggestion

(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, decisions based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, [the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security,] or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of

by the European Convention for the Protection of Human Rights and Fundamental Freedoms.	out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.	protection of the data subject or the rights and freedoms of others, <i>including social protection public</i> <i>health and humanitarian</i> <i>purposes, such as the performance</i> <i>of a task incumbent upon the</i> <i>International Red Cross and Red</i> <i>Crescent Movement.</i> Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.	general public interest, further processing of archived personal data to provide specific information related to the political behaviour under former totalitarian state regimes or the protection of the data subject or the rights and freedoms of others, including social protection, public health and humanitarian purposes, such as the performance of a task incumbent upon the International Red Cross and Red Crescent Movement. Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.
		(59a) Nothing in this Regulation should derogate from the privilege of non-disclosure of confidential information of the International Committee of the Red Cross under international law, which shall be applicable in judicial and administrative proceedings.	Presidency suggestion (59a) Nothing in this Regulation should derogate from the privilege of non-disclosure of confidential information of the International Committee of the Red Cross under international law, which shall be applicable in judicial and administrative proceedings.

	Amendment 64		
(92) The establishment of	(92) The establishment of	(92) The establishment of	Presidency suggestion
supervisory authorities in Member	supervisory authorities in Member	supervisory authorities in Member	
States, exercising their functions	States, exercising their functions	States, empowered to perform their	(92) The establishment of
with complete independence, is an	with complete independence, is an	tasks and exercising exercise their	supervisory authorities in Member
essential component of the	essential component of the	functions powers with complete	States, empowered to perform their
protection of individuals with	protection of individuals with	independence, is an essential	tasks and exercise their powers with
regard to the processing of their	regard to the processing of their	component of the protection of	complete independence, is an
personal data. Member States may	personal data. Member States may	individuals with regard to the	essential component of the
establish more than one	establish more than one supervisory	processing of their personal data.	protection of individuals with
supervisory authority, to reflect	authority, to reflect their	Member States may establish more	regard to the processing of their
their constitutional, organisational	constitutional, organisational and	than one supervisory authority, to	personal data. Member States may
and administrative structure.	administrative structure. An	reflect their constitutional,	establish more than one supervisory
	authority shall have adequate	organisational and administrative	authority, to reflect their
	financial and personal resources	structure.	constitutional, organisational and
	to fully carry out its role, taking		administrative structure.
	into account the size of the		
	population and the amount of		
	personal data processing.	(92a) The independence of	Presidency suggestion
		supervisory authorities should not	1 residency suggestion
		mean that the supervisory	(92a) The independence of
		authorities cannot be subjected to	supervisory authorities should not
		control or monitoring mechanism	mean that the supervisory
		regarding their financial	authorities cannot be subjected to
		expenditure. Neither does it imply	control or monitoring mechanism
		that supervisory authorities cannot	regarding their financial
		be subjected to judicial review.	expenditure. Neither does it imply
			that supervisory authorities cannot
			be subjected to judicial review.

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

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

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

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

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

	Amendment 67		
(97) Where the processing of	(97) Where the processing of	(97) Where the processing of	Presidency suggestion
personal data in the context of the	personal data in the context of the	personal data <i>takes place</i> in the	
activities of an establishment of a	activities of an establishment of a	context of the activities of an	(97) Where the processing of
controller or a processor in the	controller or a processor in the	establishment of a controller or a	personal data takes place in the
Union takes place in more than one	Union takes place in more than one	processor in the Union and the	context of the activities of an
Member State, one single	Member State, one single	controller or processor is	establishment of a controller or a
supervisory authority should be	supervisory authority should be	established takes place in more	processor in the Union and the
competent for monitoring the	competent for monitoring the	than one Member State, or where	controller or processor is
activities of the controller or	activities of act as the single	processing taking place in the	established in more than one
processor throughout the Union	contact point and the lead	context of the activities of a one	Member State, or where processing
and taking the related decisions, in	authority responsible for	single supervisory authority should	taking place in the context of the
order to increase the consistent	<i>supervising</i> the controller or	be competent for monitoring the	activities of a single establishment
application, provide legal certainty	processor throughout the Union and	activities of the controller or	of a controller or processor in the
and reduce administrative burden	taking the related decisions, in	processor throughout the Union	Union substantially affects or is
for such controllers and processors.	order to increase the consistent	and taking the related decisions, in	likely to substantially affect data
	application, provide legal certainty	order to increase the consistent	subjects in more than one Member
	and reduce administrative burden	application, provide legal certainty	State, the supervisory authority for
	for such controllers and processors.	and reduce administrative burden	the main establishment of the
		for such controllers and processors	controller or processor or for the
		establishment of a controller or	single establishment of the
		processor in the Union	controller or processor should act as
		substantially affects or is likely to	lead authority. It should cooperate
		substantially affect data subjects	with the other authorities that are
		in more than one Member State,	concerned, because the controller or
		the supervisory authority for the	processor has an establishment on
		main establishment of the	the territory of their Member State,
		controller or processor or for the	because data subjects residing on
		single establishment of the	their territory are substantially
		controller or processor should act	affected, or because a complaint
		as lead authority. It should	has been lodged with them. Also
		cooperate with the other	where a data subject not residing in

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

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

(97b) The decision should be	Presidency suggestion
agreed jointly by the lead	
supervisory authority and the	(97b) The decision should be
concerned supervisory authorities	agreed jointly by the lead
and should be directed towards the	supervisory authority and the
main or single establishment of the	concerned supervisory authorities
controller or processor and be	and should be directed towards the
binding on the controller and	main or single establishment of the
processor. The controller or	controller or processor and be
processor should take the	binding on the controller and
necessary measures to ensure the	processor. The controller or
compliance with this Regulation	processor should take the necessary
and the implementation of the	measures to ensure the compliance
decision notified by the lead	with this Regulation and the
supervisory authority to the main	implementation of the decision
establishment of the controller or	notified by the lead supervisory
processor as regards the	authority to the main establishment
processing activities in the Union.	of the controller or processor as
	regards the processing activities in
	the Union.

(97c) Ea	ch supervisory authority	Presidency suggestion
not actin	ng as lead supervisory	
authority	y should be competent to	(97c) Each supervisory authority
deal with	h local cases where the	not acting as lead supervisory
controlle	er or processor is	authority should be competent to
establish	ned in more than one	deal with local cases where the
Member	State, but the subject	controller or processor is
matter o	f the specific processing	established in more than one
concerns	s only processing carried	Member State, but the subject
out in a	single Member State and	matter of the specific processing
involving	g only data subjects in that	concerns only processing carried
single M	lember State, for example,	out in a single Member State and
		involving only data subjects in that
		single Member State, for example,
		where the subject matter concerns
		the processing of employees data in
		the specific employment context

VH/np

where the subject matter concerns	of a Member State. In such cases,
the processing of employees data	the supervisory authority should
in the specific employment context	inform the lead supervisory
of a Member State. In such cases,	authority without delay on this
	matter. After being informed, the
the supervisory authority should	
inform the lead supervisory	lead supervisory authority should decide, whether it will deal with the
authority without delay on this	
matter. After being informed, the	case within the one-stop-shop mechanism or whether the
lead supervisory authority should	
decide, whether it will deal with	supervisory authority which
the case within the one-stop-shop	informed it should deal with the
mechanism or whether the	case at local level. When deciding
supervisory authority which	whether it will deal with the case,
informed it should deal with the	the lead supervisory authority
case at local level. When deciding	should take into account, whether
whether it will deal with the case,	there is an establishment of the
the lead supervisory authority	controller or processor in the
should take into account, whether	Member State of the supervisory
there is an establishment of the	authority which informed it, in
controller or processor in the	order to ensure effective
Member State of the supervisory	enforcement of a decision vis-à-vis
authority which informed it, in	the controller or processor. Where
order to ensure effective	the lead supervisory authority
enforcement of a decision vis-à-vis	decides to deal with the case, the
the controller or processor. Where	supervisory authority which
the lead supervisory authority	informed it should have the
decides to deal with the case, the	possibility to submit a draft for a
supervisory authority which	decision, of which the lead
informed it should have the	supervisory authority should take
possibility to submit a draft for a	utmost account when preparing its

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

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

(100) In order to ensure consistent	(100) In order to ensure consistent	(100) In order to ensure consistent	Presidency suggestion
monitoring and enforcement of this	monitoring and enforcement of this	monitoring and enforcement of this	2 00
Regulation throughout the Union,	Regulation throughout the Union,	Regulation throughout the Union,	(100) In order to ensure consistent
the supervisory authorities should	the supervisory authorities should	the supervisory authorities should	monitoring and enforcement of this
have in each Member State the	have in each Member State the	have in each Member State the	Regulation throughout the Union,
same duties and effective powers,	same duties and effective powers,	same duties tasks and effective	the supervisory authorities should
including powers of investigation,	including powers of investigation,	powers, including powers of	have in each Member State the
legally binding intervention,	legally binding intervention,	investigation, corrective powers	same tasks and effective powers,
decisions and sanctions,	decisions and sanctions, particularly	legally binding intervention,	including powers of investigation,
particularly in cases of complaints	in cases of complaints from	decisions and sanctions, and	corrective powers and sanctions,
from individuals, and to engage in	individuals, and to engage in legal	authorisation and advisory powers,	and authorisation and advisory
legal proceedings. Investigative	proceedings. Investigative powers	particularly in cases of complaints	powers, particularly in cases of
powers of supervisory authorities	of supervisory authorities as	from individuals, and without	complaints from individuals, and
as regards access to premises	regards access to premises should	prejudice to the powers of	without prejudice to the powers of
should be exercised in conformity	be exercised in conformity with	prosecutorial authorities under	prosecutorial authorities under
with Union law and national law.	Union law and national law. This	national law, to bring	national law, to bring infringements
This concerns in particular the	concerns in particular the	infringements of this Regulation to	of this Regulation to the attention
requirement to obtain a prior	requirement to obtain a prior	the attention of the judicial	of the judicial authorities and/or
judicial authorisation.	judicial authorisation.	authorities and/or engage in legal	engage in legal proceedings. Such
		proceedings. Such powers should	powers should also include the
		also include the power to forbid	power to forbid the processing on
		the processing on which the	which the authority is consulted.
		authority is consulted. Member	Member States may specify other
		States may specify other tasks	tasks related to the protection of
		related to the protection of	personal data under this Regulation.
		personal data under this	The powers of supervisory
		Regulation. The powers of	authorities should be exercised in
		supervisory authorities should be	conformity with appropriate
		exercised in conformity with	procedural safeguards set out in
		appropriate procedural safeguards	Union law and national law,
			impartially, fairly and within a
L			reasonable time.



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

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

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

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

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

		the territory of that Member State; or to processing that is carried out in the context of an offer of goods or services specifically aimed at data subjects in the territory of the Member State of the supervisory authority; or that has to be assessed taking into account relevant legal obligations under national law.	the territory of that Member State; or to processing that is carried out in the context of an offer of goods or services specifically aimed at data subjects in the territory of the Member State of the supervisory authority; or that has to be assessed taking into account relevant legal obligations under national law.
(102) Awareness raising activities by supervisory authorities 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 data subjects individuals in particular in the educational context.	Presidency suggestion (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 individuals in particular in the educational context.

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

	Amendment 71		
(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 mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.	Amendment 71 (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 of 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 mechanism. Furthermore, the data subjects should have the right to obtain consistency, if they deem a measure by a Data Protection Authority of a Member State has not fulfilled this criterion. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.	(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 <u>Commission</u> should be established. This mechanism should in particular apply where a supervisory authority intends to take adopt a measure intended to produce legal effects 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 which substantially affect a significant number of data subjects in several Member States. the free flow of personal data. It should also apply where any concerned supervisory authority or the Commission requests that the such matter should be dealt with in the consistency mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.	Presidency suggestion (105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co- operation between the supervisory authorities should be established. This mechanism should in particular apply where a supervisory authority intends to adopt a measure intended to produce legal effects as regards processing operations which substantially affect a significant number of data subjects in several Member States. It should also apply where any concerned supervisory authority or the Commission requests that such matter should be dealt with in the consistency mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.

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

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

Presidency suggestion

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

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



	Amendment 73		
(107) In order to ensure compliance	deleted	deleted	
with this Regulation, the			
Commission may adopt an opinion			
on this matter, or a decision,			
requiring the supervisory authority			
to suspend its draft measure.			
(108) There may be an urgent need	(108) There may be an urgent need	(108) There may be an urgent need	Presidency suggestion
to act in order to protect the	to act in order to protect the	to act in order to protect the <i>rights</i>	
interests of data subjects, in	interests of data subjects, in	and freedoms interests of data	(108) There may be an urgent need
particular when the danger exists	particular when the danger exists	subjects, in particular when the	to act in order to protect the rights
that the enforcement of a right of a	that the enforcement of a right of a	danger exists that the enforcement	and freedoms of data subjects, in
data subject could be considerably	data subject could be considerably	of a right of a data subject could be	particular when the danger exists
impeded. Therefore, a supervisory	impeded. Therefore, a supervisory	considerably impeded. Therefore, a	that the enforcement of a right of a
authority should be able to adopt	authority should be able to adopt	supervisory authority should be	data subject could be considerably
provisional measures with a	provisional measures with a	able to adopt provisional measures	impeded. Therefore, a supervisory
specified period of validity when	specified period of validity when	with a specified period of validity	authority should be able to adopt
applying the consistency	applying the consistency	when applying the consistency	provisional measures on its territory
mechanism.	mechanism.	mechanism.	with a specified period of validity
			which should not exceed three
			months.

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

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

controllers and other relevant stakeholders and experts.	<i>international organisations,</i> and promoting co-operation of the supervisory authorities throughout the Union. The European Data Protection Board should act independently when exercising its tasks.	Commission, in 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.
	(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.	Presidency suggestion (110a) The European Data Protection Board should be assisted by a secretariat provided by the European Data Protection Supervisor. The staff 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.

(111) Every data subject should have the right to lodge a complaint with a supervisory authority in any Member State and have the right to a judicial remedy if they consider that their rights under this Regulation are infringed or where the supervisory authority does not react on a complaint or does not act where such action is necessary to protect the rights of the data subject. (111) Every data Data subject subjects should have the right to lodge a complaint with a supervisory authority in any Member State and have the right to a an effective judicial remedy in accordance with Article 47 of the Charter of Fundamental Rights if they consider that their rights under this Regulation are infringed or where the supervisory authority does not react on a complaint or does not act where such action is necessary to protect the rights of the data subject.

(111) Every data subject should have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence. in any Member State and have the right to an effective judicial remedy in accordance with Article 47 of the Charter of Fundamental *Rights if the data subject* if they considers that their his or her rights under this Regulation are infringed or where the supervisory authority does not react on a complaint, partially or wholly rejects or dismisses a complaint or does not act where such action is necessary to protect the rights of the data subject. 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. In

Presidency suggestion

(111) Every data subject should have the right to lodge a complaint with a single supervisory authority, in particular in the Member State of his or her habitual residence, and have the right to an effective judicial remedy in accordance with Article 47 of the Charter of Fundamental Rights if the data subject considers that his or her rights under this Regulation are infringed or where the supervisory authority does not act on a complaint, partially or wholly rejects or dismisses a complaint or does not act where such action is necessary to protect the rights of the data subject. 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. In order to facilitate



		order to facilitate the submission of complaints, each supervisory authority should take measures such as providing a complaint submission form which can be completed also electronically, without excluding other means of communication.	the submission of complaints, each supervisory authority should take measures such as providing a complaint submission form which can be completed also electronically, without excluding other means of communication.
	Amendment 76		
(112) Any body, organisation or association which aims to protects the rights and interests of data subjects in relation to the protection of their data and is constituted according to the law of a Member State should have the right to lodge a complaint with a supervisory authority or exercise the right to a judicial remedy on behalf of data	(112) Any body, organisation or association which aims to protects the rights and interests of data subjects in relation to the protection of their data acts in the public interest and is constituted according to the law of a Member State should have the right to lodge a complaint with a supervisory authority on behalf of data subjects	(112) Where a data subject considers that his or her rights under this Regulation are infringed, he or she should have the right to mandate aAny body, organisation or association which aims to protects the rights and interests of data subjects in relation to the protection of their data and is constituted according to the law of	Presidency suggestion (112) Where a data subject considers that his or her rights under this Regulation are infringed, he or she should have the right to mandate a body, organisation or association which is of non-profit making character, which aims to protect the rights and interests of data subjects in relation to the protection of their data and is constituted according to the law of

subjects, or to lodge, independently of a data subject's complaint, an own complaint where it considers that a personal data breach has occurred.	<i>with their consent</i> or exercise the right to a judicial remedy on behalf of <i>if mandated by the</i> data subjectssubject, or to lodge, independently of a data subject's complaint, an own complaint where it considers that a personal data breach <i>of this Regulation</i> has occurred.	a Member State, should have the right to lodge a complaint on his or her behalf with a supervisory authority or exercise the right to a judicial remedy on behalf of data subjects. Member States may provide that such a body, organisation or association should have the right, or to lodge, independently of a data subject's mandate, in such Member State a complaint, and/or have the right to an own-effective judicial remedy complaint-where it has reasons to considers that the rights of a data	a Member State to lodge a complaint on his or her behalf with a supervisory authority, exercise the right to a judicial remedy on behalf of data subjects or exercise the right to receive compensation on behaf of data subjects if provided for in Member State law. Member States may provide that such a body, organisation or association should have the right to lodge, independently of a data subject's mandate, in such Member State a complaint, and/or have the right to an effective judicial remedy where
		considers that the rights of a data subject have been infringed as a result of the processing of a personal data breach has occurred which is not in compliance with this Regulation. This body, organisation or association may not be allowed to claim compensation on a data subject's behalf.	an effective judicial remedy where it has reasons to considers that the rights of a data subject have been infringed as a result of the processing of personal data which is not in compliance with this Regulation. This body, organisation or association may not be allowed to claim compensation on a data subject's behalf.

(113) Each natural or legal person should have the right to a judicial remedy against decisions of a supervisory authority concerning them. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established. (113) Each natural or legal person should have the right to a judicial remedy against decisions of a supervisory authority concerning them. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established.

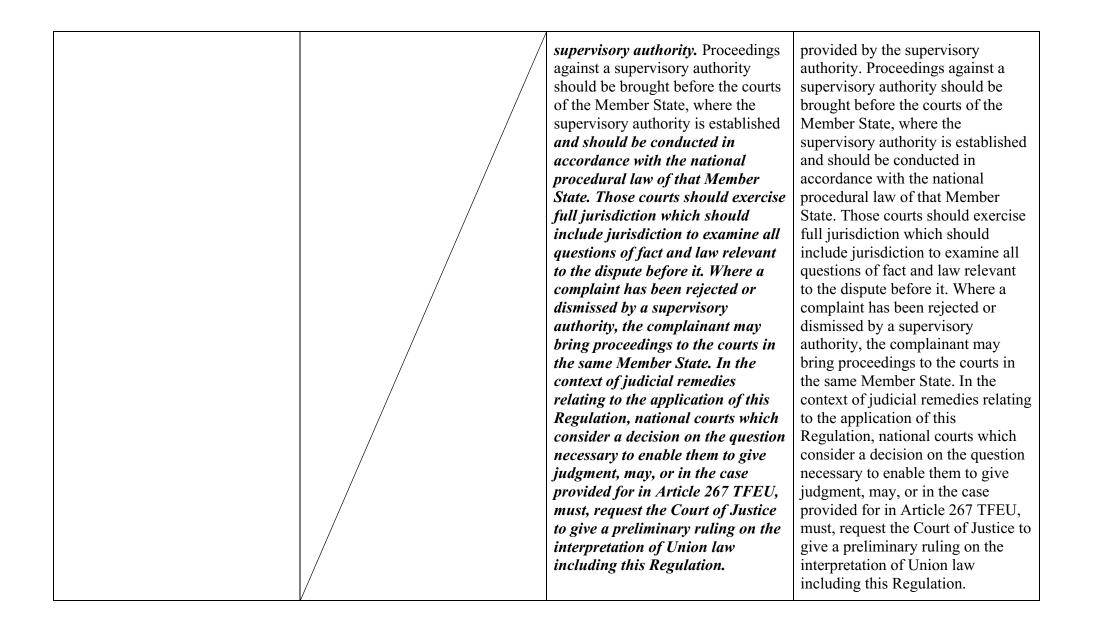
(113) Each Any natural or legal person should have has the right to bring an action for annulment of decisions of the European Data **Protection Board before the Court** of Justice of the European Union (the "Court of Justice") under the conditions provided for in Article 263 TFEU. As addressees of such decisions, the concerned supervisory authorities who wish to challenge them, have to bring action within two months of their notification to them, in accordance with Article 263 TFEU. Where decisions of the European Data Protection Board are of direct and individual concern to a controller, processor or the complainant, the latter may bring an action for annulment against those decisions and they should do so within two months of their publication on the website of the European Data **Protection Board, in accordance** with Article 263 TFEU. Without prejudice to this right under Article 263 TFEU. each natural or legal person should have an effective judicial remedy before the competent national court against a decisions of a supervisory authority

Presidency suggestion

(113) Any natural or legal person has the right to bring an action for annulment of decisions of the European Data Protection Board before the Court of Justice of the European Union (the "Court of Justice") under the conditions provided for in Article 263 TFEU. As addressees of such decisions, the concerned supervisory authorities who wish to challenge them, have to bring action within two months of their notification to them, in accordance with Article 263 TFEU. Where decisions of the European Data Protection Board are of direct and individual concern to a controller, processor or the complainant, the latter may bring an action for annulment against those decisions and they should do so within two months of their publication on the website of the European Data Protection Board, in accordance with Article 263 TFEU. Without prejudice to this right under Article 263 TFEU, each natural or legal person should have an effective judicial remedy before the competent national court



which produces legal effects	against a decision of a supervisory
concerning themthis person.	authority which produces legal
	effects concerning this person.
Such a decision concerns in	
particular the exercise of	Such a decision concerns in
investigative, corrective and	particular the exercise of
authorisation powers by the	investigative, corrective and
supervisory authority or the	authorisation powers by the
dismissal or rejection of	supervisory authority or the
complaints. However, this right	dismissal or rejection of
does not encompass other	complaints. However, this right
measures of supervisory	does not encompass other measures
authorities which are not legally	of supervisory authorities which are
binding, such as opinions issued	not legally binding, such as
by or advice provided by the	opinions issued by or advice



LIMITE

	Fronth array and such array of desiring of	Fronthemana and and a desiring of a
	Furthermore, where a decision of	Furthermore, where a decision of a
	a supervisory authority	supervisory authority implementing
	implementing a decision of the	a decision of the European Data
	European Data Protection Board	Protection Board is challenged
	is challenged before a national	before a national court and the
	court and the validity of the	validity of the decision of the
	decision of the European Data	European Data Protection Board is
	Protection Board is at issue, that	at issue, that national court does not
	national court does not have the	have the power to declare the
	power to declare the European	European Data Protection Board's
	Data Protection Board's decision	decision invalid but must refer the
	invalid but must refer the question	question of validity to the Court of
	of validity to the Court of Justice	Justice in accordance with Article
	in accordance with Article 267	267 TFEU as interpreted by the
	TFEU as interpreted by the Court	Court of Justice in the Foto-frost
	of Justice in the Foto-frost case 1 ,	case ² , whenever it considers the
	whenever it considers the decision	decision invalid. However, a
	invalid. However, a national court	national court may not refer a
	may not refer a question on the	question on the validity of the
	validity of the decision of the	decision of the European Data
	European Data Protection Board	Protection Board at the request of a
	at the request of a natural or legal	natural or legal person which had
	person which had the opportunity	the opportunity to bring an action
	to bring an action for annulment	for annulment of that decision, in
	of that decision, in particular if it	particular if it was directly and
	was directly and individually	individually concerned by that
	concerned by that decision, but	decision, but had not done so within
	had not done so within the period	the period laid down by Article 263
	laid down by Article 263 TFEU.	TFEU.
Ι	•	

¹ Case C-314/85 ² Case C-314/85

(113a) Where a court seized with a	Presidency suggestion
proceeding against a decision of a	
supervisory authority has reason to	(113a) Where a court seized with a
believe that proceedings	proceeding against a decision of a
concerning the same processing	supervisory authority has reason to
such as the same subject matter as	believe that proceedings concerning
regards processing of the same	the same processing such as the
controller or processor activities or	same subject matter as regards
the same cause of action are	processing of the same controller or
brought before a competent court	processor activities or the same
in another Member State, it should	cause of action are brought before a
contact that court in order to	competent court in another Member
confirm the existence of such	State, it should contact that court in
related proceedings. If related	order to confirm the existence of
proceedings are pending before a	such related proceedings. If related
court in another Member State,	proceedings are pending before a
any court other than the court first	court in another Member State, any
seized may stay its proceedings or	court other than the court first
may, on request of one of the	seized may stay its proceedings or
parties, decline jurisdiction in	may, on request of one of the
favour of the court first seized if	parties, decline jurisdiction in
the latter has jurisdiction over the	favour of the court first seized if the
proceedings in question and its law	latter has jurisdiction over the
permits the consolidation of such	proceedings in question and its law
related proceedings. Proceedings	permits the consolidation of such
are deemed to be related where	related proceedings. Proceedings
they are so closely connected that	are deemed to be related where they
it is expedient to hear and	are so closely connected that it is
determine them together to avoid	expedient to hear and determine
the risk of irreconcilable	them together to avoid the risk of
judgments resulting from separate	irreconcilable judgments resulting
proceedings.	from separate proceedings.

	Amendment 77		
(114) In order to strengthen the judicial protection of the data subject in situations where the competent supervisory authority is established in another Member State than the one where the data subject is residing, the data subject may request any body, organisation or association aiming to protect the rights and interests of data subjects in relation to the protection of their data to bring on the data subject's behalf proceedings against that supervisory authority to the competent court in the other Member State.	(114) In order to strengthen the judicial protection of the data subject in situations where the competent supervisory authority is established in another Member State than the one where the data subject is residing, the data subject may request mandate any body, organisation or association aiming to protect the rights and interests of data subjects in relation to the protection of their data acting in the public interest to bring on the data subject's behalf proceedings against that supervisory authority to the competent court in the other Member State.	deleted	

	Amendment 78		
(115) In situations where the competent supervisory authority established in another Member State does not act or has taken insufficient measures in relation to a complaint, the data subject may request the supervisory authority in the Member State of his or her habitual residence to bring proceedings against that supervisory authority to the competent court in the other Member State. The requested supervisory authority may decide, subject to judicial review, whether it is appropriate to follow the request or not.	(115) In situations where the competent supervisory authority established in another Member State does not act or has taken insufficient measures in relation to a complaint, the data subject may request the supervisory authority in the Member State of his or her habitual residence to bring proceedings against that supervisory authority to the competent court in the other Member State. <i>This does not apply</i> <i>to non-EU residents.</i> The requested supervisory authority may decide, subject to judicial review, whether it is appropriate to follow the request or not.	deleted	

	Amendment 79		
(116) For proceedings against a controller or processor, the plaintiff should have the choice to bring the action before the courts of the Member States where the controller or processor has an establishment or where the data subject resides, unless the controller is a public authority acting in the exercise of its public powers.	(116) For proceedings against a controller or processor, the plaintiff should have the choice to bring the action before the courts of the Member States where the controller or processor has an establishment or, <i>in case of EU residence</i> , where the data subject resides, unless the controller is a public authority <i>of</i> <i>the Union or a Member State</i> acting in the exercise of its public powers.	(116) For proceedings against a controller or processor, the plaintiff should have the choice to bring the action before the courts of the Member States where the controller or processor has an establishment or where the data subject resides, unless the controller is a public authority acting in the exercise of its public powers.	Presidency suggestion (116) For proceedings against a controller or processor, the plaintiff should have the choice to bring the action before the courts of the Member States where the controller or processor has an establishment or where the data subject resides, unless the controller is a public authority acting in the exercise of its public powers.
(117) Where there are indications that parallel proceedings are pending before the courts in different Member States, the courts should be obliged to contact each other. The courts should have the possibility to suspend a case where a parallel case is pending in another Member State. Member States should ensure that court actions, in order to be effective, should allow the rapid adoption of measures to remedy or prevent an infringement of this Regulation.	(117) Where there are indications that parallel proceedings are pending before the courts in different Member States, the courts should be obliged to contact each other. The courts should have the possibility to suspend a case where a parallel case is pending in another Member State. Member States should ensure that court actions, in order to be effective, should allow the rapid adoption of measures to remedy or prevent an infringement of this Regulation.	deleted	

	Amendment 80		
(118) Any damage which a person may suffer as a result of unlawful processing should be compensated by the controller or processor, who may be exempted from liability if they prove that they are not responsible for the damage, in particular where he establishes fault on the part of the data subject or in case of force majeure.	(118) Any damage, <i>whether</i> <i>pecuniary or not</i> , which a person may suffer as a result of unlawful processing should be compensated by the controller or processor, who may be exempted from liability <i>only</i> if they prove <i>he proves</i> that they are <i>he is</i> not responsible for the damage, in particular where he establishes fault on the part of the data subject or in case of force majeure.	 (118) Any damage which a person may suffer as a result of unlawful processing that is not in compliance with this Regulation should be compensated by the controller or processor, who may should be exempted from liability if they prove that they are not in any way responsible for the damage, in particular where he establishes fault on the part of the data subject or in case of force majeure. The concept of damage should be broadly interpreted in the light of the case law of the Court of Justice of the European Union in a manner which fully reflects the objectives of this Regulation. This is without prejudice to any claims for damage deriving from the violation of other rules in Union or Member State law. When reference is made to a processing that is not in compliance with delegated and implementing acts adopted in 	Presidency suggestion (118) Any damage which a person may suffer as a result of processing that is not in compliance with this Regulation should be compensated by the controller or processor, who should be exempted from liability if they prove that they are not in any way responsible for the damage, except in cases where one or more of the other controllers or processors responsible for the event giving rise to the damage have factually disappeared or ceased to exist in law or have become insolvent. The concept of damage should be broadly interpreted in the light of the case law of the Court of Justice of the European Union in a manner which fully reflects the objectives of this Regulation. This is without prejudice to any claims for damage deriving from the violation of other rules in Union or Member State law.

accordance with this Deculation	processing that is not in compliance
accordance with this Regulation	processing that is not in compliance
and national law specifying rules	with delegated and implementing
of this Regulation. Data subjects	acts adopted in accordance with this
should receive full and effective	Regulation and national law
compensation for the damage they	specifying rules of this Regulation.
have suffered. Where controllers	Data subjects should receive full
or processors are involved in the	and effective compensation for the
same processing each controller or	damage they have suffered. Where
processor should be held liable for	controllers or processors are
the entire damage. However,	involved in the same processing
where they are joined to the same	each controller or processor should
judicial proceedings, in	be held liable for the entire damage.
accordance with national law,	However, where they are joined to
compensation may be apportioned	the same judicial proceedings, in
according to the responsibility of	accordance with national law,
each controller or processor for	compensation may be apportioned
the damage caused by the	according to the responsibility of
processing, provided that full and	each controller or processor for the
effective compensation of the data	damage caused by the processing,
subject who suffered the damage is	provided that full and effective
ensured. Any controller or	compensation of the data subject
processor who has paid full	who suffered the damage is
compensation, may subsequently	ensured. Any controller or
institute recourse proceedings	processor who has paid full
against other controllers or	compensation, may subsequently
processors involved in the same	institute recourse proceedings
processing.	against other controllers or
r	processors involved in the same
	processing.
	processing.

(118a) Where specific rules on jurisdiction are contained in this Regulation, in particular as regards proceedings seeking a judicial remedy including compensation, against a controller or processor, general jurisdiction rules such as those of Regulation (EU) No 1215/2012 should not prejudice the application of such specific rules.	<i>Presidency suggestion</i> (118a) Where specific rules on jurisdiction are contained in this Regulation, in particular as regards proceedings seeking a judicial remedy including compensation, against a controller or processor, general jurisdiction rules such as those of Regulation (EU) No 1215/2012 should not prejudice the application of such specific rules.
(118b) In order to strengthen the enforcement of the rules of this Regulation, penalties and administrative fines may be imposed for any infringement of the Regulation, in addition to, or instead of appropriate measures imposed by the supervisory authority pursuant to this Regulation. In a case of a minor infringement or if the fine likely to be imposed would constitute a disproportionate burden to a natural person, a reprimand may be issued instead of a fine. Due regard should however be given to the nature, gravity and duration of	Presidency suggestion (118b) In order to strengthen the enforcement of the rules of this Regulation, penalties and administrative fines may be imposed for any infringement of the Regulation, in addition to, or instead of appropriate measures imposed by the supervisory authority pursuant to this Regulation. In a case of a minor infringement or if the fine likely to be imposed would constitute a disproportionate burden to a natural person, a reprimand may be issued instead of a fine. Due regard should

the infringement, the intentional	however be given to the nature,
	e ,
character of the infringement,	gravity and duration of the
actions taken to mitigate the damage	infringement, the intentional
suffered, degree of responsibility or	character of the infringement,
any relevant previous infringements,	actions taken to mitigate the
the manner in which the	damage suffered, degree of
infringement became known to the	responsibility or any relevant
supervisory authority, compliance	previous infringements, the manner
with measures ordered against the	in which the infringement became
controller or processor, adherence	known to the supervisory authority,
to a code of conduct and any other	compliance with measures ordered
aggravating or mitigating factor.	against the controller or processor,
The imposition of penalties and	adherence to a code of conduct and
administrative fines should be	any other aggravating or mitigating
subject to adequate procedural	factor. The imposition of penalties
safeguards in conformity with	and administrative fines should be
general principles of Union law and	
the Charter of Fundamental Rights,	subject to adequate procedural
including effective judicial	safeguards in conformity with
protection and due process. Where	general principles of Union law and
the national law of a Member State	the Charter of Fundamental Rights,
does not provide for administrative	including effective judicial
fines, such Member State may	protection and due process.
abstain from providing	
administrative fines for	
infringements of this Regulation	
that are already subject to criminal	
sanctions in their national law	
ensuring that these criminal	
sanctions are effective,	
proportionate and dissuasive, taking	
into account the level of	
administrative fines provided for in	
aunimistrative fines provided for th	

		this Regulation.	
	Amendment 81		
(119) Penalties should be imposed to any person, whether governed by private or public law, who fails to comply with this Regulation. Member States should ensure that the penalties should be effective, proportionate and dissuasive and should take all measures to implement the penalties.	(119) Penalties should be imposed to any person, whether governed by private or public law, who fails to comply with this Regulation. Member States should ensure that the penalties should be effective, proportionate and dissuasive and should take all measures to implement the penalties. <i>The rules</i> <i>on penalties should be subject to</i> <i>appropriate procedural safeguards</i> <i>in conformity with the general</i> <i>principles of Union law and the</i> <i>Charter of Fundamental Rights</i> , <i>including those concerning the</i> <i>right to an effective judicial</i> <i>remedy, due process and the</i> <i>principle of ne bis in idem</i> .	(119) Member States may lay down the rules on criminal sanctions for infringements of this Regulation, including for infringements of national rules adopted pursuant to and within the limits of Penalties should be imposed to any person, whether governed by private or public law, who fails to comply with this Regulation. These criminal sanctions may also allow for the deprivation of the profits obtained through infringements of this Regulation. However, the imposition of criminal sanctions for infringements of such national rules and of administrative	Presidency suggestion (119) Member States may lay down the rules on criminal sanctions for infringements of this Regulation, including for infringements of national rules adopted pursuant to and within the limits of this Regulation. These criminal sanctions may also allow for the deprivation of the profits obtained through infringements of this Regulation. However, the imposition of criminal sanctions for infringements of such national rules and of administrative

		sanctions Member States should ensure that the penalties should be effective, proportionate and dissuasive and should take all measures to implement the penalties.not lead to the breach of the principle of ne bis in idem, as interpreted by the Court of Justice.	sanctions not lead to the breach of the principle of ne bis in idem, as interpreted by the Court of Justice.
	Amendment 82		
Me res saf an pro	19a) In applying penalties, Tember States should show full spect for appropriate procedural feguards, including the right to a effective judicial remedy, due vocess, and the principle of ne bis idem.		

(120) In order to strengthen and harmonise administrative sanctions against infringements of this Regulation, each supervisory authority should have the power to sanction administrative offences. This Regulation should indicate these offences and the upper limit for the related administrative fines. which should be fixed in each individual case proportionate to the specific situation, with due regard in particular to the nature, gravity and duration of the breach. The consistency mechanism may also be used to cover divergences in the application of administrative sanctions.

(120) In order to strengthen and harmonise administrative sanctions against infringements of this Regulation, each supervisory authority should have the power to sanction administrative offences. This Regulation should indicate these offences and the upper limit for the related administrative fines, which should be fixed in each individual case proportionate to the specific situation, with/due regard in particular to the nature, gravity and duration of the breach. The consistency mechanism may also be used to cover divergences in the application of administrative sanctions.

(120) In order to strengthen and harmonise administrative sanctions penalties against infringements of this Regulation, each supervisory authority should have the power to *impose* -sanction-administrative offences fines. This Regulation should indicate these offences and, the upper limit *and criteria* for *fixing* the related administrative fines, which should be fixed determined by the competent supervisory authority in each individual case, *taking into* account all relevant circumstances of proportionate to the specific situation, with due regard in particular to the nature, gravity and duration of the breach and of its consequences and the measures taken to ensure compliance with the obligations under the **Regulation and to prevent or** *mitigate the consequences of the* infringement. Where the fines are imposed on persons that are not a commercial undertaking, the supervisory authority should take account of the general level of income in the Member State in considering the appropriate amount of fine. The consistency

(120) In order to strengthen and harmonise administrative penalties against infringements of this Regulation, each supervisory authority should have the power to impose administrative fines. This Regulation should indicate offences the upper limit and criteria for fixing the related administrative fines, which should be determined by the competent supervisory authority in each individual case, taking account all relevant circumstances of the specific situation, with due regard in particular to the nature, gravity and duration of the breach and of its consequences and the measures taken to ensure compliance with the obligations under the Regulation and to prevent or mitigate the consequences of the infringement. Where the fines are imposed on persons that are not a commercial undertaking, the supervisory authority should take account of the general level of income in the Member State in considering the appropriate amount of fine. The consistency mechanism may also be used to promote a consistent application of administrative fines.

	mechanism may also be used to promote a consistent cover divergences in the application of administrative sanctionsfines. It should be for the Member States to determine whether and to which extent public authorities should be subject to administrative fines. Imposing an administrative fine or giving a warning does not affect the application of other powers of the supervisory authorities or of other sanctions under the Regulation.	It should be for the Member States to determine whether and to which extent public authorities should be subject to administrative fines. Imposing an administrative fine or giving a warning does not affect the application of other powers of the supervisory authorities or of other sanctions under the Regulation.
		Presidency suggestion (120a) (new) The legal systems of Denmark and Estonia do not allow for administrative fines as set out in this Regulation. The rules on administrative fines may be applied in such a manner that in Denmark, the fine is imposed by competent national courts as a criminal sanction and in Estonia, the fine is imposed by the supervisory authority in the framework of a misdemeanor procedure, provided that such an application of the rules in those Member States has an equivalent effect to administrative fines imposed by supervisory

		authorities. For example the competent national courts should take into consideration the level of fines as set out in this Regulation.
	(120a) Where this Regulation does not harmonise administrative penalties or where necessary in other cases, for example in cases of serious infringements of the Regulation, Member States should implement a system which provides for effective, proportionate and dissuasive penalties. The nature of such penalties (criminal or administrative) should be determined by national law.	(120a) Where this Regulation does not harmonise administrative penalties or where necessary in other cases, for example in cases of serious infringements of the Regulation, Member States should implement a system which provides for effective, proportionate and dissuasive penalties. The nature of such penalties (criminal or administrative) should be determined by national law.

(121) The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption from the requirements of certain provisions of this Regulation in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities

(121) The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption Whenever necessary, exemptions or derogations from the requirements of certain provisions of this Regulation for the processing of personal data should be provided for in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charterof Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on

(121) Member States law should reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with the right to the protection of personal data pursuant to this Regulation. The processing of personal data solely for journalistic purposes, or for the purposes of *academic*, artistic or literary expression should be subject to qualify for exemption from the requirements of certain provisions of this Regulation in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the **Charter of Fundamental Rights of** the European Union. derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data, with the right to freedom of expression and information, as guaranteed by Article 11 of the Charter of Fundamental Rights of the *European Union*. This should apply

Presidency suggestion

(121) Member States law should reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with the right to the protection of personal data pursuant to this Regulation. The processing of personal data solely for journalistic purposes, or for the purposes of academic, artistic or literary expression should be subject to derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data, with the right to freedom of expression and information, as guaranteed by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of

and on co-operation and consistency. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as 'journalistic' for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these activities is the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. They should not be limited to media undertakings and may be undertaken for profitmaking or for non-profit making purposes.

controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities, and on co-operation and consistency and on specific data processing situations. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as "journalistic" for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these to cover all activities is *which aim at* the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. also taking into account technological development. They should not be limited to media

in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on theindependent supervisory authorities and on cooperation and consistency. In case these exemptions or derogations differ from one Member State to another, the national law of the Member State to which the controller is subject should apply. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic

balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities, on co-operation and consistency and on specific data processing situations. In case these exemptions or derogations differ from one Member State to another. the national law of the Member State to which the controller is subject should apply. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly.

LIMITE

undertakings and may be undertaken for profit-making or for non-profit making purposes.	society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as 'journalistic' for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these activities is the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. They should not be limited to media undertakings and may be undertaken for profit-making or for non-profit making purposes.In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly.
---	--

(121a) This Regulation allows the	Presidency suggestion
principle of public access to	
official documents to be taken	(121a) This Regulation allows the
into account when applying the	principle of public access to official
provisions set out in this	documents to be taken into account
Regulation. Public access to	when applying the provisions set
official documents may be	out in this Regulation. Public
considered as a public interest.	access to official documents may be
Personal data in documents held	considered as a public interest.
by a public authority or a public	Personal data in documents held by
body should be able to be publicly	a public authority or a public body
disclosed by this authority or	should be able to be publicly
body if the disclosure is provided	disclosed by this authority or body
for by Union law or Member	if the disclosure is provided for by
State law to which the public	Union law or Member State law to
authority or public body is	which the public authority or public
subject. Such laws should	body is subject. Such laws should
reconcile public access to official	reconcile public access to official
documents and the reuse of public	documents and the reuse of public
sector information with the right	sector information with the right to
to the protection of personal data	the protection of personal data and
and may therefore provide for the	may therefore provide for the
necessary derogations from the	necessary reconciliation with the
rules of this regulation. The	right to the protection of personal
reference to public authorities	data pursuant to this Regulation.
and bodies should in this context	The reference to public authorities
include all authorities or other	and bodies should in this context
bodies covered by Member State	include all authorities or other
law on public access to	bodies covered by Member State
documents. Directive 2003/98/EC	law on public access to documents.
	Directive 2003/98/EC of the
of the European Parliament and	European Parliament and of the
of the Council of 17 November	European i amament and of the

2003 on the re-use of public sector	Council of 17 November 2003 on
information leaves intact and in	the re-use of public sector
no way affects the level of	information leaves intact and in no
protection of individuals with	way affects the level of protection
regard to the processing of	of individuals with regard to the
personal data under the	processing of personal data under
provisions of Union and national	the provisions of Union and
law, and in particular does not	national law, and in particular does
alter the obligations and rights set	not alter the obligations and rights
out in this Regulation. In	set out in this Regulation. In
particular, that Directive should	particular, that Directive should not
not apply to documents access to	apply to documents access to which
which is excluded or restricted by	is excluded or restricted by virtue
virtue of the access regimes on the	of the access regimes on the
grounds of protection of personal	grounds of protection of personal
data, and parts of documents	data, and parts of documents
accessible by virtue of those	accessible by virtue of those
regimes which contain personal	regimes which contain personal
data the re-use of which has been	data the re-use of which has been
defined by law as being	defined by law as being
incompatible with the law	incompatible with the law
concerning the protection of	concerning the protection of
individuals with regard to the	individuals with regard to the
processing of personal data.	processing of personal data.

(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may often be justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border	(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may often be justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border	deleted	
healthcare. Therefore this Regulation should provide for	healthcare. Therefore this Regulation should provide for		
harmonised conditions for the processing of personal data concerning health, subject to	harmonised conditions for the processing of personal data concerning health, subject to		
specific and suitable safeguards so as to protect the fundamental rights and the personal data of individuals.	specific and suitable safeguards so as to protect the fundamental rights and the personal data of		
This includes the right for individuals to have access to their	individuals. This includes the right for individuals to have access to		
personal data concerning their health, for example the data in their medical records containing such	their personal data concerning their health, for example the data in their medical records containing such		
information as diagnosis, examination results, assessments by treating physicians and any	information as diagnosis, examination results, assessments by/treating physicians and any		
treatment or interventions provided.	treatment or interventions provided.		

	(122a) A professional who processes personal data concerning health should receive, if possible, anonymised or pseudonymised data, leaving the knowledge of the identity only to the General general Practitioner practitioner or to the Specialist specialist who has requested such data processing.		
(123) The processing of personal data concerning health may be necessary for reasons of public interest in the areas of public health, without consent of the data subject. In that context, 'public health' should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work, meaning all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as well as	(123) The processing of personal data concerning health may be necessary for reasons of public interest in the areas of public health, without consent of the data subject. In that context, 'public health' should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council ¹ of 16 December 2008 on Community statistics on public health and health and safety at work, meaning all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care as	deleted	



	11 1 1/1 12 1	
health care expenditure and	well as health care expenditure and	
financing, and the causes of	financing, and the causes of	
mortality. Such processing of	mortality. Such processing of	
personal data concerning health for	personal data concerning health for	
reasons of public interest should not	reasons of public interest should	
result in personal data being	not result in personal data being	
processed for other purposes by	processed for other purposes by	
third parties such as employers,	third parties such as employers,	
insurance and banking companies.	insurance and banking companies.	
	¹⁶ Regulation (EC) No 1338/2008 of the	
	European Parliament and of the Council	
	of 16 December 2008 on Community statistics on public health and health and	
	safety at work (OJ L 354, 31.12.2008, p.	
	70).	
	123a) The processing of personal	
	data concerning health, as a	
	special category of data, may be	
	necessary for reasons of	
	historical, statistical or scientific	
	research. Therefore this	
	Regulation foresees an exemption	
	from the requirement of consent	
	in cases of research that serves a	
	high public interest.	

(124) The general principles on the	(124) The general principles on the	(124) The general principles on the	Presidency suggestion
protection of individuals with	protection of individuals with	protection of individuals with regard	
regard to the processing of personal	regard to the processing of personal	to the processing of personal data	(124) National law or collective
data should also be applicable to the	data should also be applicable to	should also be applicable to the	agreements (including 'works
employment context. Therefore, in	the employment and the social	employment context. Therefore, in	agreements') may provide for
order to regulate the processing of	security context. Therefore, in	order to regulate the processing of	specific rules on the processing of
employees' personal data in the	order Member States should be	employees' personal data in the	employees' personal data in the
employment context, Member	<i>able</i> to regulate the processing of	employment context, Member	employment context, in particular
States should be able, within the	employees' personal data in the	States should be able, within the	for the purposes of the recruitment,
limits of this Regulation, to adopt	employment and the processing of	limits of this Regulation, to adopt	the performance of the contract of
by law specific rules for the	personal data in the social security	by law specific rules for the	employment, including discharge of
processing of personal data in the	context <i>in accordance with the</i>	processing of personal data in the	obligations laid down by law or by
employment sector.	rules and minimum standards set	employment sector. National law or	collective agreements,
	out in, Member States should be	collective agreements (including	management, planning and
	able, within the limits of this	'works agreements') may provide	organisation of work, equality and
	Regulation , to adopt by law	<i>for</i> specific rules on the processing	diversity in the workplace, health
	specific rules for. Where a	of employees' personal data in the	and safety at work, and for the
	statutory basis is provided in the	employment context, in particular	purposes of the exercise and
	Member State in question for the	for the purposes of the	enjoyment, on an individual or
	regulation of employment matters	recruitment, the performance of	collective basis, of rights and
	by agreement between employee	the contract of employment,	benefits related to employment, and
	representatives and the	including discharge of obligations	for the purpose of the termination
	management of the undertaking	laid down by law or by collective	of the employment relationship.
	or the controlling undertaking of	agreements, management,	
	a group of undertakings	planning and organisation of	
	(collective agreement) or under	work, equality and diversity in	

Directive 2009/38/EC European Parliament Council ¹ , the processin personal data in the an employment sector con also be regulated by su agreement.	ad of the ofat work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to
¹ Directive 2009/38/EC of Parliament and of the Con 2009 on the establishment Works Council or a proce Community-scale underta Community-scale groups of for the purposes of inform consulting employees (OJ 16.5.2009, p. 28).	il of 6 May a European re in gs and undertakings g and

Presidency suggestion (125) The processing of personal (125) The processing of personal (125) The processing of personal data for the purposes of historical, data for the purposes of historical,/ data for the purposes of historical, (125) The processing of personal statistical or scientific research statistical or scientific research statistical or scientific research data for the purposes of historical, should, in order to be lawful, also should, in order to be lawful, also purposes and for archiving statistical or scientific purposes and respect other relevant legislation respect other relevant legislation purposes in the public interest for archiving purposes in the public should, *in addition to the general* such as on clinical trials. such as on clinical trials. interest should, in addition to the principles and specific rules of this general principles and specific rules Regulation, in particular as of this Regulation, in particular as regards the conditions for in order regards the conditions for lawful to be lawful processing, also processing, also comply with *comply with* respect to other respect to other relevant legislation relevant legislation such as on such as on clinical trials. The clinical trials. *The further* further processing of personal data processing of personal data for for historical, statistical and historical, statistical and scientific scientific purposes and for purposes and for archiving archiving purposes in the public purposes in the public interest interest should not be considered should not be considered incompatible with the purposes for incompatible with the purposes for which the data are initially which the data are initially collected and may be processed for collected and may be processed for those purposes for a longer period those purposes for a longer period than necessary for that initial than necessary for that initial purpose. Member States should purpose. Member States should be provide for appropriate safeguard to authorised to provide, under the processing of personal data for specific conditions and in the historical, statistical and scientific presence of appropriate safeguards purposes and for archiving for data subjects, specifications purposes in the public interest. and derogations to the information Member States should be requirements and the rights to authorised to provide, under access, rectification, erasure, to be specific conditions and in the forgotten, restriction of processing



	and on the right to data portability and the right to object when processing personal data for historical, statistical or scientific purposes and for archiving purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.	presence of appropriate safeguards for data subjects, specifications and derogations to the information requirements, rectification, erasure, to be forgotten, restriction of processing and on the right to data portability and the right to object when processing personal data for historical, statistical or scientific purposes and for archiving purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.
(125a) Personal data may also be processed subsequently by archive services whose main or mandatory task is to collect, conserve, provide information about, exploit and disseminate archives in the public interest. Member State legislation should reconcile the right to the protection of personal data with		

the rules on archives and on public access to administrative information. Member States should encourage the drafting, in particular by the European Archives Group, of rules to guarantee the confidentiality of data vis-à-vis third parties and the authenticity, integrity and proper conservation of data.		
	(125aa) By coupling information from registries, researchers can obtain new knowledge of great value when it comes to e.g. widespread diseases as cardiovascular disease, cancer, depression etc. On the basis of registries, research results can be enhanced, as they draw on a larger population. Within social science, research on the basis of registries enables researchers to obtain essential knowledge about long- term impact of a number of social conditions e.g. unemployment, education, and the coupling of this information to other life conditions. Research results obtained on the basis of registries provide solid, high quality knowledge, which can provide the	Presidency suggestion (125aa) By coupling information from registries, researchers can obtain new knowledge of great value when it comes to e.g. widespread diseases as cardiovascular disease, cancer, depression etc. On the basis of registries, research results can be enhanced, as they draw on a larger population. Within social science, research on the basis of registries enables researchers to obtain essential knowledge about long- term impact of a number of social conditions e.g. unemployment, education, and the coupling of this information to other life conditions. Research results obtained on the basis of registries provide solid, high quality knowledge, which can

basis for the formulation and implementation of knowledge- based policy, improve the quality of life for a number of people, and improve the efficiency of social services etc. In order to facilitate scientific research, personal data can be processed for scientific purposes subject to appropriate conditions and safeguards set out in Member State or Union law. Hence consent from the data subject should not be necessary for each further processing for scientific purposes.	provide the basis for the formulation and implementation of knowledge-based policy, improve the quality of life for a number of people, and improve the efficiency of social services etc. In order to facilitate scientific research, personal data can be processed for scientific purposes subject to appropriate conditions and safeguards set out in Member State or Union law. Hence consent from the data subject should not be necessary for each further processing for scientific purposes.
(125b) 'The importance of archives for the understanding of the history and culture of Europe' and 'that well-kept and accessible archives contribute to the democratic function of our societies', were underlined by Council Resolution of 6 May 2003 on archives in the Member States. Where personal data are processed for archiving purposes, this Regulation should also apply to that processing, bearing in mind that this Regulation should not apply to deceased persons. Public authorities or public or private	Presidency suggestion (125b) Where personal data are processed for archiving purposes, this Regulation should also apply to that processing, bearing in mind that this Regulation should not apply to deceased persons. Public authorities or public or private bodies that hold records of public interest should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for

hadias that hald	records of public	general public interest. Member
	νı	0 1
interest should b	e services which,	States should also be authorised to
pursuant to Unio		provide that personal data may be
	a legal obligation to	further processed for archiving
acquire, preserve		purposes, for example with a view
arrange, describe		to providing specific information
1 · · ·	inate and provide	related to the political behaviour
	s of enduring value	under former totalitarian state
for general publi	ic interest. Member	regimes, genocide, crimes against
States should als	so be authorised to	humanity, in particular the
provide that pers	sonal data may be	Holocaust, or war crimes.
further processed	d for archiving	
purposes, for exa	ample with a view	
to providing spec	cific information	
related to the pol	litical behaviour	
under former tot	talitarian state	
regimes.		

(126) Scientific research for the purposes of this Regulation should include fundamental research,(126) Scientific research for the purposes of this Regulation should include fundamental research,	(126) <i>Where personal data are</i> <i>processed for</i> Scientific research for the purposes, -of this Regulation	Presidency suggested
include fundamental research, include fundamental research,	for the purposes, of this Regulation	
		(126) Where personal data are
applied research, and privately applied research, and privately	should <i>also apply to that</i>	processed for scientific purposes,
funded research and in addition funded research and in addition	processing. For the purposes of	this Regulation should also apply to
should take into account the should take into account the	this Regulation, processing of	that processing. For the purposes of
Union's objective under Article Union's objective under Article	personal data for scientific	this Regulation, processing of
179(1) of the Treaty on the 179(1) of the Treaty on the	<i>purposes should</i> include	personal data for scientific purposes
Functioning of the European Union Functioning of the European Union		should include fundamental
of achieving a European Research of achieving a European Research	research, and privately funded	research, applied research, privately
Area. Area. Area. Area.	research and in addition should take	funded research and in addition
data for historical, statistical and	into account the Union's objective	should take into account the
scientific research purposes	under Article 179(1) of the Treaty	Union's objective under Article
should not result in personal data	on the Functioning of the European	179(1) of the Treaty on the
being processed for other	Union of achieving a European	Functioning of the European Union
purposes, unless with the consent	Research Area. Scientific purposes	of achieving a European Research
of the data subject or on the basis	should also include studies	Area. Scientific purposes should
of Union or Member State law.	conducted in the public interest in	also include studies conducted in
	the area of public health. To meet	the public interest in the area of
	the specificities of processing	public health. To meet the
	personal data for scientific	specificities of processing personal
	purposes specific conditions should	data for scientific purposes specific
	apply in particular as regards the	conditions should apply in
	publication or otherwise disclosure	particular as regards the publication
	of personal data in the context of	or otherwise disclosure of personal
	scientific purposes. If the result of	data in the context of scientific
	scientific research in particular in	purposes. If the result of scientific
	the health context gives reason for	research in particular in the health
	further measures in the interest of	context gives reason for further
	the data subject, the general rules	measures in the interest of the data
	of this Regulation should apply in	subject, the general rules of this
	view of those measures.	Regulation should apply in view of

	those measures.
(126a) Where personal data are processed for historical purposes, this Regulation should also apply to that processing. This should also include historical research and research for genealogical purposes, bearing in mind that this Regulation should not apply to deceased persons.	<i>Presidency suggestion</i> (126a) Where personal data are processed for historical purposes, this Regulation should also apply to that processing. This should also include historical research and research for genealogical purposes, bearing in mind that this Regulation should not apply to deceased persons.
(126b) For the purpose of consenting to the participation in scientific research activities in clinical trials the relevant provisions of Regulation (EU) No. 536/2014 of the European Parliament and of the Council should apply.	Presidency suggestion (126b) For the purpose of consenting to the participation in scientific research activities in clinical trials the relevant provisions of Regulation (EU) No. 536/2014 of the European Parliament and of the Council should apply.

pr th th M th de co fo da ap sa of gu	126c) Where personal data are rocessed for statistical purposes, his Regulation should apply to hat processing. Union law or Member State law should, within he limits of this Regulation, letermine statistical content, ontrol of access, specifications or the processing of personal lata for statistical purposes and ppropriate measures to afeguard the rights and freedoms f the data subject and for uaranteeing statistical onfidentiality.	Presidency suggestion (126c) Where personal data are processed for statistical purposes, this Regulation should apply to that processing. Union law or Member State law should, within the limits of this Regulation, determine statistical content, control of access, specifications for the processing of personal data for statistical purposes and appropriate measures to safeguard the rights and freedoms of the data subject and for guaranteeing statistical confidentiality.
in na co of na pr sh an wi se Ti Et sta	126d) The confidential nformation which the Union and ational statistical authorities ollect for the production of fficial European and official ational statistics should be rotected. European statistics hould be developed, produced nd disseminated in conformity with the statistical principles as et out in Article 338(2) of the Creaty of the Functioning of the European Union, while national tatistics should also comply with ational law.	Presidency suggestion (126d) The confidential information which the Union and national statistical authorities collect for the production of official European and official national statistics should be protected. European statistics should be developed, produced and disseminated in conformity with the statistical principles as set out in Article 338(2) of the Treaty of the Functioning of the European Union, while national statistics should also comply with national law.

Regulation (EC) No 223/2009 of	Regulation (EC) No 223/2009 of
the European Parliament and of	the European Parliament and of the
the Council of 11 March 2009 on	Council of 11 March 2009 on
European statistics and repealing	European statistics and repealing
Regulation (EC, Euratom) No	Regulation (EC, Euratom) No
1101/2008 of the European	1101/2008 of the European
Parliament and of the Council on	Parliament and of the Council on
the transmission of data subject to	the transmission of data subject to
statistical confidentiality to the	statistical confidentiality to the
Statistical Office of the European	Statistical Office of the European
Communities, Council Regulation	Communities, Council Regulation
(EC) No 322/97 on Community	(EC) No 322/97 on Community
Statistics, and Council Decision	Statistics, and Council Decision
89/382/EEC, Euratom	89/382/EEC, Euratom establishing
establishing a Committee on the	a Committee on the Statistical
Statistical Programmes of the	Programmes of the European
European Communities provides	Communities provides further
further specifications on	specifications on statistical
statistical confidentiality for	confidentiality for European
European statistics.	statistics.

(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy.	(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy.	(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy. <i>This is</i> <i>without prejudice to existing</i> <i>Member State obligations to adopt</i> <i>professional secrecy where</i> <i>required by Union law.</i>	Presidency suggestion (127) As regards the powers of the supervisory authorities to obtain from the controller or processor access to personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy. This is without prejudice to existing Member State obligations to adopt professional secrecy where required by Union law.
--	--	---	--

(128) This Regulation respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.	(128) This Regulation respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive <i>adequate</i> rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation <i>and recognised as compliant</i> . Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.	(128) This Regulation respects and does not prejudice the status under <i>existing constitutional</i> national-law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.	Presidency suggestion (128) This Regulation respects and does not prejudice the status under existing constitutional law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union.

(120) In order to fulfil the	(120) In order to fulfil the objectives	(120) In order to fulfil the objectives	
(129) In order to fulfil the objectives of this Regulation,	(129) In order to fulfil the objectives of this Regulation, namely to protect	(129) In order to fulfil the objectives of this Regulation, namely to protect	Presidency suggestion
namely to protect the fundamental	the fundamental rights and freedoms	the fundamental rights and freedoms	(129) In order to fulfil the
rights and freedoms of natural	of natural persons and in particular	of natural persons and in particular	objectives of this Regulation,
0			namely to protect the
persons and in particular their	their right to the protection of	their right to the protection of	fundamental rights and freedoms
right to the protection of personal	personal data and to ensure the free	personal data and to ensure the free	of natural persons and in
data and to ensure the free	movement of personal data within	movement of personal data within the	particular their right to the
movement of personal data within	the Union, the power to adopt acts in	Union, the power to adopt acts in	
the Union, the power to adopt acts	accordance with Article 290 of the	accordance with Article 290 of the	protection of personal data and to
in accordance with Article 290 of	Treaty on the Functioning of the	Treaty on the Functioning of the	ensure the free movement of
the Treaty on the Functioning of	European Union should be delegated	European Union should be delegated	personal data within the Union,
the European Union should be	to the Commission. In particular,	to the Commission. In particular,	the power to adopt acts in
delegated to the Commission. In	delegated acts should be adopted in	delegated acts should be adopted in	accordance with Article 290 of
particular, delegated acts should	respect of lawfulness of processing;	respect of criteria and requirements	the Treaty on the Functioning of
be adopted in respect of	specifying the criteria and conditions	for certification mechanisms; It is of	the European Union should be
lawfulness of processing;	in relation to the consent of a child;	particular importance that the	delegated to the Commission. In
specifying the criteria and	processing of special categories of	Commission carry out appropriate	particular, delegated acts should
conditions in relation to the	data; specifying the criteria and	consultations during its preparatory	be adopted in respect of criteria
consent of a child; processing of	conditions for manifestly excessive	work, including at expert level. The	and requirements for certification
special categories of data;	requests and fees for exercising the	Commission, when preparing and	mechanisms. It is of particular
specifying the criteria and	rights of the data subject; criteria and	drawing-up delegated acts, should	importance that the Commission
conditions for manifestly	requirements for the information to	ensure a simultaneous, timely and	carry out appropriate
excessive requests and fees for		appropriate transmission of relevant	consultations during its
exercising the rights of the data		documents to the European	preparatory work, including at
subject; criteria and requirements		Parliament and Council.	expert level. The Commission,
for the information to			when preparing and drawing-up
			delegated acts, should ensure a

•		simultaneous, timely and
e		appropriate transmission of
-		relevant documents to the
		European Parliament and
and to erasure; measures based on		Council.
profiling; criteria and requirements		
in relation to the responsibility of the		
controller and to data protection by		
design and by default; a processor;		
criteria and requirements for the		
documentation and the security of		
processing; criteria and requirements		
for establishing a personal data		
breach and for its notification to the		
supervisory authority, and on the		
circumstances where a personal data		
breach is likely to adversely affect		
the data subject; the criteria and		
conditions for processing operations		
assessment; the criteria and		
requirements for determining a high		
•		
	in relation to the responsibility of the controller and to data protection by design and by default; a processor; criteria and requirements for the documentation and the security of processing; criteria and requirements for establishing a personal data breach and for its notification to the supervisory authority, and on the circumstances where a personal data breach is likely to adversely affect the data subject; the criteria and conditions for processing operations requiring a data protection impact	right of access conditions of icon- based mode for provision of information; the right to be forgotten and to erasure; measures based on profiling; criteria and requirements in relation to the responsibility of the controller and to data protection by design and by default; a processor; criteria and requirements for the documentation and the security of processing; criteria and requirements for establishing a personal data breach and for its notification to the supervisory authority, and on the circumstances where a personal data breach is likely to adversely affect the data subject; the criteria and conditions for processing operations requiring a data protection impact assessment; the criteria and requirements for determining a high degree of specific risks which

	1 1 . 1 . 1	
requirements for certification	consultation; designation and tasks	
mechanisms; criteria and	of the data protection officer;	
requirements for transfers by way	declaring that codes of conduct are	
of binding corporate rules; transfer	in line with this Regulation; criteria	
derogations; administrative	and requirements for certification	
sanctions; processing for health	mechanisms; the adequate level of	
purposes; processing in the	protection afforded by a third	
employment context and	country or an international	
processing for historical, statistical	organisation; criteria and	
and scientific research purposes. It	requirements for transfers by way of	
is of particular importance that the	binding corporate rules; transfer	
Commission carry out appropriate	derogations; administrative	
consultations during its	sanctions; processing for health	
preparatory work, including at	purposes; and processing in the	
expert level. The Commission,	employment context and processing	
when preparing and drawing-up	for historical, statistical and	
delegated acts, should ensure a	scientific research purposes. It is of	
simultaneous, timely and	particular importance that the	
appropriate transmission of	Commission carry out appropriate	
relevant documents to the	consultations during its preparatory	
European Parliament and Council.	work, including at expert level, in	
-	particular with the European Data	
	Protection Board. The Commission,	
	when preparing and drawing-up	
	delegated acts, should ensure a	
	simultaneous, timely and appropriate	
	transmission of relevant documents	
	to the European Parliament and to	
	the Council.	

(130) In order to ensure uniform	(130) In order to ensure uniform	(130) In order to ensure uniform	Presidency suggestion
conditions for the implementation	conditions for the implementation of	conditions for the implementation of	
of this Regulation, implementing	this Regulation, implementing	this Regulation, implementing powers	(130) In order to ensure uniform
powers should be conferred on the	powers should be conferred on the	should be conferred on the	conditions for the implementation
Commission for: specifying	Commission for: specifying standard	Commission for: standard contractual	of this Regulation, implementing
standard forms in relation to the	forms for specific methods to obtain	clauses between controllers and	powers should be conferred on
processing of personal data of a	verifiable consent in relation to the	processors and between processors,	the Commission when provided
child; standard procedures and	processing of personal data of a	codes of conduct; technical standards	for by this Regulation. Those
forms for exercising the rights of	child; standard procedures and forms	and mechanisms for certification; the	powers should be exercised in
data subjects; standard forms for	for exercising the rights of the	adequate level of protection afforded	accordance with Regulation (EU)
the information to the data	communication to the data subjects	by a third country or a territory or a	No 182/2011 of the European
subject; standard forms and	on the exercise of their rights;	processing sector within that third	Parliament and of
procedures in relation to the right	standard forms for the information to	country or an international	
of access; the right to data	the data subject; standard forms and	organisation; adopt standard data	
portability; standard forms in	procedures in relation to the right of	protection clauses; formats and	
relation to the responsibility of the	access including for communicating	procedures for the exchange of	
controller to data protection by	the personal data to the data subject;	information between controllers,	
design and by default and to the	the right to data portability; standard	processors and supervisory authorities	
documentation; specific	forms in relation to the responsibility	for binding corporate rules; mutual	
requirements for the security of	of the controller to data protection	assistance; the arrangements for the	
processing; the standard format	by design and by default and to the	exchange of information by electronic	
and the procedures for the	documentation to be kept by the	means between supervisory	
notification of a personal data	controller and the processor; specific	authorities, and between supervisory	
breach to the supervisory authority	requirements for the security of	authorities and the European Data	
and the communication of a	processing; the standard format and	Protection Board. Those powers	
personal data breach to the data	the procedures form for the	should be exercised in accordance	
subject; standards and procedures	notification of a personal data breach	with Regulation (EU) No 182/2011 of	
for a data protection impact	to the	the European Parliament and of the	
assessment; forms and procedures		Council of 16 February 2011 laying	
for prior authorisation and prior		down the rules and general	
consultation; technical standards			

and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers45. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.	supervisory authority and the communication of a personal data breach to the data subject for documenting a personal data breach; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism and information to the supervisory authority. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the	principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers3. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.	the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers4. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.
--	---	--	--

LIMITE

Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.
 Production (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.

⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.

Q 11 C1(E1 201111		
5		
for control by the Member States of		
the Commission's exercise of		
implementing powers In this		
context, the Commission should		
consider specific measures for		
micro, small and medium-sized		
enterprises.		
-		
1 Regulation (EU) No 182/2011 of		
5		
1 1 0		
the Commission's exercise of		
implementing powers (OJ L 55,		
	 implementing powers In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises. I Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of 	down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises. I Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55,

_				
	131)The examination procedure	(131) The examination procedure	(131) The examination procedure	Presidency suggestion
	should be used for the adoption of	should be used for the adoption of	should be used for the adoption of	(131) The examination procedure
	pecifying standard forms in	specifying standard forms in relation	implementing acts on standard	
	relation to the consent of a child;	to the: for specific methods to obtain	contractual clauses between	should be used for the adoption of
	standard procedures and forms for	verifiable consent in relation to the	controllers and processors and	implementing acts on standard
	exercising the rights of data	processing of personal data of a	between processors; codes of	contractual clauses between
S	subjects; standard forms for the	child; standard procedures and forms	conduct; technical standards and	controllers and processors and
i	nformation to the data subject;	for exercising the the	mechanisms for certification; the	between processors; codes of
S	standard forms and procedures in	communication to the data subjects	adequate level of protection afforded	conduct; technical standards and
r	relation to the right of access;, the	on the exercise of their rights of data	by a third country or a territory or a	mechanisms for certification; the
r	ight to data portability; standard	subjects; standard forms for the	processing sector within that third	adequate level of protection
f	forms in relation to the	information to the data subject;	country or an international	afforded by a third country or a
r	responsibility of the controller to	standard forms and procedures in	organisation; adopt standard	territory or a processing sector
	lata protection by design and by	relation to the right of access	protection clauses; formats and	within that third country or an
	lefault and to the documentation;	including for communicating the	procedures for the exchange of	international organisation; adopt
s	specific requirements for the	personal data to the data subject; the	information by electronic means	standard protection clauses;
	security of processing; the	right to data portability; standard	between controllers, processors and	formats and procedures for the
	standard format and the	forms in relation to the responsibility	supervisory authorities for binding	exchange of information by
r	procedures for the notification of a	of documentation to be kept by the	corporate rules; mutual assistance; the	electronic means between
-	personal data breach to the	controller to data protection by	arrangements for the exchange of	controllers, processors and
-	supervisory authority and the	design and by default and to the	information by electronic means	supervisory authorities for
	communication of a personal data	documentation and the processor;	between supervisory authorities, and	binding corporate rules; mutual
	preach to the data subject;	specific requirements for the security	between supervisory authorities and	assistance; the arrangements for
	standards and procedures for a	of processing; the standard format	the European Data Protection Board	the exchange of information by
	lata protection impact assessment;	and the procedures for the	given that those acts are of general	electronic means between
	forms and procedures for prior	notification of a personal data	scope.	supervisory authorities, and
	authorisation and prior		~~~P~.	between supervisory authorities
	consultation; technical standards			and the European Data Protection
	and mechanisms for certification;			Board given that those acts are of
	and meetiumsing for contineation,			general scope.
L		1		6r-

the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism, given that those acts are of general scope.	breach to the supervisory authority and the communication of for documenting a personal data breach to the data subject; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union	
	5	
	law; mutual assistance; joint operations; decisions under the	
	consistency mechanism, and information to the supervisory	
	authority, given that those acts are of general scope.	

(132) The Commission should	deleted	(132) The Commission should adopt	Presidency suggestion
adopt immediately applicable		immediately applicable implementing	
implementing acts where, in duly		acts where, in duly justified cases	(132) The Commission should
justified cases relating to a third		relating to a third country or a	adopt immediately applicable
country or a territory or a		territory or a processing sector within	implementing acts where, in duly
processing sector within that third		that third country or an international	justified cases relating to a third
country or an international		organisation which does not ensure an	country or a territory or a
organisation which does not		adequate level of protection and	processing sector within that third
ensure an adequate level of		relating to matters communicated by	country or an international
protection and relating to matters		supervisory authorities under the	organisation which does not
communicated by supervisory		consistency mechanism, imperative	ensure an adequate level of
authorities under the consistency		grounds of urgency so require.	protection and relating to matters
mechanism, imperative grounds of			communicated by supervisory
urgency so require.			authorities under the consistency
			mechanism, imperative grounds
			of urgency so require.



(133) Since the objectives of this	(133) Since the objectives of this	(133) Since the objectives of this	
· · ·	· · · · ·		Presidency suggestion
Regulation, namely to ensure an	Regulation, namely to ensure an	Regulation, namely to ensure an	(122) Since the chieving of this
equivalent level of protection of	equivalent level of protection of	equivalent level of protection of	(133) Since the objectives of this
individuals and the free flow of	individuals and the free flow of data	individuals and the free flow of data	Regulation, namely to ensure an
data throughout the Union, cannot	throughout the Union, cannot be	throughout the Union, cannot be	equivalent level of protection of
be sufficiently achieved by the	sufficiently achieved by the Member	sufficiently achieved by the Member	individuals and the free flow of
Member States and can therefore,	States and but can therefore rather,	States and can therefore, by reason of	data throughout the Union,
by reason of the scale or effects of	by reason of the scale or effects of	the scale or effects of the action, be	cannot be sufficiently achieved
the action, be better achieved at	the action, be better achieved at	better achieved at Union level, the	by the Member States and can
Union level, the Union may adopt	Union level, the Union may adopt	Union may adopt measures, in	therefore, by reason of the scale
measures, in accordance with the	measures, in accordance with the	accordance with the principle of	or effects of the action, be better
principle of subsidiarity as set out	principle of subsidiarity as set out in	subsidiarity as set out in Article 5 of	achieved at Union level, the
in Article 5 of the Treaty on	Article 5 of the Treaty on European	the Treaty on European Union. In	Union may adopt measures, in
European Union. In accordance	Union. In accordance with the	accordance with the principle of	accordance with the principle of
with the principle of	principle of proportionality as set out	proportionality as set out in that	subsidiarity as set out in Article 5
proportionality as set out in that	in that Article, this Regulation does	Article, this Regulation does not go	of the Treaty on European Union.
Article, this Regulation does not	not go beyond what is necessary in	beyond what is necessary in order to	In accordance with the principle
go beyond what is necessary in	order to achieve that objective.	achieve that objective.	of proportionality as set out in
order to achieve that objective.		-	that Article, this Regulation does
			not go beyond what is necessary
			in order to achieve that objective.

	– Amendment 95		
(134) Directive 95/46/EC should	– (134) Directive 95/46/EC	(134) Directive 95/46/EC should be	Presidency suggestion
be repealed by this Regulation.	should be repealed by this	repealed by this Regulation.	, 66
However, Commission decisions	Regulation. However,	Processing already under way on the	(134) Directive 95/46/EC should
adopted and authorisations by	Commission decisions	date of the entry into force of this	be repealed by this Regulation.
supervisory authorities based on	adopted and authorisations	Regulation should be brought into	Processing already under way on
Directive 95/46/EC should remain	by supervisory authorities	conformity with this Regulation	the date of application of this
in force.	based on Directive 95/46/EC	within the period of two years after	Regulation should be brought into
	should remain in force.	which this Regulation enters into	conformity with this Regulation
	Commission decisions and	force. However, Commission	within the period of two years
	authorisations by	decisions adopted and authorisations	after which this Regulation enters
	supervisory authorities	by supervisory authorities based on	into force. However, where such
	relating to transfers of	where such processing is in	processing is in compliance with
	personal data to third	compliance with Directive 95/46/EC,	Directive 95/46/EC, the
	countries pursuant to Article	the requirements of this Regulation	requirements of this Regulation
	41(8) should remain in force	concerning the carrying out of data	concerning the carrying out of
	for a transition period of	protection impact assessments and	data protection impact
	five years after the entry into	the prior consultation of the	assessments and the prior
	force of this Regulation	supervisory authority should not	consultation of the supervisory
	unless amended, replaced or	apply to the processing operations	authority should not apply to the
	repealed by the Commission	already under way prior to the entry	processing operations already
	before the end of this period.	into force of this Regulation, given	under way prior to the entry into
		that these requirements, by their very	force of this Regulation, given
		nature, are to be met prior to the	that these requirements, by their
		processing. Where such processing	very nature, are to be met prior to
		is in compliance with Directive	the processing. Where such
		95/46/EC, it is also not necessary for	processing is in compliance with
		the data subject to give his or her	Directive 95/46/EC, it is also not
		consent again so as to allow the	necessary for the data subject to
		controller to continue such	give his or her consent again so
		processing after the data of	as to allow the controller to
		application of this Regulation.	continue such processing after the

(135) This Regulation should apply to all matters concerning the protection of fundamental rights and freedom vis-à-vis the processing of personal data, which are not subject to specific obligations with the same objective set out in Directive 2002/58/EC, including the obligations on the controller and the rights of individuals. In order to clarify the relationship between this Regulation and Directive 2002/58/EC, the latter Directive	(135) This Regulation should apply to all matters concerning the protection of fundamental rights and freedom vis-à-vis the processing of personal data, which are not subject to specific obligations with the same objective set out in Directive 2002/58/EC of the European Parliament and of the Council ¹ , including the obligations on the controller and the rights of individuals. In order to clarify the relationship between this Regulation and Directive 2002/58/EC, the latter	Commission decisions adopted and authorisations by supervisory authorities based on Directive 95/46/EC remain in force until amended, replaced or repealed should remain in force. (135) This Regulation should apply to all matters concerning the protection of fundamental rights and freedom vis-à-vis the processing of personal data, which are not subject to specific obligations with the same objective set out in Directive 2002/58/EC, including the obligations on the controller and the rights of individuals. In order to clarify the relationship between this Regulation and Directive 2002/58/EC, the latter Directive should be amended accordingly. Once this Regulation is	data of application of this Regulation. Commission decisions adopted and authorisations by supervisory authorities based on Directive 95/46/EC remain in force until amended, replaced or repealed. <i>Presidency suggestion</i> (135) This Regulation should apply to all matters concerning the protection of fundamental rights and freedom vis-à-vis the processing of personal data, which are not subject to specific obligations with the same objective set out in Directive 2002/58/EC, including the obligations on the controller and the rights of individuals. In order to clarify the relationship between
this Regulation and Directive	relationship between this Regulation and Directive 2002/58/EC, the latter Directive should be amended accordingly. ¹ Directive 2202/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector	Directive should be amended	the rights of individuals. In order
	(Directive on privacy and electronic communications) (OJ L 201,		

31.07.2002, P.37)		
-------------------	--	--



(136) As regards Iceland and	(136) As regards Iceland and	deleted	
Norway, this Regulation	Norway, this Regulation constitutes		
constitutes a development of	a development of provisions of the		
provisions of the Schengen acquis	Schengen <i>acquis</i> to the extent that it		
to the extent that it applies to the	applies to the processing of personal		
processing of personal data by	data by authorities involved in the		
authorities involved in the	implementation of that <i>acquis</i> ,		
implementation of that acquis, as	within the meaning of as provided		
provided for by the Agreement	for by the Agreement concluded by		
concluded by the Council of the	the Council of the European Union		
European Union and the Republic	and the Republic of Iceland and the		
of Iceland and the Kingdom of	Kingdom of Norway concerning the		
Norway concerning the association	latters' association of those two		
of those two States with the	States with the implementation,		
implementation, application and	application and development of the		
development of the Schengen	Schengen acquis ¹ .		
acquis ⁴⁶ .			
	¹ OJ L 176, 10.7.1999, p. 36.		
⁴⁶ OJ L 176, 10.7.1999, p. 36.	_		

		**.*	
(137) As regards Switzerland, this	(137) As regards Switzerland, this	deleted	
Regulation constitutes a	Regulation constitutes a		
development of provisions of the	development of provisions of the		
Schengen acquis to the extent that	Schengen <i>acquis</i> to the extent that it		
it applies to the processing of	applies to the processing of personal		
personal data by authorities	data by authorities involved in the		
involved in the implementation of	implementation of that <i>acquis</i> ,		
that acquis, as provided for by the	within the meaning of as provided		
Agreement between the European	for by the Agreement between the		
Union, the European Community	European Union, the European		
and the Swiss Confederation	Community and the Swiss		
concerning the association of the	Confederation concerning on the		
Swiss Confederation with the	association of the Swiss		
implementation, application and	Confederation's association with		
development of the Schengen	the implementation, application and		
acquis ⁴⁷ .	development of the Schengen		
l	acquis ¹ .		
⁴⁷ OJ L 53, 27.2.2008, p. 52			
	^{<i>I</i>} OJ L 53, 27.2.2008, p. 52		

(138) As regards Liechtenstein,	(138) As regards Liechtenstein, this	deleted	
this Regulation constitutes a	Regulation constitutes a		
development of provisions of the	development of provisions of the		
Schengen acquis to the extent that	Schengen <i>acquis</i> to the extent that it		
it applies to the processing of	applies to the processing of personal		
personal data by authorities	data by authorities involved in the		
involved in the implementation of	implementation of that <i>acquis</i> ,		
that acquis, as provided for by the	within the meaning of as provided		
Protocol between the European	for by the Protocol between the		
Union, the European Community,	European Union, the European		
the Swiss Confederation and the	Community, the Swiss		
Principality of Liechtenstein on	Confederation and the Principality		
the accession of the Principality of	of Liechtenstein on the accession of		
Liechtenstein to the Agreement	the Principality of Liechtenstein to		
between the European Union, the	the Agreement between the		
European Community and the	European Union, the European		
Swiss Confederation on the Swiss	Community and the Swiss		
Confederation's association with	Confederation on the Swiss		
the implementation, application	Confederation's association with the		
and development of the Schengen	implementation, application and		
acquis ⁴⁸ .	development of the Schengen		
	acquis ¹ .		
⁴⁸ OJ L 160 of 18.6.2011, p. 19			
	¹ OJ L 160 of 18.6.2011, p. 19		

(139) In view of the fact that, as	(139) In view of the fact that, as	deleted	
underlined by the Court of Justice	underlined by the Court of Justice of	ueieieu	
of the European Union, the right to	the European Union, the right to the		
-			
the protection of personal data is	protection of personal data is not an		
not an absolute right, but must be	absolute right, but must be		
considered in relation to its	considered in relation to its function		
function in society and be	in society and be balanced with other		
balanced with other fundamental	fundamental rights, in accordance		
rights, in accordance with the	with the principle of proportionality,		
principle of proportionality, this	this Regulation respects all		
Regulation respects all	fundamental rights and observes the		
fundamental rights and observes	principles recognised in the Charter		
the principles recognised in the	of Fundamental Rights of the		
Charter of Fundamental Rights of	European Union as enshrined in the		
the European Union as enshrined	Treaties, notably the right to respect		
in the Treaties, notably the right to	for private and family life, home and		
respect for private and family life,	communications, the right to the		
home and communications, the	protection of personal data, the		
right to the protection of personal	freedom of thought, conscience and		
data, the freedom of thought,	religion, the freedom of expression		
conscience and religion, the	and information, the freedom to		
freedom of expression and	conduct a business, the right to an		
information, the freedom to	effective remedy and to a fair trial as		
conduct a business, the right to an	well as cultural, religious and		
effective remedy and to a fair trial	linguistic diversity.business, the		
as well as cultural, religious and	right to an effective remedy and to a		
linguistic diversity.business, the	fair trial as well as cultural, religious		
right to an effective remedy and to	and linguistic diversity		
a fair trial as well as cultural,			
religious and linguistic diversity.			

CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS
Article 1	Articte 1	Article 1	Article 1
Subject matter and objectives	Subject matter and objectives	Subject matter and objectives	Subject matter and objectives
1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data.	1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data	1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data.	<i>Tentative agreement in trilogue</i> 1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data.
2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.	2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.	2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.	<i>Tentative agreement in trilogue</i> 2. This Regulation protects fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.

		2a. Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to the processing of personal data for compliance with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or for other specific processing situations as provided for in Article 6(1)(c) and (e) by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in Chapter IX.	Presidency suggestion Moved to Article 6(2a)
3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.	3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.	3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.	<i>Tentative agreement in trilogue</i> 3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.

Article 2	Article 2	Article 2	Article 2
Material scope	Material scope	Material scope	Material scope
	Amendment 96		
1. This Regulation applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	1. This Regulation applies to the processing of personal data wholly or partly by automated means, <i>irrespective of the method of</i> <i>processing</i> , and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	1. This Regulation applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	<i>Tentative agreement in trilogue</i> 1. This Regulation applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.
2. This Regulation does not apply to the processing of personal data:	2. This Regulation does not apply to the processing of personal data:	2. This Regulation does not apply to the processing of personal data:	<i>Tentative agreement in trilogue</i> 2. This Regulation does not apply to the processing of personal data:
(a) in the course of an activity which falls outside the scope of Union law, in particular concerning national security;	(a) in the course of an activity which falls outside the scope of Union law , in particular concerning national security;	(a) in the course of an activity which falls outside the scope of Union law , in particular concerning national security;	<i>Tentative agreement in trilogue</i> (a) in the course of an activity which falls outside the scope of Union law;
(b) by the Union institutions, bodies, offices and agencies;	deleted	(b) by the Union institutions, bodies, offices and agencies;	

(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 of the Treaty on European Union;	(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 <i>of</i> <i>Title V</i> of the Treaty on European Union;	(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 <i>of</i> <i>Title V of</i> the Treaty on European Union;	<i>Tentative agreement in trilogue</i> (c) by the Member States when carrying out activities which fall within the scope of Chapter 2 of Title V of the Treaty on European Union;
--	--	--	--

(d) by a natural person without any gainful interest in the course of its own exclusively personal or household activity;	(d) by a natural person without any gainful interest in the course of its own an exclusively personal or household activity. This exemption shall also apply to a publication of personal data where it can be reasonably expected that it they will be only accessed by a limited number of persons;	(d) by a natural person without any gainful interest in the course of its own exclusively <i>a</i> personal or household activity;	<i>Tentative agreement in trilogue</i> (d) by a natural person in the course of a purely personal or household activity;
(e) by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties	(e) by competent <i>public</i> authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.	(e) by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences , or the execution of criminal penalties <i>or the safeguarding against and</i> <i>the prevention of threats to public</i> <i>security</i> .	Presidency suggestion [(e) by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences, the execution of criminal penalties or the safeguarding against and the prevention of threats to public security.]
			Presidency suggestion 2a. For the processing of personal data by the Union institutions,bodies, offices and agencies, Regulation (EC) No 45/2001 applies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data shall be adapted to the principles and rules

			of this Regulation in accordance with Article 90a.
3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	deleted	<i>Tentative agreement in trilogue</i> 3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.

131 EN

Article 4	Article 4	Article 4	Article 4
Definitions	Definitions	Definitions	Definitions
	Amendment 98		
For the purposes of this Regulation:	For the purposes of this Regulation:	For the purposes of this Regulation:	<i>Tentative agreement in trilogue</i> For the purposes of this Regulation:
(1) 'data subject' means an identified natural person or a natural person who can be identified, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular by reference to an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;	deleted	(1) 'personal data' means any information relating to 'data subject' means an identified or identifiable natural person ("data subject or a natural an identifiable person is one who can be identified, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;	<i>Tentative agreement in trilogue</i> (1) 'personal data' means any information relating to an identified or identifiable natural person 'data subject'; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;
(2) 'personal data' means any information relating to a data subject;	(2) 'personal data' means any information relating to a <i>an</i> <i>identified or identifiable natural</i> <i>person (</i> 'data subject'); <i>an</i> <i>identifiable person is one who can</i>	deleted	

be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, unique identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social or gender identity of that person;	
--	--

(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction;	(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction;	(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, <i>restriction</i> , erasure or destruction;	<i>Tentative agreement in trilogue</i> (3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed, whether a third party or not; however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;	 Presidency suggestion: (7) 'recipient' means a natural or legal person, public authority, agency or any other body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive data in the framework of a particular inquiry in accordance with national law shall not be regarded as recipients; the processing of these data by those public authorities shall be in compliance with the applicable data protection rules according to the

	purposes of the processing.
--	-----------------------------



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

	management functions and administrative responsibilities to deal with and enforce the rules as set out in this Regulation; the location where effective and real	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	place to the extent that the processor is subject to specific obligations under this Regulation;
	management activities are exercised determining the data processing through stable arrangements;	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	
(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 an <i>independent</i> public authority which is established by a Member State in accordance with <i>pursuant</i> <i>to</i> Article 46. 	(19) 'supervisory authority' means an independent public authority which is established by a Member State pursuant to Article 46.

(19a)	Da) 'concerned supervisory	Tentative agreement in trilogue
auth	thority' means a supervisory	
auth	thority which is concerned by	19a) 'supervisory authority
the p	e processing, because:	concerned' means a supervisory
a) th	the controller or processor is	authority which is concerned by
estal	ablished on the territory of the	the processing, because:
Men	ember State of that supervisory	a) the controller or processor is
auth	thority;	established on the territory of the
b) da	data subjects residing in this	Member State of that supervisory
Men	ember State are substantially	authority;
affec	fected or likely to be	b) data subjects residing in this
subs	bstantially affected by the	Member State are substantially
proc	ocessing; or	affected or likely to be
c) th	the underlying complaint has	substantially affected by the
been	en lodged to that supervisory	processing; or
auth	thority.	c) a complaint has been lodged to
		that supervisory authority.

(19b) "transnational processing of	Tentative agreement in trilogue
personal data" means either:	5 5
(a) processing which takes place	(19b) 'cross-border processing of
in the context of the activities	personal data' means either:
of establishments in more than	(a) processing which takes place in
one Member State of a	the context of the activities of
controller or a processor in the	establishments in more than one
Union and the controller or	Member State of a controller or a
processor is established in	processor in the Union and the
more than one Member State;	controller or processor is
or	established in more than one
(b) processing which takes place	Member State; or
in the context of the activities	(b) processing which takes place in
of a single establishment of a	the context of the activities of a
controller or processor in the	single establishment of a controller
Union but which substantially	or processor in the Union but
affects or is likely to	which substantially affects or is
substantially affect data	likely to substantially affect data
subjects in more than one	subjects in more than one Member
Member State.	State.

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

Article 6	Article 6	Article 6	Article 6
Lawfulness of processing	Lawfulness of processing	Lawfulness of processing	Lawfulness of processing
	Amendment 100		
			Presidency suggestion 2a. (new) Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to Article 6(1)(c) and (e) by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in Chapter IX.
3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in:	3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in:	3. The basis of <i>for</i> the processing referred to in points (c) and (e) of paragraph 1 must be provided for <i>established</i> in <i>accordance with</i> :	<i>Tentative agreement in trilogue</i> 3. The basis for the processing referred to in point (c) and (e) of paragraph 1 must be laid down by:
(a) Union law, or	(a) Union law, or	(a) Union law, or	<i>Tentative agreement in trilogue</i> (a) Union law, or
(b) the law of the Member State to which the controller is subject.	(b) the law of the Member-State to which the controller is subject.	(b) <i>national</i> the law of the Member State to which the controller is subject.	<i>Tentative agreement in trilogue</i> (b) Member State law to which the controller is subject.

The purpose of the processing shall	Tentative agreement in trilogue
be determined in this legal basis or	The purpose of the processing shall
as regards the processing referred	be determined in this legal basis or
to in point (e) of paragraph 1, be	as regards the processing referred to
necessary for the performance of a	in point (e) of paragraph 1, be
task carried out in the public	necessary for the performance of a
interest or in the exercise of official	task carried out in the public
authority vested in the controller.	interest or in the exercise of official
This legal basis may contain	authority vested in the controller.
specific provisions to adapt the	This legal basis may contain
application of rules of this	specific provisions to adapt the
Regulation, inter alia the general	application of rules of this
conditions governing the	Regulation, inter alia the general
lawfulness of data processing by	conditions governing the lawfulness
the controller, the type of data	of data processing by the controller,
which are subject to the processing,	the type of data which are subject to
the data subjects concerned; the	the processing, the data subjects
entities to, and the purposes for	concerned; the entities to, and the
which the data may be disclosed;	purposes for which the data may be
the purpose limitation; storage	disclosed; the purpose limitation;
periods and processing operations	storage periods and processing
and processing procedures,	operations and processing
including measures to ensure	procedures, including measures to
lawful and fair processing,	ensure lawful and fair processing,
including for other specific	including for other specific
processing situations as provided	processing situations as provided
for in Chapter IX.	for in Chapter IX.

SECTION 5 RESTRICTIONS	SECTION-5 RESTRICTIONS	SECTION 5 RESTRICTIONS	SECTION 5 RESTRICTIONS
Article 21	Article 21	Article 21	Article 21
Restrictions	Restrictions	Restrictions	Restrictions
	Amendment 116		
1. Union or Member State law may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11 to 20 and Article 32, when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard:	1. Union or Member State law may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11 to 2019 and Article 32, when such a restriction constitutes meets a clearly defined objective of public interest, respects the essence of the vight to protection of personal data, is proportionate to the legitimate aim pursued and respects the fundamental rights and interests of the data subject and is a necessary and proportionate measure in a democratic society to safeguard:	1. Union or Member State law <i>to</i> <i>which the data controller or</i> <i>processor is subject</i> may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11-12 to 20 and Article 32, <i>as well as Article 5</i> <i>in so far as its provisions</i> <i>correspond to the rights and</i> <i>obligations provided for in Articles</i> 12 to 20, when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard:	<i>Tentative agreement in trilogue</i> 1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 20 and Article 32, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 20, when such a restriction respects the essence of the right to protection of personal data and constitutes a necessary and proportionate measure in a democratic society to safeguard:
		(aa) national security;	<i>Tentative agreement in trilogue</i> (aa) national security;
		(ab) defence;	<i>Tentative agreement in trilogue</i> (ab) defence;

(a) public security;	(a) public security;	(a) public security;	<i>Tentative agreement in trilogue</i> (a) public security;
(b) the prevention, investigation, detection and prosecution of criminal offences;	(b) the prevention, investigation, detection and prosecution of criminal offences;	(b) the prevention, investigation, detection and or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security;	Presidency suggestion [(b) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security;]
(c) other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters and the protection of market stability and integrity;	(c) other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters and the protection of market stability and integrity;	(c) other <i>important objectives of</i> <i>general</i> public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, <i>public health and social</i> <i>security</i> , and the protection of market stability and integrity;	<i>Tentative agreement in trilogue</i> (c) other important objectives of general public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation a matters, public health and social security;
		(ca) the protection of judicial independence and judicial proceedings;	<i>Tentative agreement in trilogue</i> (ca) the protection of judicial independence and judicial proceedings;

(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;	(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions,	(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;	<i>Tentative agreement in trilogue</i> (d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
(e) a monitoring, inspection or regulatory function connected, even occasionally, with the exercise of official authority in cases referred to in (a), (b), (c) and (d);	 (e) a monitoring, inspection or regulatory function connected, even occasionally, with <i>in the framework of</i> the exercise of official <i>a competent public</i> authority in cases referred to in (a), (b), (c) and (d); 	(e) a monitoring, inspection or regulatory function connected, even occasionally, with the exercise of official authority in cases referred to in (a <i>a</i>), (<i>ab</i>), (<i>a</i>) (b), (c) and (d);	<i>Presidency suggestion</i> (e) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in cases referred to in (aa), (ab), (a), (b), (c) and (d);
(f) the protection of the data subject or the rights and freedoms of others.	(f) the protection of the data subject or the rights and freedoms of others.	(f) the protection of the data subject or the rights and freedoms of others-;	<i>Tentative agreement in trilogue</i> (f) the protection of the data subject or the rights and freedoms of others;
		(g) the enforcement of civil law claims.	<i>Tentative agreement in trilogue</i> (g) the enforcement of civil law claims.
2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least as to the objectives to be pursued by the processing and the determination of the controller.	 2. In particular, any legislative measure referred to in paragraph 1 <i>must be necessary and proportionate in a democratic society and</i> shall contain specific provisions at least as to: (a) the objectives to be pursued by the processing; 	2. In particular, aAny legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to the purposes of the processing or categories of processing, the categories of personal data, the scope of the restrictions introduced, the specification of the	 Presidency suggestion 2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to: the purposes of the processing or categories of processing,

 (b) the determination of the cotroller; (c) the specific purposes and means of processing; (d) the safeguards to prevent abuse or unlawful access or transfer; (e) the right of data subjects to be informed about the restriction. 	controller or categories of controllers, the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing and the risks for the rights and freedoms of data subjects.	 the categories of personal data, the scope of the restrictions introduced, the safeguards to prevent abuse or unlawful access or transfer; the specification of the controller or categories of controllers, the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing and the risks for the rights and freedoms of data subjects; the right for data subjects to have a general indication about the restriction, unless this may be prejudicial to the purpose of the restriction.
2a. Legislative measures referred to in paragraph 1 shall neither permit nor oblige private controllers to retain data additional to those strictly necessary for the original purpose.		



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

		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>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	2. Where in a Member State more	2. Where in a Member State more	Tentative Agreement in trilogue
than one supervisory authority are	than one supervisory authority are	than one supervisory authority are	
established, that Member State shall	established, that Member State shall	established, that Member State	2. Where in a Member State more
designate the supervisory authority	designate the supervisory authority	shall designate the supervisory	than one supervisory authority are
which functions as a single contact	which functions as a single contact	authority which functions as a	established, that Member State
point for the effective participation	point for the effective participation	single contact point for the	shall designate the supervisory
of those authorities in the European	of those authorities in the European	effective participation of shall	authority which shall represent
Data Protection Board and shall set	Data Protection Board and shall set	<i>represent</i> those authorities in the	those authorities in the European
out the mechanism to ensure	out the mechanism to ensure	European Data Protection Board	Data Protection Board and shall set
compliance by the other authorities	compliance by the other authorities	and shall set out the mechanism to	out the mechanism to ensure
with the rules relating to the	with the rules relating to the	ensure compliance by the other	compliance by the other authorities
consistency mechanism referred to	consistency mechanism referred to	authorities with the rules relating to	with the rules relating to the
in Article 57.	in Article 57.	the consistency mechanism referred	consistency mechanism referred to
		to in Article 57.	in Article 57.

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

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

		1	
4. Members of the supervisory	4. Members of the supervisory	deleted	
authority shall behave, after their	authority shall behave, after their		
term of office, with integrity and	term of office, with integrity and		
discretion as regards the acceptance	discretion as regards the acceptance		
of appointments and benefits.	of appointments and benefits.		
5. Each Member State shall ensure	5. Each Member State shall ensure	5. Each Member State shall ensure	Tentative agreement in trilogue
that the supervisory authority is	that the supervisory authority is	that the each supervisory authority	
provided with the adequate human,	provided with the adequate human,	is provided with the adequate	5. Each Member State shall ensure
technical and financial resources,	technical and financial resources,	human, technical and financial	that each supervisory authority is
premises and infrastructure	premises and infrastructure	resources, premises and	provided with the human, technical
necessary for the effective	necessary for the effective	infrastructure necessary for the	and financial resources, premises
performance of its duties and	performance of its duties and	effective performance of its duties	and infrastructure necessary for the
powers, including those to be	powers, including those to be	and <i>exercise of its</i> powers,	effective performance of its tasks
carried out in the context of mutual	carried out in the context of mutual	including those to be carried out in	and exercise of its powers,
assistance, co-operation and	assistance, co-operation and	the context of mutual assistance,	including those to be carried out in
participation in the European Data	participation in the European Data	co-operation and participation in	the context of mutual assistance,
Protection Board.	Protection Board.	the European Data Protection	co-operation and participation in
		Board.	the European Data Protection
			Board.
6. Each Member State shall ensure	6. Each Member State shall ensure	6. Each Member State shall ensure	Tentative agreement in trilogue
that the supervisory authority has its	that the supervisory authority has its	that the each supervisory authority	
own staff which shall be appointed	own staff which shall be appointed	has its own staff which shall be	6. Each Member State shall ensure
by and be subject to the direction of	by and be subject to the direction of	appointed by and be subject to the	that each supervisory authority
the head of the supervisory	the head of the supervisory	direction of the <i>member or</i>	chooses and has its own staff which
authority.	authority.	<i>members</i> head of the supervisory	shall be subject to the exclusive
		authority.	direction of the member or
			members of the supervisory
			authority.

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

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

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

Article 49	Article 49	Article 49	Article 49
Rules on the establishment of the supervisory authority	Rules on the establishment of the supervisory authority	Rules on the establishment of the supervisory authority	Rules on the establishment of the supervisory authority
Each Member State shall provide by law within the limits of this	Each Member State shall provide by law within the limits of this	Each Member State shall provide by law within the limits of this Regulation for:	<i>Tentative agreement in trilogue</i>
Regulation:	Regulation:	Regulation for:	1. 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 and status of the <i>each</i> 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	(b) the qualifications, experience and skills required to perform the	(b) the qualifications , experience and skills required to perform the	<i>Tentative agreement in trilogue</i>
duties of the members of the supervisory authority;	duties of the members of the supervisory authority;	duties of the members of the supervisory authority;	(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	(c) the rules and procedures for the appointment of the members of the	(c) the rules and procedures for the appointment of the <i>member or</i>	<i>Tentative agreement in trilogue</i>
supervisory authority, as well the	supervisory authority, as well the	members of the each supervisory	(c) the rules and procedures for the
rules on actions or occupations incompatible with the duties of the	rules on actions or occupations incompatible with the duties of the	authority , as well the rules on actions or occupations	appointment of the members of each supervisory authority,
office;	office;	incompatible with the duties of the office;	

(d) the duration of the term of the members of the supervisory	(d) the duration of the term of the members of the supervisory	(d) the duration of the term of the <i>member or</i> members of -the <i>each</i>	Tentative agreement in trilogue
authority which shall be no less than four years, except for the first 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;	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;	supervisory authority which shall not 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 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
(e) whether the members of the	(e) whether the members of the	(e) whether <i>and</i> , <i>if so</i> , <i>for how</i>	appointment procedure; <i>Tentative agreement in trilogue</i>
supervisory authority shall be eligible for reappointment;	supervisory authority shall be eligible for reappointment;	<i>many terms</i> the <i>member or</i> members of the <i>each</i> supervisory authority shall be eligible for reappointment;	(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 regulations and common conditions governing the dutiesobligations of the <i>member or</i> members and staff of the <i>each</i>	<i>Tentative agreement in trilogue</i> (f) the conditions governing the obligations of the member or
1		supervisory authority, <i>prohibitions</i> <i>on actions and occupations</i> <i>incompatible therewith during and</i>	members and staff of each supervisory authority, prohibitions on actions, occupations and
		after the term of office and rules governing the cessation of employment;	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.	(g) the rules and procedures on the termination of the duties of the members of the supervisory authority, including in case that they no longer fulfil the conditions required for the performance of their duties or if they are guilty of serious misconduct.	deleted	
		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>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. During their term of office, this duty of professional secrecy shall in particular apply to reporting of infringements of this Regulation.

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

SECTION 2 DUTIES- COMPETENCE, TASKS AND POWERS Article 51 Competence	SECTION 2 COMPETENCE, TASKS AND POWERS Article 51 Competence	SECTION 2 COMPETENCE, TASKS AND POWERS Article 51 Competence	SECTION 2 COMPETENCE, TASKS AND POWERS Article 51 Competence
	Amendment 148		
1. Each supervisory authority shall exercise, on the territory of its own Member States, the powers conferred on it in accordance with this Regulation.	1. Each supervisory authority shall be competent to perform the duties and to exercise on the territory of its own Member State the powers conferred on it in accordance with this Regulation on the territory of its own Member State, without prejudice to Articles 73 and 74. Data processing by a public authority shall be supervised only by the supervisory authority of that Member State.	1. Each supervisory authority shall be competent to perform the tasks and exercise-on the territory of its own Member State, the powers conferred on it in accordance with this Regulation on the territory of its own Member State.	<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	deleted	2. Where the processing of personal	Tentative agreement in trilogue
data takes place in the context of		data takes place in the context of	
the activities of an establishment of		the activities of an establishment of	2. Where the processing is carried
a controller or a processor in the		a controller or a processor in the	out by public authorities or private
Union, and the controller or		Union, and the controller or	bodies acting on the basis of points
processor is established in more		processor is	(c) or (e) of Article $6(1)$, the
than one Member State, the		established in more than one	supervisory authority of the
supervisory authority of the main		Member State, the supervisory	Member State concerned shall be
establishment of the controller or		authority of the main establishment	competent. In such cases Article
processor shall be competent for		of the controller or processor shall	51a does not apply.
the supervision of the processing		be competent for the supervision of	
activities of the controller or the		the processing activities of the	
processor in all Member States,		controller or the processor in all	
without prejudice to the provisions		Member States, without prejudice	
of Chapter VII of this Regulation.		to the provisions of Chapter VII of	
		this Regulation. is carried out by	
		public authorities or private bodies	
		acting on the basis of points (c) or	
		(e) of Article 6(1), the supervisory	
		authority of the Member State	
		concerned shall be competent. In	
		such cases Article 51a does not	
		apply.	
3. The supervisory authority shall	3. The supervisory authority shall	3. The sSupervisory authorityies	Tentative agreement in trilogue
not be competent to supervise	not be competent to supervise	shall not be competent to supervise	
processing operations of courts	processing operations of courts	processing operations of courts	3. Supervisory authorities shall not
acting in their judicial capacity.	acting in their judicial capacity.	acting in their judicial capacity.	be competent to supervise
acting in their judicial capacity.	acting in their juniour cupuelty.	acting in then juniour cupacity.	processing operations of courts
			acting in their judicial capacity.
	\bigvee		atting in their judicial capacity.

Article 51a	Article 51a
Competence of the lead supervisory authority	Competence of the lead supervisory authority
1. Without prejudice to Article 51, the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the transnational processing of this controller or processor in accordance with the procedure in Article 54a.	<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.
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>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.

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

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

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

(b) hear complaints lodged by any data subject, or by an association representing that data subject in	(b) hear complaints lodged by any data subject, or by an association representing that data subject in	 (ac) promote the awareness of controllers and processors of their obligations under this Regulation; (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-deal with complaints lodged by any-a data subject, or body, organisation or by an 	Tentative agreement in trilogue(ac) promote the awareness of controllers and processors of their obligations under this Regulation;Tentative agreement in trilogue(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;Tentative agreement in trilogue(b) deal with complaints lodged by
			Member States to this end;
data subject, or by an association	data subject, or by an association	lodged by any <i>a</i> data subject, or	

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

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

		(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>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);
		(gc) where applicable, carry out a periodic review of certifications issued in accordance with Article 39(4);	<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);	(h) issue an opinion on the draft and publish the criteria for accreditation of a body for monitoring codes of conduct pursuant to Article 38(2)a and of a certification body pursuant to Article 39a;	<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;
		(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>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;

		(hb) authorise contractual clauses referred to in Article 42(2a)(a);	Tentative agreement in trilogue
			(hb) authorise contractual clauses and provisions referred to in Article 42(2a);
(i) approve binding corporate rules pursuant to Article 43;	(i) approve binding corporate rules pursuant to Article 43;	(i) approve binding corporate rules pursuant to Article 43;	<i>Tentative agreement in trilogue</i>
			(i) approve binding corporate rules pursuant to Article 43;
(j) participate in the activities of the European Data Protection Board.	(j) participate in the activities of the European Data Protection Board.	(j) participate in <i>contribute to</i> the activities of the European Data	Tentative agreement in trilogue
		Protection Board-;	(j) contribute to the activities of the European Data Protection Board;
			Tentative agreement in trilogue
			(jb) to keep internal records of breaches of this Regulation and of measures taken, in particular warnings issued and sanctions imposed;
		(k) fulfil any other tasks related to the protection of personal data.	Tentative agreement in trilogue
		F	(k) fulfil any other tasks related to the protection of personal data.

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

	request with general information on their responsabilities and obligations in accordance with this Regulation.		
3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if apropriate, co-operate with the supervisory authorities in other Member States to this end.	3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if apropriate, eo-operate with the supervisory authorities in other Member States to this end.	deleted	
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.	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.	4. For-Each supervisory authority shall facilitate the submission of complaints referred to in point (b) of paragraph 1, the supervisory authority shall provide a by measures such as providing a complaint submission form, which can be completed also electronically, without excluding other means of communication.	<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 such as providing a complaint submission form, which can be completed also electronically, without excluding other means of communication.
5. The performance of the duties of the supervisory authority shall be free of charge for the data subject.	5. The performance of the duties of the supervisory authority shall be free of charge for the data subject.	5. The performance of the dutiestasks of the each supervisory authority shall be free of charge for the data subject and for the data protection officer, if any.	<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	6. Where requests are manifestly excessive, in particular due to their repetitive character, the supervisory authority may charge a <i>reasonable</i> fee or not take the action requested by the data subject. <i>Such a fee</i> <i>shall not exceed the costs of taking</i>	6. Where requests are manifestly <i>unfounded or</i> excessive, in particular due to <i>because of</i> their repetitive character, the supervisory authority may charge a fee or not take the action requested by the data subject refuse to act on the	 <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 charge a reasonable
proving the manifestly excessive character of the request.	<i>the action requested.</i> The supervisory authority shall bear the burden of proving the manifestly excessive character of the request.	<i>request.</i> The supervisory authority shall bear the burden of proving <i>demonstrating</i> the manifestly <i>unfounded or</i> excessive character of the request.	fee based on administrative costs, or refuse to act on the request. The supervisory authority shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.
Article 53	Article 53	Article 53	Article 53
Powers	Powers	Powers	Powers
1. Each supervisory authority shall have the power:	1. Each supervisory authority shall, <i>in line with this Regulation</i> , have	1. Each <i>Member State shall</i> provide by law that its supervisory	Presidency suggestion
	the power:	authority shall have <i>at least</i> the <i>following investigative</i> powers:	1. Each supervisory authority shall have at least the following investigative powers:

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

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

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

		(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>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;	<i>(e) to impose a temporary or definitive limitation on processing;</i>	<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;	(f) deleted → 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 a temporary or definitive ban on processing;an administrative fine pursuant to Articles 79 and 79a, in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case.	<i>Tentative agreement in trilogue</i> (g) to impose an administrative fine pursuant to Articles 79, in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case;
(h) to suspend data flows to a recipient in a third country or to an international organisation;	(h) to suspend data flows to a recipient in a third country or to an international organisation;	(h) to <i>order the</i> suspend suspension of data flows to a recipient in a third country or to an international organisation;	<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; (ia) to certify controllers and processors pursuant to Article 39; 	deleted	

(j) to inform the national	(j) to inform the national	deleted	
parliament, the government or other	parliament, the government or other		
political institutions as well as the	political institutions as well as the		
public on any issue related to the	public on any issue related to the		
protection of personal data.	protection of personal data.		
	(ja) to put in place effective		
	mechanisms to encourage		
	confidential reporting of breaches		
	of this Regulation, taking into		
	account guidance issued by the		
	European Data Protection Board		
	pursuant to Article 66(4b).		
		1c. Each Member State shall	Presidency suggestion
		provide by law that its supervisory	2 00
		authority shall have the following	1c. Each supervisory authority shall
		authorisation and advisory	have at least the following
		powers:	authorisation and advisory powers:
		(a) to advise the controller in	Tentative agreement in trilogue
		accordance with the prior	
		consultation procedure referred to	(a) to advise the controller in
		in Article 34;	accordance with the prior
			consultation procedure referred to
			in Article 34;

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

		 (b) to adopt standard data protection clauses referred to in point (c) of Article 42(2); (c) to authorise contractual clauses referred to in point (a) of Article 42(2a); 	Tentative agreement in trilogue(b) to adopt standard dataprotection clauses referred to inpoint (c) of Article 42(2);Tentative agreement in trilogue(c) to authorise contractual clauses
			referred to in point (a) of Article 42(2a);
		(ca) to authorise administrative agreements referred to in point (d) of Article 42 (2a);	<i>Tentative agreement in trilogue</i> (ca) to authorise administrative agreements referred to in point (d) of Article 42(2a);
		(d) to approve binding corporate rules pursuant to Article 43.	<i>Tentative agreement in trilogue</i> (d) to approve binding corporate rules pursuant to Article 43.
have the investigative power to obtain from the controller or the	2. Each supervisory authority shall have the investigative power to obtain from the controller or the processor without prior notice :	2. Each supervisory authority shall have the investigative power to obtain from the controller or the processor: The exercise of the powers conferred on the supervisory authority pursuant to this Article shall be subject to appropriate safeguards, including effective judicial remedy and due process, set out in Union and Member State law in accordance with the Charter of Fundamental Rights of the European Union.	<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 documents and information necessary for the performance of its duties:	deleted	
(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.	duties; (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 earried out there.	deleted	
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.	deleted	
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 <i>Member State shall</i> <i>provide by law that its</i> supervisory authority shall have the power to bring violations infringements of this Regulation to the attention of the judicial authorities and where appropriate, to commence or engage otherwise in legal proceedings, in particular pursuant to Article 74(4) and Article 75(2), in order to enforce the provisions of this Regulation.	 Presidency suggestion 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	4. Each supervisory authority shall	deleted	
have the power to sanction	have the power to sanction		
administrative offences, in	administrative offences, in		
particular those referred to in	particular those referred to in		
Article 79(4), (5) and (6).	accordance with Article 79(4), (5)		
	and (6). This power shall be		
	exercised in an effective,		
	proportionate and dissuasive		
	manner.		



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

Article 54a (new)	
Lead Authority	
1. Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union, and the controller or processor is established in more than one Member State, or where personal data of the residents of several Member States are processed, the supervisory authority of the main establishment of the controller or 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.	

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

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:
(a) it is unclear from the facts of
the case where the main
establishment of the controller or
processor is located; or
(b) the competent authorities do
not agree on which supervisory
authority shall act as lead
authority; or
(c) the controller is not established
in the Union, and residents of
different Member States are
affected by processing operations
within the scope of this
Regulation.
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.
4. The European Data Protection
Board may decide on the
identification of the lead authority.

CHAPTER VII	CHAPTER VII
CO-OPERATION AND	CO-OPERATION AND
CONSISTENCY	CONSISTENCY
SECTION 1	SECTION 1
CO-OPERATION	CO-OPERATION
Article 54a	Article 54a
Cooperation between the lead	Cooperation between the lead
supervisory authority and other	supervisory authority and other
concerned supervisory authorities	concerned supervisory authorities
1. The lead supervisory authority	Tentative Agreement in trilogue
shall cooperate with the other	
concerned supervisory authorities	1. The lead supervisory authority
in accordance with this article in an	shall cooperate with the other
endeavour to reach consensus. The	concerned supervisory authorities
lead supervisory authority and the	in accordance with this article in an
concerned supervisory authorities	endeavour to reach consensus. The
shall exchange all relevant	lead supervisory authority and the
information with each other.	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
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.	Member State.Presidency suggestion2. 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.

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

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.	<i>Tentative Agreement in trilogue</i> 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.
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.	<i>Tentative Agreement in trilogue</i> 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.

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 complaint and shall inform the controller thereof.4b. By derogation from paragrap 4a, where a complaint is dismissed or rejected, the supervisory authority to the complaint 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 single4b. Where the lead supervisory authority and the concerned supervisory authority is to the main establishment or single6cliptionfor each of those parts of the controller or parts of that complaint, a separate decision for the part concerning actions in relation to the complaint and to econtroller or processor on the territory of its Member State and shall inform the controller and notify it to the main establishment of single4b.Here a complaint and to act on other parts of that complaint, a separate decision for the part concerning actions in relation to the conterling actions in relation to the conterling actions in relation to the conterling actions in the controller or processor on the territory of its Member State and shall inform the complaint and the controller or processor on the territory of its Member State and shall inform the complaint and to act on othe supervisory authority of the	4b. By derogation from paragraph	Tentative Agreement in trilogue
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.4b. By derogation from paragrapi 4a, where a complaint is dismissed or rejected, the supervisory authority to which 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 of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the4b. By derogation from paragrapi 4a, where a complaint is dismissor or rejected, the supervisory authority to which the complainant and shall inform the controller and notify it to the main establishment of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the		
authority to which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.4a, where a complaint is dismissed or rejected, the supervisory authority to which the complain and notify it to the complainant at shall inform the controller thereof.4a, where a complaint is dismissed or rejected, the supervisory authority to which the decisi and notify it to the complainant at shall inform the controller thereof.4a, where a complaint is dismissed or rejected, the supervisory authority to which the decisi and notify it to the complainant at 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 for the part concerning actions for the part establishment or single establishment or single establishment or field or 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 mait establishment or single establishment or field or the part conterning actions in relation to the controller and notify it to the mait establishment or field or the part controller and notify it to the mait establishment or single4a, where a complaint is dismissed or rejected, the supervisory authority and the concerned supervisory authorities are in adopt the decision for the part controller and notify it to the mait establishment or single4b. Wenter the lead supervisory authority and the concerned <br< th=""><th></th><th>4b. By derogation from paragraph</th></br<>		4b. By derogation from paragraph
was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.or rejected, the supervisory authority to which the complaint 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 controller and notify it to the main establishment or single establishment or singleor reject decision 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 memer state and shall inform the controller and notify it to the main establishment of the controller or processor on the territory of itsor rejected, the supervisory authority to which the complaint and shall adopt the decision of the controller or to state and shall inform the controller and notify it to the main establishment of the controller or processor on the territory of its		
and notify it to the complainant and shall inform the controller thereof.authority to which 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, a separate decision shall be adopted for each of those parts of the matter.The lead supervisory authority shall adopt the 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 itsauthority to which the complaint was lodged shall adopt the decisi and notify it to the complaint, a separate decision shall be adopted for each of those parts of the controller or processor on the territory of itsauthority to which the complaint was lodged shall adopt the decisi and notify it to the complaint, a separate decision for the part concerning actions in relation to the controller and notify it to the main establishment of the controller or processor on the territory of its		
shall inform the controller thereof.was lodged shall adopt the decisi and notify it to the complainant a 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 or single establishment or single establishment or singlewas lodged shall adopt the decisi and notify it to the main establishment or single establishment or singleMember State and shall inform the complainant thereof, while themember State and shall inform the controller on processor on the territory of its		
and notify it to the complainant a shall inform the controller thereo4bb. 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 of the controller or processor on the territory of itsand notify it to the complainant a shall inform the controller or of a 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 of the controller or processor on the territory of itsand notify it to the complainant a shall inform the concerning actions in relation to i controller and notify it to the main establishment of the controller or processor on the territory of its		•
determinantshall inform the controller thereo4bb. 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 establishment or singleof those parts of the matter.The lead supervisory authority shall adopt the decision for the part establishment or singleof those parts of the matter.The lead supervisory authority shall adopt the decision for the part establishment or singleof those parts of the matter.The lead supervisory authority shall adopt the decision for the part establishment or singleof those parts of the matter.The lead supervisory authority shall adopt the decision for the part establishment or singleconcerning actions in relation to the establishment or the controller or processor on the territory of its member State and shall inform the establishment of the controller or processor on the territory of itsestablishment of the controller or processor on the territory of its		•
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 singleTentative Agreement in trilogue authority and the concerned supervisory authorities are in agreement to dismiss or reject parts of a 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 establishment or single member State and shall inform the complainant thereof, while theTentative Agreement in trilogue authority and the concerned supervisory authorities are in agreement to dismiss or reject parts of a 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 establishment of the controller or processor on the territory of itsTentative Agreement in trilogue authority and the concerned supervisory authority and the concerned of a 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 to controller and notify it to the main establishment of the controller or processor on the territory of its		
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 or single member State and shall inform the complainant thereof, while the4bb. Where the lead supervisory authority and the concerned supervisory authority and the concerned supervisory authority shall adopt the decision for the part concerning actions in relation to the establishment or single4bb. Where the lead supervisory authority and the concerned 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	4bb Where the lead supervisory	
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 establishment or single establishment of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the	1	
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	•	4bb Where the lead supervisory
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	1 7	1 1
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 of the controller or processor on the territory of itsagreement to dismiss or reject pa 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 establishment or single establishment of the controller or processor on the territory of itsagreement to dismiss or reject pa 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 establishment of the controller or processor on the territory of itsMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its	0 1	•
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 establishment or singleof 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 establishment or singleof 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 establishment or singleestablishment of the controller or processor on the territory of itscontroller and notify it to the mait establishment or singleMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its	-	
of those parts of the matter. The lead supervisory authority shall adopt the decision for the part concerning actions in relation to the establishment or singleparts 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 establishment or singleparts 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 establishment or singlecontroller and notify it to the main establishment of the controller or processor on the territory of itscontroller and notify it to the main establishment or singleMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its		
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 singledecision 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 establishment of the controller or processor on the territory of itsdecision 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 establishment of the controller or processor on the territory of itsMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its	-	-
adopt the decision for the partof those parts of the matter. Theconcerning actions in relation to thelead supervisory authority shallcontroller and notify it to the mainadopt the decision for the partestablishment or singleconcerning actions in relation to theestablishment of the controller orcontroller and notify it to the mainprocessor on the territory of itsestablishment or singleMember State and shall inform theestablishment of the controller orprocessor on the territory of itsprocessor on the territory of itsMember State and shall inform theestablishment of the controller orprocessor on the territory of itsprocessor on the territory of its		
concerning actions in relation to the controller and notify it to the main establishment or singlelead supervisory authority shall adopt the decision for the part concerning actions in relation to the establishment of the controller or processor on the territory of itslead supervisory authority shall adopt the decision for the part concerning actions in relation to the establishment of the controller or processor on the territory of itsMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its		
controller and notify it to the main establishment or single establishment of the controller or processor on the territory of its establishment of state and shall inform the complainant thereof, while theadopt the decision for the part concerning actions in relation to the controller and notify it to the main establishment or single		
establishment or singleconcerning actions in relation to the controller or processor on the territory of itsconcerning actions in relation to the controller and notify it to the mail establishment or singleMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its		
establishment of the controller or processor on the territory of itscontroller and notify it to the mail establishment or singleMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its		
processor on the territory of itsestablishment or singleMember State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its	•	
Member State and shall inform the complainant thereof, while theestablishment of the controller or processor on the territory of its		•
complainant thereof, while the processor on the territory of its		e
	· · · · · · · · · · · · · · · · · · ·	-
complainant shall adopt the complainant thereof, while the	1 1	
decision for the part concerning supervisory authority of the		
dismissal or rejection of that complainant shall adopt the		1 V V

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



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

Article 55	Article 55	Article 55	Article 55
Mutual assistance	Mutual assistance	Mutual assistance	Mutual assistance
	Amendment 159		
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,	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,	1. Supervisory authorities shall provide each other <i>with</i> 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,	<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
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	information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and investigations and prompt information on the opening of cases and ensuing developments where the controller or processor	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	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.
Member States are likely to be affected by processing operations.	has establishments in several Member States or where data subjects in several Member States are likely to be affected by processing operations. The lead authority as defined in Article 54a shall ensure the coordination with	Member States are likely to be affected by processing operations <i>investigations</i> .	
	shall ensure the coordination with involved supervisory authorities and shall act as the single contact point for the controller or processor.		

2. Each supervisory authority shall	2. Each supervisory authority shall	2. Each supervisory authority shall	Tentative agreement in trilogue
take all appropriate measures	take all appropriate measures	take all appropriate measures	Temative agreement in triogue
required to reply to the request of	required to reply to the request of	required to reply to the request of	2. Each supervisory authority shall
another supervisory authority	another supervisory authority	another supervisory authority	take all appropriate measures
without delay and no later than one	without delay and no later than one	without <i>undue</i> delay and no later	required to reply to the request of
month after having received the	month after having received the	than one month after having	another supervisory authority
request. Such measures may	request. Such measures may	received the request. Such	without undue delay and no later
include, in particular, the	include, in particular, the	measures may include, in	than one month after having
transmission of relevant	transmission of relevant	particular, the transmission of	received the request. Such
information on the course of an	information on the course of an	relevant information on the course	measures may include, in
investigation or enforcement	investigation or enforcement	<i>conduct</i> of an investigation-or	particular, the transmission of
measures to bring about the	measures to bring about the	enforcement measures to bring	relevant information on the
cessation or prohibition of	cessation or prohibition of	about the cessation or prohibition	conduct of an investigation.
processing operations contrary to	processing operations contrary to	of processing operations contrary	······
this Regulation.	this Regulation.	to this Regulation.	
3. The request for assistance shall	3. The request for assistance shall	3. The request for assistance shall	Tentative agreement in trilogue
contain all the necessary	contain all the necessary	contain all the necessary	6 6
information, including the purpose	information, including the purpose	information, including the purpose	3. The request for assistance shall
of the request and reasons for the	of the request and reasons for the	of the request and reasons for the	contain all the necessary
request. Information exchanged	request. Information exchanged	request. Information exchanged	information, including the purpose
shall be used only in respect of the	shall be used only in respect of the	shall be used only in respect of the	of the request and reasons for the
matter for which it was requested.	matter for which it was requested.	matter for the purpose for which it	request. Information exchanged
		was requested.	shall be used only for the purpose
		-	for which it was requested.

4. A supervisory authority to which a request for assistance is	4. A supervisory authority to which a request for assistance is	4. A supervisory authority to which a request for assistance is	Tentative agreement in trilogue
addressed may not refuse to comply with it unless:	addressed may not refuse to comply with it unless:	addressed may not refuse to comply with it unless:	4. A supervisory authority to which a request for assistance is addressed may not refuse to comply with it unless:
(a) it is not competent for the request; or	(a) it is not competent for the request; or	(a) it is not competent for the <i>subject-matter of the</i> request <i>or for the measures it is requested to execute</i> ; or	(a) it is not competent for the subject-matter of the request or for the measures it is requested to execute; or
(b) compliance with the request would be incompatible with the provisions of this Regulation.	(b) compliance with the request would be incompatible with the provisions of this Regulation.	(b) compliance with the request would be incompatible with the provisions of this Regulation <i>or</i> <i>with Union or Member State law</i> <i>to which the supervisory authority</i> <i>receiving the request is subject.</i>	<i>Tentative agreement in trilogue</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 meet respond to the request by the requesting supervisory authority. In cases of a refusal under paragraph 4, it shall explain its reasons for refusing the request.	<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	6. Supervisory authorities shall supply the information requested	6. Supervisory authorities shall, <i>as a rule</i> , supply the information	Tentative agreement in trilogue
by other supervisory authorities by	by other supervisory authorities by	requested by other supervisory	6. Supervisory authorities shall, as
electronic means and within the	electronic means and within the	authorities by electronic means-and	a rule, supply the information
shortest possible period of time,	shortest possible period of time,	within the shortest possible period	requested by other supervisory
using a standardised format.	using a standardised format.	of time, using a standardised	authorities by electronic means,
		format.	using a standardised format.
		Amendment 160	
7. No fee shall be charged for any	7. No fee shall be charged <i>to the</i>	7. No fee shall be charged for any	Tentative agreement in trilogue
action taken following a request for	requesting supervisory authority	action taken following a request for	
mutual assistance.	for any action taken following a	mutual assistance. Supervisory	7. No fee shall be charged for any
	request for mutual assistance.	authorities may agree with other	action taken following a request for
		supervisory authorities rules for	mutual assistance. Supervisory
		indemnification by other	authorities may agree with other
		supervisory authorities for specific	supervisory authorities rules for
		expenditure arising from the	indemnification by other
		provision of mutual assistance in	supervisory authorities for specific
		exceptional circumstances.	expenditure arising from the
			provision of mutual assistance in
			exceptional circumstances.

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

	Amendment 162		
9. The supervisory authority shall	9. The supervisory authority shall	9. The supervisory authority shall	See Article 61(1) and Article 55(8)
specify the period of validity of	specify the period of validity of	specify the period of validity of	
such provisional measure. This	such provisional measure. This	such provisional measure which -	
period shall not exceed three	period shall not exceed three	This period shall not exceed three	
months. The supervisory authority	months. The supervisory authority	months. The supervisory authority	
shall, without delay, communicate	shall, without delay, communicate	shall, without delay, communicate	
those measures, with full reasons,	those measures, with full reasons,	those such a measures, together	
to the European Data Protection	to the European Data Protection	with full its reasons for adopting it,	
Board and to the Commission.	Board and to the Commission <i>in</i>	to the European Data Protection	
	accordance with the procedure	Board and to the Commission in	
	referred to in Article 57.	accordance with the consistency	
		mechanism referred to in Article	
		57.	

	Amendment 163		
10. The Commission may specify	10. The Commission European	10. The Commission may specify	Tentative agreement in trilogue
the format and procedures for	Data Protection Board may	the format and procedures for	
mutual assistance referred to in this	specify the format and procedures	mutual assistance referred to in this	10. The Commission may specify
article and the arrangements for the	for mutual assistance referred to in	article and the arrangements for the	the format and procedures for
exchange of information by	this article and the arrangements	exchange of information by	mutual assistance referred to in this
electronic means between	for the exchange of information by	electronic means between	article and the arrangements for the
supervisory authorities, and	electronic means between	supervisory authorities, and	exchange of information by
between supervisory authorities	supervisory authorities, and	between supervisory authorities	electronic means between
and the European Data Protection	between supervisory authorities	and the European Data Protection	supervisory authorities, and
Board, in particular the	and the European Data Protection	Board, in particular the	between supervisory authorities
standardised format referred to in	Board, in particular the	standardised format referred to in	and the European Data Protection
paragraph 6. Those implementing	standardised format referred to in	paragraph 6. Those implementing	Board, in particular the
acts shall be adopted in accordance	paragraph 6. Those implementing	acts shall be adopted in accordance	standardised format referred to in
with the examination procedure	acts shall be adopted in accordance	with the examination procedure	paragraph 6. Those implementing
referred to in Article $87(2)$.	with the examination procedure	referred to in Article $87(2)$.	acts shall be adopted in accordance
	referred to in Article 87(2).		with the examination procedure
			referred to in Article $87(2)$.

Article 56	Article 56	Article 56	Article 56
Joint operations of supervisory	Joint operations of supervisory	Joint operations of supervisory	Joint operations of supervisory
authorities	authorities	authorities	authorities
1. In order to step up co-operation	1. In order to step up co-operation	1. In order to step up co-operation	Presidency suggestion
and mutual assistance, the	and mutual assistance, the	and mutual assistance, Tthe	
supervisory authorities shall carry	supervisory authorities shall carry	supervisory authorities shall carry	1.The supervisory authorities shall,
out joint investigative tasks, joint	out joint investigative tasks, joint	out-may, where appropriate,	where appropriate, conduct joint
enforcement measures and other	enforcement measures and other	conduct joint operations including	operations including joint
joint operations, in which	joint operations, in which	joint investigations and	investigations and joint
designated members or staff from	designated members or staff from	investigative tasks, joint	enforcement measures in which
other Member States' supervisory	other Member States' supervisory	enforcement measures and other	members or staff from other
authorities are involved.	authorities are involved.	joint operations, in which	Member States' supervisory
		designated members or staff from	authorities are involved.
		other Member States' supervisory	
		authorities are involved.	

	Amendment 164		
2. In cases where data subjects in	2. In cases where the controller or	2. In cases where <i>the controller or</i>	Tentative agreement in trilogue
several Member States are likely to	processor has establishments in	procecssor has establishments in	
be affected by processing	several Member States or where	several Member States or where a	2. In cases where the controller or
operations, a supervisory authority	data subjects in several Member	<i>significant number of</i> data	processor has establishments in
of each of those Member States	States are likely to be affected by	subjects in several-more than one	several Member States or where a
shall have the right to participate in	processing operations, a	Member States are likely to be	significant number of data subjects
the joint investigative tasks or joint	supervisory authority of each of	substantially affected by	in more than one Member States
operations, as appropriate. The	those Member States shall have the	processing operations, a	are likely to be substantially
competent supervisory authority	right to participate in the joint	supervisory authority of each of	affected by processing operations,
shall invite the supervisory	investigative tasks or joint	those Member States shall have the	a supervisory authority of each of
authority of each of those Member	operations, as appropriate. The	right to participate in the joint	those Member States shall have the
States to take part in the respective	competent supervisory authority	investigative tasks or joint	right to participate in the joint
joint investigative tasks or joint	lead authority as defined in	operations, as appropriate. The	operations, as appropriate. The
operations and respond to the	Article 54a shall invite involve the	competent supervisory authority	competent supervisory authority in
request of a supervisory authority	supervisory authority of each of	shall invite the supervisory	accordance with Article 51a (1) or
to participate in the operations	those Member States to take part in	authority of each of those Member	51a(2c) shall invite the
without delay.	the respective joint investigative	States to take part in the respective	supervisory authority of each of
	tasks or joint operations and	joint investigative tasks or joint	those Member States to take part in
	respond to the request of a	operations <i>concerned</i> and respond	the joint operations concerned and
	supervisory authority to participate	without delay to the request of a	respond without delay to the
	in the operations without delay.	supervisory authority to participate	request of a supervisory authority
		in the operations without delay.	to participate.

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

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

		3c. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3b, each Member State shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from another Member State.	<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. 5. Where a supervisory authority does not comply within one month with the obligation laid down in paragraph 2, the other supervisory authorities shall be competent to take a provisional measure on the territory of its Member State in accordance with Article 51(1). 	 4. Supervisory authorities shall lay down the practical aspects of specific co-operation actions. 5. Where a supervisory authority does not comply within one month with the obligation laid down in paragraph 2, the other supervisory authorites shall be competent to take a provisional measure on the territory of its Member State in accordance with Article 51(1). 	<i>deleted</i> 5. Where <i>a joint operation is</i> <i>intended and</i> a supervisory authority does not comply within one month with the obligation laid down in <i>the second sentence of</i> paragraph 2, the other supervisory authorities shall be competent to take-may adopt a provisional measure on the territory of its Member State in accordance with Article 51(1).	<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	6. The supervisory authority shall /	6. The supervisory authority shall	
specify the period of validity of a	specify the period of validity of a	specify the period of validity of a	
provisional measure referred to in	provisional measure referred to in	provisional measure referred to in	
paragraph 5. This period shall not	paragraph 5. This period shall not	paragraph 5 which - This period	
exceed three months. The	exceed three months. The	shall not exceed three months. The	
supervisory authority shall, without	supervisory authority shall, without	supervisory authority shall, without	
delay, communicate those	delay, communicate those	delay, communicate those such a	
measures, with full reasons, to the	measures, with full reasons, to the	measures, together with full-its	
European Data Protection Board	European Data Protection Board	reasons <i>for adopting it</i> , to the	
and to the Commission and shall	and to the Commission and shall	European Data Protection Board	
submit the matter in the	submit the matter in the	and to the Commission and shall	
mechanism referred to in Article	mechapism referred to in Article	submit the matter in the in	
57.	57. /	accordance with the consistency	
		mechanism referred to in	
		Article 57.	

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

(a) (b) (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	See Article 58
(ca) concerns a matter pursuant to Article 38(2b) whether a draft code of conduct or an amendment or extension to a code of conduct is in compliance with this Regulation; or	See Article 58
(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;	See Article 58
(d) aims at determining standard data protection clauses referred to in point (c) of Article 42(2); or	See Article 58
(e) aims to authorising contractual clauses referred to in point (d) of Article 42(2); or	See Article 58

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

d) Where a competent supervisory	See Article 58a
authority does not request the	See In nele 50u
opinion of the European Data	
Protection Board in the cases	
mentioned in paragraph 2 of this	
Article, or does not follow the	
opinion of the European Data	
Protection Board issued under	
Article 58. In that case, any	
concerned supervisory authority or	
the Commission may communicate	
the matter to the European Data	
Protection Board.	
4. Any supervisory authority, the	See Article 58
Chair of the European Data	
Protection Board or the	
Commission may request that any	
matter of general application or	
producing effects in more than one	
Member State be examined by the	
European Data Protection Board	
with a view to obtaining an	
opinion, in particular where a	
competent supervisory authority	
does not comply with the	
obligations for mutual assistance	
in accordance with Article 55 or	
for joint operations in accordance	
with Article 56.	

5 Companying any participation and the	S = A + i = l = 50
5. Supervisory authorities and the	See Article 58
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.	
6. The chair of the European Data	See Article 58
Protection Board shall without	
undue delay electronically inform	
the members of the European Data	
Protection Board and the	
Commission of any relevant	
information which has been	
communicated to it using a	
standardised format. The	
secretariat of the European Data	
Protection Board shall, where	
necessary, provide translations of	
relevant information.	

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

(b) may substantially affect the free movement of personal data within the Union; or	deleted	deleted	
(c) aims at adopting a list of the processing operations subject to prior consultation pursuant to Article 34(5); or	deleted	deleted	c) aims at adopting a list of the processing operations subject to the requirement for a data protection impact assessment pursuant to Article 33(2a); or
			<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
			Tentative Agreement in trilogue(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	(d) aims to determine standard data protection clauses referred to in	deleted	Tentative Agreement in trilogue
point (c) of Article 42(2); or	point (c) of Article 42(2); or		(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	(e) aims to authorise contractual clauses referred to in point (d) of	deleted	Tentative Agreement in trilogue
Article 42(2); or	Article 42(2); or		(e) aims to authorising contractual
			clauses referred to in Article
			42(2a(a)); or
(f) aims to approve binding corporate rules within the meaning	(f) aims to approve binding corporate rules within the meaning	deleted	Tentative Agreement in trilogue
of Article 43.	of Article 43.		(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>of</i> <i>general application</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.	deleted	<i>Tentative Agreement in trilogue</i> 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.Tentative Agreement in trilogue
			3. In the cases referred to in paragraphs 1 and 2, the European Data Protection Board shall issue an opinion on the matter submitted to it provided that it has not already issued an opinion on the same matter. This opinion
			shall be adopted within eight weeks by simple majority of the members of the European Data Protection Board. This period may

			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 <i>of general</i> <i>application</i> shall be dealt with in the consistency mechanism.	deleted	
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 <i>without undue</i> <i>delay</i> 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.	deleted	<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.

(The chair of the European Date	6 The chain of the European Date	deleted	Toutating Agreement in tuile and
6. The chair of the European Data	6. The chair of the European Data	ueieieu	Tentative Agreement in trilogue
Protection Board shall immediately	Protection Board shall immediately		
electronically inform the members	without undue delay electronically		6. The chair of the European Data
of the European Data Protection	inform the members of the		Protection Board shall without
Board and the Commission of any	European Data Protection Board		undue delay electronically inform:
relevant information which has	and the Commission of any		(a) the members of the European
been communicated to it, using a	relevant information which has		Data Protection Board and the
standardised format. The chair of	been communicated to it, using a		Commission of any relevant
the European Data Protection	standardised format. The chair		information which has been
Board shall provide translations of	secretariat of the European Data		communicated to it using a
relevant information, where	Protection Board shall provide		standardised format. The
necessary.	translations of relevant		secretariat of the European Data
	information, where necessary.		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.
	6a. The European Data Protection		
	Board shall adopt an opinion on		
	matters referred to it under		
	paragraph 2.		

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

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

		7b. The chair of the European Data Protection Board shall inform, without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 2 and 4 of Article 57 and the Commission of the opinion and make it public.	
8. The supervisory authority 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.	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 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.	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 measuredecision, using a standardised format.	<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.

	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>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.
Amendment 167		
Article 58a (new)		
Consistency in individual cases		
1. Before taking a measure intended to produce legal effects within the meaning of Article 54a, the lead authority shall share all relevant information and submit the draft measure to all other competent authorities. The lead authority shall not adopt the measure if a competent authority has, within a period of three weeks, indicated it has serious objections to the measure.		

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

4. The European Data	Duotaction
-	
Board shall consider th	
taking into account the	
the draft measure of the	e lead
authority on the fundation	nental
rights and freedoms of	data
subjects, and shall deci	de by
simple majority of its m	embers
whether to issue an opi	nion on the
matter within two week	s after the
relevant information he	us been
provided pursuant to po	uragraph 3.
5. In case the European	n Data
Protection Board decid	es to issue
an opinion, it shall do s	o within
six weeks and make the	opinion
public.	

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

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

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

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



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

3. In case the Board has been	Tentative Agreement in trilogue
unable to adopt a decision within	8
the periods referred to in	3. In case the Board has been
paragraph 2, it shall adopt its	unable to adopt a decision within
decision within two weeks	the periods referred to in
following the expiration of the	paragraph 2, it shall adopt its
second month referred to in	decision within two weeks
paragraph 2 by a simple majority	following the expiration of the
of the members of the Board. In	second month referred to in
case the members of the Board are	paragraph 2 by a simple majority
split, the decision shall by adopted	of the members of the Board. In
by the vote of its Chair.	case the members of the Board are
by the vote of its Chair.	
	split, the decision shall by adopted
	by the vote of its Chair.
4. The concerned supervisory	Tentative Agreement in trilogue
authorities shall not adopt a	
decision on the subject matter	4. The concerned supervisory
submitted to the Board under	authorities shall not adopt a
paragraph 1 during the periods	decision on the subject matter
referred to in paragraphs 2 and 3.	submitted to the Board under
	paragraph 1 during the periods
	referred to in paragraphs 2 and 3.
5. ()	

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

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

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

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

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

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

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

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	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	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 <i>or</i> <i>an urgent binding decision from</i> of the European Data Protection Board, giving reasons for requesting such opinion, including for the	<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
measures.	measures.	urgency of final measures or decision.	Protection Board, giving reasons for requesting such opinion-or decision.
3. Any supervisory authority may request an urgent opinion where the competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests of data subjects, giving reasons for requesting such opinion, including for the urgent need to act.	3. Any supervisory authority may request an urgent opinion where the competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests of data subjects, giving reasons for requesting such opinion, including for the urgent need to act.	3. Any supervisory authority may request an urgent opinion <i>or an</i> <i>urgent binding decision, as the</i> <i>case may be, from the European</i> <i>Data Protection Board</i> where the <i>a</i> competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests rights and freedoms of data subjects, giving reasons for requesting such opinion or decision, including for the urgent need to act.	Tentative Agreement in trilogue3. Any supervisory authority may request an urgent opinion or an urgent binding decision, as the case may be, from the European Data Protection Board where a competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the rights and freedoms of data subjects, giving reasons for requesting such opinion or decision, including for the urgent need to act.

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

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

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

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

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

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

3. Where in a Member State more	3. Where in a Member State more	3. Where in a Member State more	Tentative Agreement in trilogue
than one supervisory authority is	than one supervisory authority is	than one supervisory authority is	
responsible for monitoring the	responsible for monitoring the	responsible for monitoring the	3. Where in a Member State more
application of the provisions	application of the provisions	application of the provisions	than one supervisory authority is
pursuant to this Regulation, they	pursuant to this Regulation, they	pursuant to this Regulation, they	responsible for monitoring the
shall nominate the head of one of	shall nominate the head of one of	shall nominate the head of one of	application of the provisions
those supervisory authorities as	those supervisory authorities as	those supervisory authorities as a	pursuant to this Regulation, a
joint representative.	joint representative.	joint representative shall be	joint representative shall be
		appointed in accordance with the	appointed in accordance with the
		national law of that Member State.	national law of that Member
			State.
4. The Commission shall have the	4. The Commission shall have the	4. The Commission <i>and the</i>	Presidency suggestion
right to participate in the activities	right to participate in the activities	European Data Protection	
and meetings of the European Data	and meetings of the European Data	Supervisor or his/her	4. The Commission shall have the
Protection Board and shall	Protection Board and shall	<i>representative</i> shall have the right	right to participate in the activities
designate a representative. The	designate a representative. The	to participate in the activities and	and meetings of the European
chair of the European Data	chair of the European Data	meetings of the European Data	Data Protection Board without
Protection Board shall, without	Protection Board shall, without	Protection Board and shall designate	voting right. The Commission
delay, inform the Commission on	delay, inform the Commission on	a representative without voting	shall designate a representative.
all activities of the European Data	all activities of the European Data	right. The Commission shall	The chair of the European Data
Protection Board.	Protection Board.	designate a representative. The	Protection Board shall,
		chair of the European Data	communicate to the Commission
		Protection Board shall, without	the activities of the European Data
		delay, inform communicate to the	Protection Board.
		Commission the on all activities of	
		the European Data Protection	
	<u> </u>	Board.	

	Presidency suggestion 5(new). In cases related to Article 58a, the European Data Protection Supervisor shall have voting rights only on decisions which
	concerns principles and rules applicable to the Union institutions, bodies, offices, and agencies which are identical to those of this Regulation.



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

Article 66	Article 66	Article 66	Article 66
Tasks of the European Data	Tasks of the European Data	Tasks of the European Data	Tasks of the European Data
Protection Board	Protection Board	Protection Board	Protection Board
	Amendment 175		
1. The European Data Protection 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 <i>European Parliament, Council or</i> 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 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:
		(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;	Presidency suggestion (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;
(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 Commission European institutions 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;	Presidency suggestion (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;

			Presidency suggestion
			(aa) advise the Commission on the format and procedures for the exchange of information between controllers, processors and supervisory authorities for binding corporate rules;
			Presidency suggestion
(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	(b) examine, on its own initiative or on request of one of its members or on request of the <i>European</i> <i>Parliament, Council or the</i> Commission, any question	(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,	 (ab) (new) issue opinions on procedures for deleting links, copies or replications of personal data from publicly available communication services as referred to in Article 17 paragraph 2; <i>Presidency suggestion</i> (b) examine, on its own initiative or on request of one of its members or on request of 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;	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	recommendations and issue guidennes, recommendations and best practices addressed to the supervisory authorities in order to encourage consistent application of this Regulation;	Commission, any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this
	this Regulation, <i>including on the</i> <i>use of enforcement powers</i> ;		Regulation;

	Presidency suggestion
	 (ba) (new) issue guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for further specifying the criteria and conditions for decisions based on profiling pursuant to Article 20(2);
	Presidency suggestion
	(bb) (new) issue guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for establishing the data breaches and determining the undue delay referred to in paragraphs 1 and 2 of Article 31 and for the particular circumstances in which a
	controller or a processor is required to notify the personal data breach;

	Presidency suggestion
	(bc) (new) issue guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) as to the circumstances in which a personal data breach is likely to result in a high risk for the rights and freedoms of the indivuduals referred to in Article 32(1).
	Presidency suggestion(bd) (new) issue guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for the purpose of further specifying the criteria and requirements for data transfers based on binding corporate rules adhered to by controllers and binding corporate rules adhered to by processors and on further necessary requirements to ensure the protection of personal data of the data subjects concerned referred to in Article 43;

			Presidency suggestion
			(be) (new) issue guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for the purpose of further specifying the criteria and requirements for the data transfers on the basis of Article 44(1);
		(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;	Presidency suggestion (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;
(c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these;	(c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these;	(c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these(ba);	Presidency suggestion (c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and (ba);

(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;	Presidency suggestion (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;
(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;	Presidency suggestion (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;
(cd) specify the requirements mentioned in paragraph 3 of Article 39a with a view to the accreditation of certification bodies under Article 39;	Presidency suggestion (cd) specify the requirements mentioned in paragraph 3 of Article 39a with a view to the accreditation of certification bodies under Article 39;

		(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;	Tentative agreement in trilogue (ce) give the Commission an opinion for the assessement of the adequacy of the level of protection of personal data in third countries or international organisations, including for the assessment whether a third country or the territory or the international organisation or the specified sector no longer ensures an adequate level of protection. To that end, the Commission shal provide the European Data Protection Board with all necessary documentation, including correspondence with the government of the third country, territoty or processing sector within that third country or the international organisation;
(d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in Article 57;	(d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in Article 57;	(d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in <i>paragraph 2 and on</i> <i>matters submitted pursuant to</i> <i>paragraph 4 of</i> Article 57;	Presidency suggestion (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in paragraph 2 and on matters submitted pursuant to paragraph 4 of Article 57;

	(da) provide an opinion on which authority should be the lead authority pursuant to Article 54a(3);		
(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, <i>including the coordination of joint</i> <i>operations and other joint</i> <i>activities, where it so decides at</i> <i>the request of one or several</i> <i>supervisory authorities;</i>	(e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities;	Presidency suggestion (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities;
(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



	1
WORLdW10	e
Wolldwid	



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

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

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

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

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

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

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

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

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



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

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

(b) the communication between the members of the European Data	(b) the communication between the members of the European Data	(b) the communication between the members of the European Data	Tentative Agreement in trilogue
Protection Board, its chair and the	Protection Board, its chair and the	Protection Board, its chair and the	(b) the communication between
Commission and for	Commission and for	Commission and for communication	the members of the European
communication with other	communication with other	with other institutions and the	Data Protection Board, its chair
institutions and the public;	institutions and the public;	public;	and the Commission and for
institutions and the public,	institutions and the public,	puolie,	communication with other
			institutions and the public;
(c) the use of electronic means for	(c) the use of electronic means for	(c) the use of electronic means for	*
the internal and external		the internal and external	Tentative Agreement in trilogue
	the internal and external		
communication;	communication;	communication;	(c) the use of electronic means for
			the internal and external
			communication;
(d) the translation of relevant	(d) the translation of relevant	(d) the translation of relevant	Tentative Agreement in trilogue
information;	information;	information;	
			(d) the translation of relevant
			information;
(e) the preparation and follow-up	(e) the preparation and follow-up	(e) the preparation and follow-up of	Tentative Agreement in trilogue
of the meetings of the European	of the meetings of the European	the meetings of the European Data	
Data Protection Board;	Data Protection Board;	Protection Board;	(e) the preparation and follow-up
			of the meetings of the European
			Data Protection Board;
(f) the preparation, drafting and	(f) the preparation, drafting and	(f) the preparation, drafting and	Tentative Agreement in trilogue
publication of opinions and other	publication of opinions and other	publication of opinions, <i>decisions</i>	8
texts adopted by the European Data	texts adopted by the European Data	on the settlement of disputes	(f) the preparation, drafting and
Protection Board.	Protection Board.	between supervisory authorities	publication of opinions, decisions
		and other texts adopted by the	on the settlement of disputes
		European Data Protection Board.	between supervisory authorities
		Baropean Data Protection Doard.	and other texts adopted by the
			European Data Protection Board.
	\checkmark		European Data Froitenion Doard.

Article 72	Article 72	Article 72	Article 72
Confidentiality	Confidentiality	Confidentiality	Confidentiality
	Amendment 181		
1. The discussions of the European	1. The discussions of the European	1. The discussions of the European	Presidency suggestion
Data Protection Board shall be	Data Protection Board <i>may</i> be	Data Protection Board shall be	
confidential.	confidential where necessary,	confidential.	1. The discussions of the
	unless otherwise provided in its		European Data Protection Board
	rules of procedure. The agendas		shall be confidential, unless
	of the meetings of the European		otherwise provided in its rules of
	Protection Board shall be made		procedure.
	public.		
2. Documents submitted to	2. Documents submitted to	2. Access to Ddocuments submitted	Tentative Agreement in trilogue
members of the European Data	members of the European Data	to members of the European Data	
Protection Board, experts and	Protection Board, experts and	Protection Board, experts and	2. Access to documents submitted
representatives of third parties	representatives of third parties shall	representatives of third parties shall	to members of the European Data
shall be confidential, unless access	be confidential, unless access is	be confidential, unless access is	Protection Board, experts and
is granted to those documents in	granted to those documents in	granted to those documents in	representatives of third parties
accordance with Regulation (EC)	accordance with Regulation (EC)	accordance with governed by	shall be governed by Regulation
No 1049/2001 or the European	No 1049/2001 of the European	Regulation (EC) No 1049/2001-or	(EC) No 1049/2001.
Data Protection Board otherwise	Parliament and of the Council¹ or	the European Data Protection Board	
makes them public.	the European Data Protection	otherwise makes them public.	
	Board otherwise makes them		
	public.		

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

CHAPTER VIII REMEDIES, LIABILITY AND SANCTIONS	CHAPTER VIII REMEDIES, LIABILITY AND SANCTIONS	CHAPTER VIII REMEDIES, LIABILITY AND SANCTIONS	CHAPTER VIII REMEDIES, LIABILITY AND SANCTIONS
Article 73	Article 73	Article 73	Article 73
Right to lodge a complaint with a supervisory authority	Right to lodge a complaint with a supervisory authority	Right to lodge a complaint with a supervisory authority	Right to lodge a complaint with a supervisory authority
	Amendment 182		
1. Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority in any Member State if they consider that the processing of personal data relating to them does not comply with this Regulation.	1. Without prejudice to any other administrative or judicial remedy <i>and the consistency mechanism</i> , every data subject shall have the right to lodge a complaint with a supervisory authority in any Member State if they consider that the processing of personal data relating to them does not comply with this Regulation.	1. Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a <i>single</i> supervisory authority, <i>in</i> <i>particular</i> in any <i>the</i> Member State of his or her habitual residemce, <i>place of work or place of the</i> <i>alleged infringment</i> if they the <i>data subject</i> considers that the processing of personal data relating to them <i>him or her</i> does not comply with this Regulation.	Presidency suggestion 1. Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringment if the data subject considers that the processing of personal data relating to him or her does not comply with this Regulation.

2. Any body, organisation or association which aims to protect data subjects' rights and interests concerning the protection of their personal data and has been properly constituted according to the law of a Member State shall have the right to lodge a complaint with a supervisory authority in any Member State on behalf of one or more data subjects if it considers that a data subject's rights under this Regulation have been infringed as a result of the processing of personal data.	2. Any body, organisation or association which aims to protect data subjects' rights and interests concerning the protection of their personal data acts in the public interest and has been properly constituted according to the law of a Member State shall have the right to lodge a complaint with a supervisory authority in any Member State on behalf of one or more data subjects if it considers that a data subject's rights under this Regulation have been infringed as a result of the processing of personal data.	deleted
3. Independently of a data subject's complaint, any body, organisation or association referred to in paragraph 2 shall have the right to lodge a complaint with a supervisory authority in any Member State, if it considers that a personal data breach has occurred.	3. Independently of a data subject's complaint, any body, organisation or association referred to in paragraph 2 shall have the right to lodge a complaint with a supervisory authority in any Member State, if it considers that a personal data breach of this Regulation has occurred.	deleted

	4.	Tentative agreement in trilogue
	5. The supervisory authority to which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 74.	5. The supervisory authority to which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 74.



Article 74	Article 74	Article 74	Article 74
Right to a judicial remedy against a supervisory authority	Right to a judicial remedy against a supervisory authority	Right to a judicial remedy against a supervisory authority	Right to a judicial remedy against a supervisory authority
	Amendment 183		
1. Each natural or legal person shall have the right to a judicial remedy against decisions of a supervisory authority concerning them.	1. Without prejudice to any other administrative or non-judicial remedy, Eeach natural or legal person shall have the right to a judicial remedy against decisions of a supervisory authority concerning them.	1. Without prejudice to any other administrative or non-judicial remedy, Eeach natural or legal person shall have the right to an effective judicial remedy against a legally binding decisions of a supervisory authority concerning them.	<i>Tentative agreement in trilogue</i> 1. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decisions of a supervisory authority concerning them.

2. Each data subject shall have the right to a judicial remedy obliging the supervisory authority to act on a complaint in the absence of a decision necessary to protect their rights, or where the supervisory authority does not inform the data subject within three months on the progress or outcome of the complaint pursuant to point (b) of Article 52(1).	2. Without prejudice to any other administrative or non-judicial remedy, Eeach data subject shall have the right to a judicial remedy obliging the supervisory authority to act on a complaint in the absence of a decision necessary to protect their rights, or where the supervisory authority does not inform the data subject within three months on the progress or outcome of the complaint pursuant to point (b) of Article 52(1).	2. Without prejudice to any other administrative or non-judicial remedy, -Eeach data subject shall have the right to a an effective judicial remedy obliging where the supervisory authority competent in accordance with Article 51 and Article 51a does not deal with to act on a complaint in the absence of a decision necessary to protect their rights, or where the supervisory authority does not inform the data subject within three months or any shorter period provided under Union or Member State law on the progress or outcome of the complaint pursuant to point (b) of lodged under Article 52(1)73.	<i>Tentative agreement in trilogue</i> 2. Without prejudice to any other administrative or non-judicial remedy, each data subject shall have the right to a an effective judicial remedy where the supervisory authority competent in accordance with Article 51 and Article 51a does not deal with a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged under Article 73.
3. Proceedings against a	3. Proceedings against a	3. Proceedings against a	 Tentative agreement in trilogue: 3. Proceedings against a supervisory authority shall be brought before the courts of the Member State where the supervisory authority is established.
supervisory authority shall be	supervisory authority shall be	supervisory authority shall be	
brought before the courts of the	brought before the courts of the	brought before the courts of the	
Member State where the	Member State where the	Member State where the	
supervisory authority is established.	supervisory authority is established.	supervisory authority is established.	

		3a. Where proceedings are brought against a decision of a supervisory authority which was preceded by an opinion or a decision of the European Data Protection Board in the consistency mechanism, the supervisory authority shall forward that opinion or decision to the court.	<i>Tentative agreement in trilogue:</i> 3a. Where proceedings are brought against a decision of a supervisory authority which was preceded by an opinion or a decision of the European Data Protection Board in the consistency mechanism, the supervisory authority shall forward that opinion or decision to the court.
4. A data subject which is concerned by a decision of a supervisory authority in another Member State than where the data subject has its habitual residence, may request the supervisory authority of the Member State where it has its habitual residence to bring proceedings on its behalf against the competent supervisory authority in the other Member State.	4. Without prejudice to the consistency mechanism Aa data subject which is concerned by a decision of a supervisory authority in another Member State than where the data subject has its habitual residence, may request the supervisory authority of the Member State where it has its habitual residence to bring proceedings on its behalf against the competent supervisory authority in the other Member State.	deleted	
5. The Member States shall enforce final decisions by the courts referred to in this Article.	5. The Member States shall enforce final decisions by the courts referred to in this Article.	deleted	

Article 75 Right to a judicial remedy against a controller or processor	Article 75 Right to a judicial remedy against a controller or processor	Article 75 Right to an effective judicial remedy against a controller or	Article 75 Right to an effective judicial remedy against a controller or
		processor	processor
1. Without prejudice to any available administrative remedy, including the right to lodge a complaint with a supervisory authority as referred to in Article 73, every natural person shall have the right to a judicial remedy if they consider that their rights under this Regulation have been infringed as a result of the processing of their personal data in non-compliance with this Regulation.	1. Without prejudice to any available administrative remedy, including the right to lodge a complaint with a supervisory authority as referred to in Article 73, every natural person shall have the right to a judicial remedy if they consider that their rights under this Regulation have been infringed as a result of the processing of their personal data in non-compliance with this Regulation.	1. Without prejudice to any available administrative <i>or non-</i> <i>judicial</i> remedy, including the right to lodge a complaint with a supervisory authority as referred to in <i>under</i> Article 73, every natural person data subjects shall have the right to an <i>effective</i> judicial remedy if they consider that their rights under this Regulation have been infringed as a result of the processing of their personal data in non-compliance with this Regulation.	<i>Tentative agreement in trilogue:</i> 1. Without prejudice to any available administrative or non- judicial remedy, including the right to lodge a complaint with a supervisory authority under Article 73, each data subject shall have the right to an effective judicial remedy if they consider that their rights under this Regulation have been infringed as a result of the processing of their personal data in non-compliance with this Regulation.

	Amendment 184		
2. Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has its habitual residence, unless the controller is a public authority acting in the exercise of its public powers.	2. Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has its habitual residence, unless the controller is a public authority <i>of the Union or a</i> <i>Member State</i> acting in the exercise of its public powers.	2. Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has its his or her habitual residence, unless the controller or processor is a public authority acting in the exercise of its public powers.	 <i>Tentative agreement in trilogue:</i> 2. Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the controller or processor is a public authority of a Member State acting in the exercise of its public powers.

3. Where proceedings are pending in the consistency mechanism referred to in Article 58, which concern the same measure, decision or practice, a court may suspend the proceedings brought before it, except where the urgency of the matter for the protection of the data subject's rights does not allow to wait for the outcome of the procedure in the consistency mechanism.	3. Where proceedings are pending in the consistency mechanism referred to in Article 58, which concern the same measure, decision or practice, a court may suspend the proceedings brought before it, except where the urgency of the matter for the protection of the data subject's rights does not allow to wait for the outcome of the procedure in the consistency mechanism.	deleted	
4. The Member States shall enforce final decisions by the courts referred to in this Article.	4. The Member States shall enforce final decisions by the courts referred to in this Article.	deleted	

Article 76	Article 76	Article 76	Article 76
Common rules for court proceedings	Common rules for court proceedings	Representation of data subjects	Representation of data subjects
	Amendment 185		
1. Any body, organisation or association referred to in Article 73(2) shall have the right to exercise the rights referred to in Articles 74 and 75 on behalf of one or more data subjects.	1. Any body, organisation or association referred to in Article 73(2) shall have the right to exercise the rights referred to in Articles 74 and, 75 on behalf of and 77 if mandated by one or more data subjects.	1. The data subject shall have the right to mandate Any-a body, organisation or association, which has been properly constituted according to the law of a Member State and whose statutory objectives include the protection of data subject's rights and freedoms with regard to the protection of their personal data to lodge the complaint on hir or her behalf and referred to in Article 73(2) shall have the right to exercise the rights referred to in Articles 73, 74 and 75 on his or her behalfof one or more data subjects.	Presidency suggestion 1. The data subject shall have the right to mandate a body, organisation or association, which has been properly constituted according to the law of a Member State, which is of non-profit making character, and whose statutory objectives are in the public interest and include the protection of data subject's rights and freedoms with regard to the protection of their personal data to lodge the complaint on his or her behalf and to exercise the rights referred to in Articles 73, 74 and 75 on his or her behalf and to exercise the right to receive compensation referred to in Article 77 on his or her behalf if provided for by Member State law.

2. Each supervisory authority shall have the right to engage in legal	2. Each supervisory authority shall	2. Each supervisory authority shall have the right to engage in legal	Tentative agreement in trilogue:
2. Each supervisory authority shall have the right to engage in legal proceedings and bring an action to court, in order to enforce the provisions of this Regulation or to ensure consistency of the protection of personal data within the Union.	2. Each supervisory authority shall have the right to engage in legal proceedings and bring an action to court, in order to enforce the provisions of this Regulation or to ensure consistency of the protection of personal data within the Union.	2. Each supervisory authority shall have the right to engage in legal proceedings and bring an action to court, in order to enforce the provisions of this Regulation or to ensure consistency of the protection of personal data within the UnionMember States may provide that any body, organisation or association referred to in paragraph 1, independently of a data subject's mandate, shall have in such Member State the right to lodge a complaint with the supervisory authority competent in accordance with Article 73 and to exercise the rights referred to in	 <i>Tentative agreement in trilogue:</i> 2. Member States may provide that any body, organisation or association referred to in paragraph 1, independently of a data subject's mandate, shall have in such Member State the right to lodge a complaint with the supervisory authority competent in accordance with Article 73 and to exercise the rights referred to in Articles 74 and 75 if it considers that the rights of a data subject have been infringed as a result of the processing of personal data that is not in compliance with this Regulation.
		Articles 73, 74 and 75 if it considers that the rights of a data subject have been infringed as a result of the processing of personal data that is not in compliance with this Regulation.	1 0

3. Where a competent court of a Member State has reasonable grounds to believe that parallel proceedings are being conducted in another Member State, it shall contact the competent court in the other Member State to confirm the existence of such parallel proceedings.	3. Where a competent court of a Member State has reasonable grounds to believe that parallel proceedings are being conducted in another Member State, it shall contact the competent court in the other Member State to confirm the existence of such parallel proceedings.	deleted
4. Where such parallel proceedings in another Member State concern the same measure, decision or practice, the court may suspend the proceedings.	4. Where such parallel proceedings in another Member State concern the same measure, decision or practice, the court may suspend the proceedings.	deleted
5. Member States shall ensure that court actions available under national law allow for the rapid adoption of measures including interim measures, designed to terminate any alleged infringement and to prevent any further impairment of the interests involved.	5. Member States shall ensure that court actions available under national law allow for the rapid adoption of measures including interim measures, designed to terminate any alleged infringement and to prevent any further impairment of the interests involved.	deleted

	Article 76a	Article 76a
	Suspension of proceedings	Suspension of proceedings
	1. Where a competent court of a Member State has information on proceedings concerning the same subject matter as regards processing of the same controller or processor are pending in a court in another Member State, it shall contact that court in the other Member State to confirm the existence of such proceedings.	<i>Tentative agreement in trilogue:</i> 1. Where a competent court of a Member State has information on proceedings concerning the same subject matter as regards processing of the same controller or processor are pending in a court in another Member State, it shall contact that court in the other Member State to confirm the existence of such proceedings.
	2. Where proceedings concerning the same subject matter as regards processing of the same controller or processor are pending in a court in another Member State, any competent court other than the court first seized may suspend its proceedings.	<i>Tentative agreement in trilogue:</i> 2. Where proceedings concerning the same subject matter as regards processing of the same controller or processor are pending in a court in another Member State, any competent court other than the court first seized may suspend its proceedings.

	2a. Where these proceedings are pending at first instance, any court other than the court first seized may also, on the application of one of the parties, decline jurisdiction if the court first seized has jurisdiction over the actions in question and its law permits the consolidation thereof.Tentative agreement in trilogue 2a. Where these proceedings ar pending at first instance, any co other than the court first seized also, on the application of one of the parties, decline jurisdiction the parties, decline jurisdiction the court first seized has jurisdiction over the actions in question and its law permits the consolidation thereof.
--	---

Article 77	Article 77	Article 77	Article 77
Right to compensation and liability	Right to compensation and liability	Right to compensation and liability	Right to compensation and liability
	Amendment 186		
1. Any person who has suffered damage as a result of an unlawful processing operation or of an action incompatible with this Regulation shall have the right to receive compensation from the controller or the processor for the damage suffered.	1. Any person who has suffered damage, <i>including non-pecuniary</i> <i>damage</i> , as a result of an unlawful processing operation or of an action incompatible with this Regulation shall have the right to receive <i>claim</i> compensation from the controller or the processor for the damage suffered.	1. Any person who has suffered <i>material or immaterial</i> damage as a result of an unlawfula processing operation or of an action incompatible which is not in compliance with this Regulation shall have the right to receive compensation from the controller or the processor for the damage suffered.	<i>Tentative agreement in trilogue:</i> 1. Any person who has suffered material or immaterial damage as a result of an infringement of the Regulation shall have the right to receive compensation from the controller or processor for the damage suffered.
	Amendment 187		
2. Where more than one controller or processor is involved in the processing, each controller or processor shall be jointly and severally liable for the entire amount of the damage.	2. Where more than one controller or processor is involved in the processing, each controller of those controllers or processor processors shall be jointly and severally liable for the entire amount of the damage, unless they have an appropriate written agreement determining the responsibilities pursuant to Article 24.	2. Where more than one <i>Any</i> controller or processor is involved in the processing each controller or processor shall be jointly and severally liable for the entire amount of the damage caused by the processing which is not in compliance with this Regulation. A processor shall be liable for the damage caused by the processing only where it has not complied with obligations of this Regulation	<i>Tentative agreement in trilogue:</i> 2. Any controller involved in the processing shall be liable for the damage caused by the processing which is not in compliance with this Regulation. A processor shall be liable for the damage caused by the processing only where it has not complied with obligations of this Regulation specifically directed to processors or acted outside or contrary to lawful instructions of the controller.

		specifically directed to processors or acted outside or contrary to lawful instructions of the controller.	
3. The controller or the processor may be exempted from this liability, in whole or in part, if the controller or the processor proves that they are not responsible for the event giving rise to the damage.	3. The controller or the processor may be exempted from this liability, in whole or in part, if the controller or the processor proves that they are not responsible for the event giving rise to the damage.	3. The <i>A</i> controller or the processor mayshall be exempted from this liability <i>in accordance with</i> <i>paragraph 2</i> , in whole or in part, if the controller or the processor <i>it</i> proves that they are <i>it is</i> not <i>in any</i> <i>way</i> responsible for the event giving rise to the damage.	 Presidency suggestion 3. A controller or processor shall be exempted from liability in accordance with paragraph 2 if it proves that it is not in any way responsible for the event giving rise to the damage, except in cases referred to in paragraph 4 where one or more of the other controllers or processors have factually disappeared or ceased to exist in law or have become insolvent.
		4. Where more than one controller or processor or a controller and a processor are involved in the same processing and, where they are, in accordance with paragraphs 2 and 3, responsible for any damage caused by the processing, each controller or processor shall be held liable for the entire damage.	<i>Tentative agreement in trilogue:</i> 4. Where more than one controller or processor or a controller and a processor are involved in the same processing and, where they are, in accordance with paragraphs 2 and 3, responsible for any damage caused by the processing, each controller or processor shall be held liable for the entire damage.

5. Where a controller or processor has, in accordance with paragraph 4, paid full compensation for the damage suffered, that controller or processor shall be entitled to claim back from the other controllers or processors involved in the same processing that part of the compensation corresponding to their part of responsibility for the damage in accordance with the conditions set out in paragraph 2.	<i>Tentative agreement in trilogue:</i> 5. Where a controller or processor has, in accordance with paragraph 4, paid full compensation for the damage suffered, that controller or processor shall be entitled to claim back from the other controllers or processors involved in the same processing that part of the compensation corresponding to their part of responsibility for the damage in accordance with the conditions set out in paragraph 2.
6. Court proceedings for exercising the right to receive compensation shall be brought before the courts competent under national law of the Member State referred to in paragraph 2 of Article 75.	 <i>Tentative agreement in trilogue:</i> 6. Court proceedings for exercising the right to receive compensation shall be brought before the courts competent under national law of the Member State referred to in paragraph 2 of Article 75.

Article 78	Article 78	Article 78	
Penalties	Penalties	Penalties	
1. Member States shall lay down the rules on penalties, applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented, including where the controller did not comply with the obligation to designate a representative. The penalties provided for must be effective, proportionate and dissuasive.	1. Member States shall lay down the rules on penalties, applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented, including where the controller did not comply with the obligation to designate a representative. The penalties provided for must be effective, proportionate and dissuasive.	deleted	
2. Where the controller has established a representative, any penalties shall be applied to the representative, without prejudice to any penalties which could be initiated against the controller.	2. Where the controller has established a representative, any penalties shall be applied to the representative, without prejudice to any penalties which could be initiated against the controller.	deleted	
3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, 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 paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	deleted	

Article 79	Article 79	Article 79	Article 79
Administrative sanctions	Administrative sanctions	General conditions for imposing administrative sanctions fines	General conditions for imposing administrative fines
	Amendment 188		
1. Each supervisory authority shall be empowered to impose administrative sanctions in accordance with this Article.	1. Each supervisory authority shall be empowered to impose administrative sanctions in accordance with this Article. <i>The</i> <i>supervisory authorities shall co-</i> <i>operate with each other in</i> <i>accordance with Articles 46 and 57</i> <i>to guarantee a harmonized level of</i> <i>sanctions within the Union.</i>	1. Each supervisory authority shall be empowered to impose ensure that the imposition of administrative sanctions in accordance with-fines pursuant to this Article in respect of infringements of this Regulation referred to in Article 79a shall in each individual case be effective, proportionate and dissuasive.	Presidency suggestion 1a. Each supervisory authority shall ensure that the imposition of administrative fines pursuant to this Article in respect of infringements of this Regulation referred to in paragraphs 3 (new), 3a (new), 3aa (new) shall in each individual case be effective, proportionate and dissuasive.

2. The administrative sanction shall be in each individual case effective, proportionate and dissuasive. The amount of the administrative fine shall be fixed with due regard to the nature, gravity and duration of the breach, the intentional or negligent character of the infringement, the degree of responsibility of the natural or legal person and of previous breaches by this person, the technical and organisational measures and procedures implemented pursuant to Article 23 and the degree of co-operation with the supervisory authority in order to remedy the breach.	2. The administrative sanction shall be in each individual case effective, proportionate and dissuasive. The amount of the administrative fine shall be fixed with due regard to the nature, gravity and duration of the breach, the intentional or negligent character of the infringement, the degree of responsibility of the natural or legal person and of previous breaches by this person, the technical and organisational measures and procedures implemented pursuant to Article 23 and the degree of co-operation with the supervisory authority in order to remedy the breach.	deleted	
	2a. To anyone who does not comply with the obligations laid down in this Regulation, the supervisory authority shall impose at least one of the following sanctions:		
	a) a warning in writing in cases of first and non-intentional non- compliance;		
	b) regular periodic data protection audits;		

c) a fine up to 100 000 000 EUR or up to 5% of the annual worldwide turnover in case of an enterprise, whichever is higher.	
2b. If the controller or the processor is in possession of a valid "European Data Protection Seal" pursuant to Article 39, a fine pursuant to point (c) of paragraph 2a shall only be imposed in cases of intentional or negligent in non- compliance.	
2c. The administrative sanction shall take into account the following factors:	
a) the nature, gravity and duration of the -in non-compliance,	
b) the intentional or negligent character of the infringement,	
c) the degree of responsibility of the natural or legal person and of previous breaches by this person,	
d) the repetitive nature of the infringement,	

the supervisor to remedy the	of co-operation with y authority, in order infringement and ossible adverse infringement,
f) the specific personal data infringement,	affected by the
	f damage, including y damage, suffered bjects,
	taken by the processor to mitigate offered by data
or gained, or l	ial benefits intended losses avoided, lirectly from the

(j) the degree of technical and organisational measures and procedures implemented pursuant to:	
(i) Article 23 - Data protection by design and by default	
(ii) Article 30 - Security of processing	
(iii) Article 33 - Data protection impact assessment	
(iv) Article 33a - Data protection compliance review	
(v) Article 35 - Designation of the data protection officer	
(k) the refusal to cooperate with or obstruction of inspections, audits and controls carried out by the supervisory authority pursuant to Article 53,	
(l) other aggravating or mitigating factors applicable to the circumstance of the case.	

depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (f) of paragraph 1b of Article 53. When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case due regard shall be given to the following:2a. Admin depending each individ addition to referred to in points (a) each individ addition to referred to in points (a) each individ addition to referred to of paragrap deciding on the amount of the administrative fine in each individual case due regard shall be fine in each regard shall following:	istrative fines shall, on the circumstances of dual case, be imposed in , or instead of, measures in points (a) to (f) and(h) oh 1b of Article 53. ding whether to impose trative fine and deciding punt of the administrative in individual case due 1 be given to the
duration of the infringement having regard to the nature scope or purpose of the processing concerned as well as the number of data subjects affected and the level of damage suffered by them;(a) the nature of the infri to the nature the number	are, gravity and duration ngement having regard re scope or purpose of sing concerned as well as r of data subjects affected el of damage suffered by
<i>character of the infringement;</i> (b) the inte	<i>greement in trilogue:</i> ntional or negligent f the infringement;
(c)	

(d) action taken by the controller or processor to mitigate the damage suffered by data subjects;	<i>Tentative agreement in trilogue:</i> (d) action taken by the controller or processor to mitigate the damage suffered by data subjects;
(e) the degree of responsibility of the controller or processor having regard to technical and organisational measures implemented by them pursuant to Articles 23 and 30;	<i>Tentative agreement in trilogue:</i> (e) the degree of responsibility of the controller or processor having regard to technical and organisational measures implemented by them pursuant to Articles 23 and 30;
(f) any relevant previous infringements by the controller or processor;	<i>Tentative agreement in trilogue:</i> (f) any relevant previous infringements by the controller or processor;
	<i>Tentative agreement in trilogue:</i> (g) (new) the degree of co- operation with the supervisory authority, in order to remedy the infringement and mitigate the possible adverse effects of the infringement;

14319/15	VH/np	296
ANNEX DGD 2C	LIMITE	EN

(g)	<i>Tentative agreement in trilogue:</i> (ga) (new) the categories of personal data affected by the infringement,
(h) the manner in which the infringement became known to the supervisory authority, in particular whether, and if so to what extent, the controller or processor notified the infringement;	<i>Tentative agreement in trilogue:</i> (h) the manner in which the infringement became known to the supervisory authority, in particular whether, and if so to what extent, the controller or processor notified the infringement;
(i) in case measures referred to in and points (a), (d), (e) and (f) of paragraph 1b of Article 53, have previously been ordered against the controller or processor concerned with regard to the same subject-matter, compliance with these measures;	<i>Tentative agreement in trilogue:</i> (i) in case measures referred to in paragraph 1b of Article 53, have previously been ordered against the controller or processor concerned with regard to the same subject- matter, compliance with these measures

		(j) adherence to approved codes of conduct pursuant to Article 38 or approved certification mechanisms pursuant to Article 39;	<i>Tentative agreement in trilogue:</i> (j) adherence to approved codes of conduct pursuant to Article 38 or approved certification mechanisms pursuant to Article 39;
		(k) (1) (m) any other aggravating or mitigating factor applicable to the circumstances of the case.	<i>Tentative agreement in trilogue:</i> (m) any other aggravating or mitigating factor applicable to the circumstances of the case.
			Presidency suggestion 2b. If a controller or processor intentionally or negligently violates several provisions of this Regulation, the total amount of the fine may not exceed the amount specified for the gravest violation.
3. In case of a first and non- intentional non-compliance with this Regulation, a warning in writing may be given and no sanction imposed, where:	deleted	deleted	
a) a natural person is processing personal data without a commercial	deleted	deleted	

interest; or		
		<i>Presidency suggestion</i>3 (new). Each supervisory authority may impose administrative fines up
		to 500 000 EUR, or in case of an undertaking, up to 1% of the total worlwide annual turnover of the preceding financial year, whichever is higher, for infringements of the following provisions:
		Presidency suggestion
		a) the obligations of the controller and the processor pursuant to Articles 22, 24, 25, 26, 28, 30, 31, 32, 33, 34, 38a, 39 and 39a;
		Presidency suggestion
		b) the transfers of personal data to a recipient in a third country or an international organisation pursuant to Articles 40-44.

1	
	Presidency suggestion
	3a (new). Each supervisory authority may impose administrative fines up to 1 000 000 EUR, or in case of an undertaking, up to 2% of the total worlwide annual turnover of the preceding financial year, whichever is higher, for infringements of the following provisions:
	Presidency suggestion
	a) the basic principles for processing, including conditions for consent, pursuant to Articles 6, 7 and 9;
	Presidency suggestion
	b) the data subjects' rights pursuant to Articles 12-20;
	Presidency suggestion
	c) does not comply with an order or a temporary or definite limitation on processing or the suspension of data flows by the supervisory authority pursuant to Article 53 (1b) or does not provide access in

	violation of Article 53(1).
	Presidency suggestion
	3aa (new). Each supervisory authority may impose administrative fines up to 1 000 000 EUR, or in case of an undertaking, up to 2% of the total worlwide annual turnover of the preceding financial year, whichever is higher, for any infringements of other provisions of this Regulation than those set out in paragraphs 3 (new) and 3a (new).

b) an enterprise or an organisation employing fewer than 250 persons is processing personal data only as an activity ancillary to its main activities.	deleted	3.b) an enterprise or an organisation employing fewer than 250 persons is processing personal data only as an activity ancillary to its main activities. Each Member State may lay down the rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State.	Presidency suggestion 3b) Without prejudice to the corrective powers of supervisory authorities pursuant to Article 53(1b), each Member State may lay down the rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State.
4. The supervisory authority shall impose a fine up to 250 000 EUR, or in case of an enterprise up to 0,5 % of its annual worldwide turnover, to anyone who, intentionally or negligently:	deleted	4. The <i>exercise by the</i> supervisory authority shall impose a fine up to 250 000 EUR, or in case of an enterprise up to 0,5 % of its annual worldwide turnover, to anyone who, intentionally or negligently: of its powers under this Article shall be subject to appropriate procedural safeguards in conformity with Union law and Member State law, including effective judicial remedy and due process.	<i>Tentative agreement in trilogue:</i> 4. The exercise by the supervisory authority of its powers under this Article shall be subject to appropriate procedural safeguards in conformity with Union law and Member State law, including effective judicial remedy and due process.
(a) does not provide the mechanisms for requests by data subjects or does not respond promptly or not in the required format to data subjects pursuant to Articles 12(1) and (2);	deleted	deleted	



(b) charges a fee for the information or for responses to the requests of data subjects in violation of Article 12(4).	deleted	deleted	
5. The supervisory authority shall impose a fine up to 500 000 EUR, or in case of an enterprise up to 1 % of its annual worldwide turnover, to anyone who, intentionally or negligently:	deleted	5. The supervisory authority shall impose a fine up to 500 000 EUR, or in case of an enterprise up to 1 % of its annual worldwide turnover, to anyone who, intentionally or negligently: Member States may abstain from providing rules for administrative fines as referred to in paragraphs 1, 2 and 3 of Article 79a where their legal system does not provide for administrative fines and the infringements referred to therein are already subject to criminal sanctions in their national law by [date referred to in Article 91(2)], while ensuring that these criminal sanctions are effective, proportionate and dissuasive, taking into account the level of administrative fines provided for in this Regulation. Where they so decide, Member States shall notify, to the Commission, the relevant parts of their criminal law.	Presidency suggestion 5. Article 79 may be applied in such a manner that the fine is imposed by competent national courts provided that such a legal remedy has an equivalent effect to administrative fines imposed by supervisory authorities.

(a) does not provide the information, or does provide incomplete information, or does not provide the information in a sufficiently transparent manner, to the data subject pursuant to Article 11, Article 12(3) and Article 14;	deleted	deleted	
(b) does not provide access for the data subject or does not rectify personal data pursuant to Articles 15 and 16 or does not communicate the relevant information to a recipient pursuant to Article 13;	deleted	deleted	
(c) does not comply with the right to be forgotten or to erasure, or fails to put mechanisms in place to ensure that the time limits are observed or does not take all necessary steps to inform third parties that a data subjects requests to erase any links to, or copy or replication of the personal data pursuant Article 17;	deleted	deleted	
(d) does not provide a copy of the personal data in electronic format or hinders the data subject to transmit the personal data to another application in violation of Article 18;	deleted	deleted	

VH/np

304 EN

(e) does not or not sufficiently determine the respective responsibilities with co-controllers pursuant to Article 24;	deleted	deleted	
(f) does not or not sufficiently maintain the documentation pursuant to Article 28, Article 31(4), and Article 44(3);	deleted	deleted	
(g) does not comply, in cases where special categories of data are not involved, pursuant to Articles 80, 82 and 83 with rules in relation to freedom of expression or with rules on the processing in the employment context or with the conditions for processing for historical, statistical and scientific research purposes.	deleted	deleted	
6. The supervisory authority shall impose a fine up to 1 000 000 EUR or, in case of an enterprise up to 2 % of its annual worldwide turnover, to anyone who, intentionally or negligently:	deleted	deleted	

(a) processes personal data without any or sufficient legal basis for the processing or does not comply with the conditions for consent pursuant to Articles 6, 7 and 8;	deleted	deleted	
(b) processes special categories of data in violation of Articles 9 and 81;	deleted	deleted	
(c) does not comply with an objection or the requirement pursuant to Article 19;	deleted	deleted	
(d) does not comply with the conditions in relation to measures based on profiling pursuant to Article 20;	deleted	deleted	
(e) does not adopt internal policies or does not implement appropriate measures for ensuring and demonstrating compliance pursuant to Articles 22, 23 and 30;	deleted	deleted	
(f) does not designate a representative pursuant to Article 25;	deleted	deleted	

(g) processes or instructs the processing of personal data in violation of the obligations in relation to processing on behalf of a controller pursuant to Articles 26 and 27;	deleted	deleted	
(h) does not alert on or notify a personal data breach or does not timely or completely notify the data breach to the supervisory authority or to the data subject pursuant to Articles 31 and 32;	deleted	deleted	
(i) does not carry out a data protection impact assessment pursuant or processes personal data without prior authorisation or prior consultation of the supervisory authority pursuant to Articles 33 and 34;	deleted	deleted	
(j) does not designate a data protection officer or does not ensure the conditions for fulfilling the tasks pursuant to Articles 35, 36 and 37;	deleted	deleted	
(k) misuses a data protection seal or mark in the meaning of Article 39;	deleted	deleted	

(l) carries out or instructs a data transfer to a third country or an international organisation that is not allowed by an adequacy decision or by appropriate safeguards or by a derogation pursuant to Articles 40 to 44;	deleted	deleted	
(m) does not comply with an order or a temporary or definite ban on processing or the suspension of data flows by the supervisory authority pursuant to Article 53(1);	deleted	deleted	
(n) does not comply with the obligations to assist or respond or provide relevant information to, or access to premises by, the supervisory authority pursuant to Article 28(3), Article 29, Article 34(6) and Article 53(2);	deleted	deleted	
(o) does not comply with the rules for safeguarding professional secrecy pursuant to Article 84.	deleted	deleted	

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of updating the amounts of the administrative fines referred to in paragraphs 4, 5 and 6, taking into account the criteria referred to in paragraph 2.	7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of updating the <i>absolute</i> amounts of the administrative fines referred to in paragraphs 4, 5 and 6paragraph 2a, taking into account the criteria <i>and</i> <i>factors</i> referred to in paragraph paragraphs 2 and 2c.	deleted	
--	--	---------	--

	Article 79a	
	Administrative fines	
i 1 1 1 1 1 1 1 1 1 1 1	1. The supervisory authority may impose a fine that shall not exceed 250 000 EUR, or in case of an undertaking 0,5 % of its total worldwide annual turnover of the preceding financial year, on a controller who, intentionally or negligently:	
ŀ	(a) does not respond within the period referred to in Article 12(2) to requests of the data subject;	
j	(b) charges a fee in violation of the first sentence of paragraph 4 of Article 12.	
i	2. The supervisory authority may impose a fine that shall not exceed 500 000 EUR, or in case of an undertaking 1% of its total worldwide annual turnover of the preceding financial year, on a controller or processor who, intentionally or negligently:	

(a) does not provide the information, or provides incomplete information, or does not provide the information [timely or] in a [sufficiently] transparent manner, to the data subject pursuant to Articles 12(3), 14 and 14a;
(b) does not provide access for the data subject or does not rectify personal data pursuant to Articles 15 and 16;
(c) does not erase personal data in violation of the right to erasure and 'to be forgotten' pursuant to Article 17(1)(a), 17(1)(b), 17(1)(d) or 17(1)(e)
(da) processes personal data in violation of the right to restriction of processing pursuant to Article 17a or does not inform the data subject before the restriction of processing is lifted pursuant to Article 17a(4);

14319/15		VH/np	311
ANNEX	DGD 2C	LIMITE	EN

(db) does not communicate any rectification, erasure or restriction of processing to each recipient to whom the controller has disclosed personal data, in violation of Article 17b;
(dc) does not provide the data subject's personal data concerning him or her in violation of Article 18;
(dd) processes personal data after the objection of the data subject pursuant to Article 19(1) and does not demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims;
(de) does not provide the data subject with information concerning the right to object processing for direct marketing purposes pursuant to Article 19(2) or continues to process data for direct marketing purposes after the objection of the data subject in violation of Article 19(2a);

(e) does not or not sufficiently determine the respective responsibilities with joint controllers pursuant to Article 24;
(f) does not or not sufficiently maintain the documentation pursuant to Article 28 and Article 31(4).
3. The supervisory authority may impose a fine that shall not exceed 1 000 000 EUR or, in case of an undertaking, 2 % of its total worldwide annual turnover of the preceding financial year, on a controller or processor who, intentionally or negligently:
(a) processes personal data without a legal basis for the processing or does not comply with the conditions for consent pursuant to Articles 6, 7, 8 and 9;

(b)
(c)
(d) does not comply with the conditions in relation to automated individual decision making, including profiling pursuant to Article 20;
(da) does not implement appropriate measures or is not able to demonstrate compliance pursuant to Articles 22 and 3;
(db) does not designate a representative in violation of Article 2;
(dc) processes or instructs the processing of personal data in violation of Articles 26;
(dd) does not alert on or notify a personal data breach or does not [timely or] completely notify the data breach to the supervisory authority or to the data subject in violation of Articles 31 and 32;

(de) does not carry out a data protection impact assessment in violation of Article 33 or processes personal data without prior consultation of the supervisory authority in violation of Article 34(2);
(e)
(f) misuses a data protection seal or mark in the meaning of Article 39 or does not comply with the conditions and procedures laid down in Articles 38a and 39a;
(g) carries out or instructs a data transfer to a recipient in a third country or an international organisation in violation of Articles 41 to 44;
(h) does not comply with an order or a temporary or definite limitation on processing or the suspension of data flows by the supervisory authority pursuant to Article 53 (1b) or does not provide access in violation of Article 53(1);

3a. If a controller or processor intentionally or negligently violates several provisions of thi Regulation listed in paragraphs 2 or 3, the total amount of the fi	1,
may not exceed the amount specified for the gravest violatio	n.



Article 79b	Article 79b
Penalties	Penalties
<i>I.</i> For infringements of this Regulation <i>in particular for</i> <i>infringements which are not</i> <i>subject to administrative fines</i> <i>pursuant to</i> Article 79a Memb States shall lay down the rules penalties applicable to such infringements and shall take a measures necessary to ensure they are implemented. Such penalties shall be effective, proportionate and dissuasive.	 on particular for infringements which are not subject to administrative II fines pursuant to Article 79, and
2. 3. Each Member State shall ne to the Commission those provisions of its law which it adopts pursuant to paragraph by the date specified in Article 91(2) at the latest and, withou 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 paragraph 1, by the date

CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONSArticle 80Processing of personal data and freedom of expression	CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS Article 80 Processing of personal data and freedom of expression	CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS Article 80 Processing of personal data and freedom of expression and information	CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS Article 80 Processing of personal data and freedom of expression and information
1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic	1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI, on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary	1. The national law of the Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter H, reconcile the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on to the transfer protection of personal data pursuant to this Regulation to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for with the right to freedeom of	<i>Tentative agreement in trilogue</i> 1. The national law of the Member State shall reconcile the right to the protection of personal data pursuant to this Regulation with the right to freedeom of expression and information, including the processing of personal data for journalistic purposes and the purposes of academic, artistic or literary expression.

or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.	expression and specific data processing situations in this Chapter IX-whenever this is necessary in order to reconcile the right to the protection of personal data with the rules governing freedom of expression in accordance with the Charter-of Fundamental Rights of the European Union.	<i>expression and information,</i> <i>including</i> the processing of personal data carried out solely for journalistic purposes <i>and</i> or -the purposes of <i>academic</i> , artistic or literary expression-in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.	
2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.	2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.	2. For the processing of personal data carried out for journalistic purposes or the purpose of academic artistic or literary expression, Member States shall provide for exemptions or derogations from the provisions in Chapter II (principles), Chapter III (rights of the data subject), Chapter IV (controller and processor), Chapter V (transfer of personal data to third countries or international organizations), Chapter VI (independent supervisory authorities), Chapter VII (co-operation and consistency) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.	Presidency suggestion 2. For the processing of personal data carried out for journalistic purposes or the purpose of academic artistic or literary expression, Member States shall provide for exemptions or derogations from the provisions in Chapter II (principles), Chapter III (rights of the data subject), Chapter IV (controller and processor), Chapter V (transfer of personal data to third countries or international organizations), Chapter VI (independent supervisory authorities), and Chapter VII (co- operation and consistency) and Chapter IX (specific data

			processing situations) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.
--	--	--	--



Amendment 190	
Article 80a (new)	
Access to documents	
1. Personal data in documents held by a public authority or a public body may be disclosed by this authority or body in accordance with Union or Member State legislation regarding public access to official documents, which reconciles the right to the protection of personal data with the principle of public access to official documents.	
2. Each Member State shall notify to the Commission provisions of its law which it adopts pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	

	Article 80a	Article 80a
	Processing of personal data and public access to official documents	Processing of personal data and public access to official documents
	Personal data in official documents held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile public access to official documents with the right to the protection of personal data pursuant to this Regulation.	<i>Tentative agreement in trilogue</i> Personal data in official documents held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile public access to official documents with the right to the protection of personal data pursuant to this Regulation.

	Article 80aa	Article 80aa
	Processing of personal data and reuse of public sector information	Processing of personal data and reuse of public sector information
	Personal data in public sector information held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile the reuse of such official documents and public sector information with the right to the protection of personal data pursuant to this Regulation.	See recital (121a)

Article 80b	Article 80b
Processing of national identification number	Processing of national identification number
Member States may determine the specific conditions for the processing of a national identification number or any other identifier of general application. In this case the national identification number or any other identifier of general application shall be used only under appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation.	Tentative agreement in trilogue Member States may further determine the specific conditions for the processing of a national identification number or any other identifier of general application. In this case the national identification number or any other identifier of general application shall be used only under appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation.

Article 81	Article 81	Article 81	Article 81
Processing of personal data concerning health	Processing of personal data concer nin g health	Processing of personal data concerning -for health- related purposes	Processing of personal data for health- related purposes
	Amendment 191		
1. Within the limits of this Regulation and in accordance with point (h) of Article 9(2), processing of personal data concerning health must be on the basis of Union law or Member State law which shall provide for suitable and specific measures to safeguard the data subject's legitimate interests, and be necessary for:	1. Within the limits of <i>In</i> accordance with the rules set out in this Regulation and in accordance, in particular with point (h) of Article 9(2), processing of personal data concerning health must be on the basis of Union law or Member State law which shall provide for suitable, consistent, and specific measures to safeguard the data subject's legitimate interests, and be fundamental rights, to the extent that these are necessary and proportionate, and of which the effects shall be foreseeable by the data subject, for:	deleted	

(a) the purposes of preventive or occupational medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or	(a) the purposes of preventive or occupational medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or	deleted
(b) reasons of public interest in the area of public health, such as protecting against serious cross- border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices; or	(b) reasons of public interest in the area of public health, such as protecting against serious cross- border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices, <i>and if</i> <i>the processing is carried out by a</i> <i>person bound by a confidentiality</i> <i>obligation;</i> or	deleted

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.	(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system and the provision of health services. Such processing of personal data concerning health for reasons of public interest shall not result in data being processed for other purposes, unless with the consent of the data subject or on the basis of Union or Member State law.	deleted	
	1a. When the purposes referred to in points (a) to (c) of paragraph 1 can be achieved without the use of personal data, such data shall not be used for those purposes, unless based on the consent of the data subject or Member State law.		

1b. Where the data subject's consent is required for the processing of medical data exclusively for public health purposes of scientific research, the consent may be given for one or more specific and similar researches. However, the data subject may withdraw the consent at any time.	
1c. For the purpose of consenting to the participation in scientific research activities in clinical trials, the relevant provisions of Directive 2001/20/EC of the European Parliament and of the Council ¹ shall apply.	
¹ Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practices in the conduct of clinical trials on medicinal products for human use (OJ L121, 1.5.2001, p.34)	

2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is subject to the conditions and safeguards referred to in Article 83.	2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes , such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is shall be permitted only with the consent of the data subject, and shall be subject to the conditions and safeguards referred to in Article 83.	deleted
	2a. Member States law may provide for exceptions to the requirement of consent for research, as referred to in paragraph 2, with regard to research that serves a high public interest, if that research cannot possibly be carried out otherwise. The data in question shall be anonymised, or if that is not possible for the research purposes, pseudonymised under the highest technical standards, and all necessary measures shall be taken to prevent unwarranted re- identification of the data subjects. However, the data subject shall have the right to object at any time in accordance with Article 19.	

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.	3. The Commission shall be empowered to adopt, <i>after</i> <i>requesting an opinion of the</i> <i>European Data Protection Board</i> , delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1 and high public interest in the area of research as referred to in paragraph 2a.	deleted
	3a. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	

Article 82	Article 82	Article 82	Article 82
Processing in the employment context	Minimum standards for Pprocessing data in the employment context	Processing in the employment context	Processing in the employment context
	Amendment 192		
1. Within the limits of this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.	1. Within the limits of this Regulation, Member States may, in accordance with the rules set out in this Regulation, and taking into account the principle of proportionality, adopt by law legal provisions specific rules regulating the processing of employees' personal data in the employment context, in particular for but not limited to the purposes of the recruitment and job applications within the group of undertakings, the performance of the contract of employment, including discharge of obligations laid down by law or and by collective agreements, in accordance with national law and practice, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and	1. Within the limits of this Regulation, Member States may adopt by law specific rules or by collective agreements, provide for more specific rules to ensure the protection of the rights and freedoms in respect of regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the work, protection of employer's or customer's property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and	<i>Tentative agreement in trilogue</i> 1. Member States may, by law or by collective agreements, provide for more specific rules to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace, health and safety at work, protection of employer's or customer's property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination

benefits related to employment, and for the purpose of the termination of the employment relationship. <i>Member States may</i> <i>allow for collective agreements to</i> <i>further specify the provisions set</i> <i>out in this Article.</i>	for the purpose of the termination of the employment relationship.	of the employment relationship.
1a. The purpose of processing such data must be linked to the reason it was collected for and stay within the context of employment. Profiling or use for secondary purposes shall not be allowed.		<i>Tentative agreement in trilogue</i> 2. These rules shall include suitable and specific measures to safeguard the data subject's human dignity, legitimate interests and fundamental rights, with particular regard to the transparency of processing, the transfer of data within a group of undertakings or group of entreprises and monitoring systems at the work place.
1b. Consent of an employee shall not provide a legal basis for the processing of data by the employer when the consent has not been given freely.		

1c. Notwithstanding the other provisions of this Regulation, the legal provisions of Member States referred to in paragraph 1 shall include at least the following minimum standards:	
(a) the processing of employee data without the employees' knowledge shall not be permitted. Notwithstanding the first sentence, Member States may, by law, provide for the admissibility of this practice, by setting appropriate deadlines for the deletion of data, providing there exists a suspicion based on factual indications that must be documented that the employee has committed a crime or serious dereliction of duty in the employment context, providing also the collection of data is necessary to clarify the matter and providing finally the nature and extent of this data collection are necessary and proportionate to the purpose for which it is intended. The privacy and private lives of employees shall be protected at all times. The investigation shall be carried out by the competent authority;	

(b) the open optical-electronic and/or open acoustic-electronic monitoring of parts of an undertaking which are not accessible to the public and are used primarily by employees for private activities, especially in bathrooms, changing rooms, rest areas, and bedrooms, shall be prohibited. Clandestine surveillance shall be inadmissible under all circumstances;	
(c) where undertakings or authorities collect and process personal data in the context of medical examinations and/or aptitude tests, they must explain to the applicant or employee beforehand the purpose for which these data are being used, and ensure that afterwards they are provided with these those data together with the results, and that they receive an explanation of their significance on request. Data collection for the purpose of genetic testing and analyses shall be prohibited as a matter of principle;	

	(d) whether and to what extent the use of telephone, e-mail, internet and other telecommunications services shall also be permitted for private use may be regulated by collective agreement. Where there is no regulation by collective agreement, the employer shall reach an agreement on this matter directly with the employee. In so far as private use is permitted, the processing of accumulated traffic data shall be permitted in particular to ensure data security, to ensure the proper operation of telecommunications networks and telecommunications services and for billing purposes.		
--	---	--	--

sen law of apj del exi ind do con den em als neu pro exi neu put Th em tim can	otwithstanding the third ntence, Member States may, by w, provide for the admissibility this practice, by setting propriate deadlines for the letion of data, providing there ists a suspicion based on factual dications that must be cumented that the employee has mmitted a crime or serious reliction of duty in the uployment context, providing so the collection of data is cessary to clarify the matter and oviding finally the nature and tent of this data collection are cessary and proportionate to the prose for which it is intended. The investigation shall be rried out by the competent athority;		
--	--	--	--

	(e) workers' personal data, especially sensitive data such as political orientation and membership of and activities in trade unions, may under no circumstances be used to put workers on so-called 'blacklists', and to vet or bar them from future employment. The processing, the use in the employment context, the drawing-up and passing-on of blacklists of employees or other forms of discrimination shall be prohibited. Member States shall conduct checks and adopt adequate sanctions in accordance with Article 79(6) to ensure effective implementation of this point.		
--	--	--	--

	1d. Transmission and processing of personal employee data between legally independent undertakings within a group of undertakings and with professionals providing legal and tax advice shall be permitted, providing it is relevant to the operation of the business and is used for the conduct of specific operations or administrative procedures and is not contrary to the interests and fundamental rights of the person concerned which are worthy of protection. Where employee data are transmitted to a third country and/or to an international organization, Chapter V shall apply.		
2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to-paragraph <i>paragraphs 1 and 1b</i> , by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	<i>Tentative agreement in trilogue</i> 2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.	3. The Commission shall be empowered, <i>after requesting an</i> <i>opinion from the European Data</i> <i>Protection Board</i> , to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the eriteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1_Member States may by law determine the	<i>Tentative agreement in trilogue</i> 3. Member States may by law determine the conditions under which personal data in the employment context may be processed on the basis of the consent of the employee.
	the processing of personal data for the purposes referred to in paragraph 1.	States may by law determine the conditions under which personal data in the employment context may be processed on the basis of the consent of the employee.	

Amendment 193	
Article 82a	
Processing in the social security context	
1. Member States may, in accordance with the rules set out in this Regulation, adopt specific legislative rules particularising the conditions for the processing of personal data by their public institutions and departments in the social security context if carried out in the public interest.	
2. Each Member State shall notify to the Commission those provisions which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	

Article 83	Article 83	Article 83	Article 83
Processing for historical, statistical and scientific research purposes	Processing for historical, statistical and scientific research purposes	<u>Derogations applying to</u> <u>Pprocessing of personal data for</u> <u>archiving purposes in the public</u> <u>interest or for, historical,</u> <u>statistical and</u> scientific, -research statistical and historical purposes	Derogations applying to processing of personal data for archiving purposes in the public interest or for, scientific, statistical and historical purposes
	Amendment 194		
1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific research purposes only if:	1. Within the limits of <i>In</i> accordance with the rules set out in this Regulation, personal data may be processed for historical, statistical or scientific research purposes only if:	1. Within the limits of this Regulation, Where personal data may be are processed for scientific, statistical or historical, statistical or scientific research purposes only if: Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18 and 19, insofar as such derogation is necessary for the fulfilment of the specific purposes.	<i>Presidency suggestion</i> 1. Personal data may be processed for scientific, statistical or historical purposes, or for archiving purposes in the public interest, subject to appropriate safeguards for the rights and freedoms of the data subject.

			1a (new). The appropriate safeguards referred to in paragraph 1 shall be laid down in Union or Member State law and shall be such as to ensure that technological and/or organisational measures pursuant to this Regulation are applied to the personal data concerned in order to minimise the processing in compliance with the proportionality and necessity principles. Such measures may consist of, inter alia, at least:
(a) these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;	(a) these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;	deleted	Presidency suggestion (a) processing data which does not permit or not any longer permit the identification of the data subject, such as pseudonymisation or anonymisation, unless this would prevent achieving the purpose of the processing and such purposes cannot be otherwise fulfilled within reasonable means;

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.	(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner under the highest technical standards, and all necessary measures are taken to prevent unwarranted re- identification of the data subjects.	deleted	Presidency suggestion (b) keeping the data enabling the attribution of information to an identified or identifiable data subject separately from the other information as long as these purposes can be fulfilled in this manner.
			1b. (new). Where personal data are processed for scientific, statistical or historical purposes, Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 17a, 17b and 18 insofar as such derogation is necessary for the fulfilment of the specific purposes.

1a. Where personal data are processed for archiving purposes in the public interest, Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18, 19, 23, 32, 33 and 53 (1b)(d) and (e), insofar as such derogation is necessary for the fulfilment of these purposes.	1c (new). Where personal data are processed for archiving purposes in the public interest, Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 17a, 17b, 18, 23, 32 and 33, insofar as such derogation is necessary for the fulfilment of these purposes.
1b. In case a type of processing referred to in paragraphs 1 and 1a serves at the same time another purpose, the derogations allowed for apply only to the processing for the purposes referred to in those paragraphs	Presidency suggestion 1d. Where processing referred to in paragraph 1 serves at the same time another purpose, the derogations referred to in paragraphs 1b (new) and 1c (new) apply only to the processing for the purposes referred to in paragraph 1.

2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if:	deleted	2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if: The appropriate safeguards referred to in paragraphs 1 and 1a shall be laid down in Union or Member State law and be such to ensure that technological and/or organisational protection measures pursuant to this Regulation are applied to the personal data, to minimise the processing of personal data in pursuance of the proportionality and necessity principles, such as pseudonymising the data, unless those measures prevent achieving the purpose of the processing and such purpose cannot be otherwise fulfilled within reasonable means.	
--	---------	---	--

(a) the data subject has given consent, subject to the conditions laid down in Article 7;	deleted	deleted	
(b) the publication of personal data is necessary to present research findings or to facilitate research insofar as the interests or the fundamental rights or freedoms of the data subject do not override these interests; or	deleted	deleted	
(c) the data subject has made the data public.	deleted	deleted	
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.	deleted	deleted	

346

EN

Amendment 195	
Article 83a	
Processing of personal data by archive services	
1. Once the initial processing for which they were collected has been completed, personal data may be processed by archive services whose main or mandatory task is to collect, conserve, provide information about, exploit and disseminate archives in the public interest, in particular in order to substantiate individuals' rights or for historical, statistical or scientific research purposes. These tasks shall be carried out in accordance with the rules laid down by Member States concerning access to and the release and dissemination of administrative or archive documents and in accordance with the rules set out in this Regulation, specifically with regard to consent and the right to object.	

14319/15		VH/np	347
ANNEX	DGD 2C	LIMITE	EN

2. Each Member State shall notify to the Commission provisions of its law which it adopts pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.		
---	--	--



Article 84	Article 84	Article 84	Article 84
Obligations of secrecy	Obligations of secrecy	Obligations of secrecy	Obligations of secrecy
	Amendment 196		
1. Within the limits of this Regulation, Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.	1. Within the limits of <i>In</i> accordance with the rules set out in this Regulation, Member States may adopt shall ensure that specific rules to set are in place setting out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.	1. Within the limits of this Regulation, Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in <i>points (da) and (db) of</i> Article 53(21) in relation to controllers or processors that are subjects under national-Union or Member State law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy or to a code of professional ethics supervised and enforced by professional bodies, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.	Tentative agreement in trilogue 1. Member States may adopt specific rules to set out the powers by the supervisory authorities laid down in points (da) and (db) of Article 53(1) in relation to controllers or processors that are subjects under Union or Member State law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.

2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by	2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1,	2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date	<i>Tentative agreement in trilogue</i> 2. Each Member State shall notify
the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.



Article 85	Article 85	Article 85	Article 85
Existing data protection rules of	Existing data protection-rates of	Existing data protection rules of	Existing data protection rules of
churches and religious	churches and religious	churches and religious	churches and religious
associations	associations	associations	associations
1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.	1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive <i>adequate</i> rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.	1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.	<i>Tentative agreement in trilogue</i> 1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.

2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation.	2. Churches and religious associations which apply comprehensive adequate rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation obtain a compliance opinion pursuant to Article 38.	2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1, shall <i>be subject to</i> <i>the control</i> provide for the establishment of an independent supervisory authority <i>which may be</i> <i>specific, provided that fulfils the</i> <i>conditions laid down</i> in accordance with-Chapter VI of this Regulation.	<i>Tentative agreement in trilogue</i> 2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1, shall be subject to the control of an independent supervisory authority which may be specific, provided that fulfils the conditions laid down in Chapter VI of this Regulation.
---	--	--	--

Amendment 198	
Article 85a (new)	
Respect of fundamental rights	
This Regulation shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU.	

CHAPTER X DELEGATED ACTS AND IMPLEMENTING ACTS	CHAPTER X DELEGATED ACTS AND IMPLEMENTING ACTS	CHAPTER X DELEGATED ACTS AND IMPLEMENTING ACTS	
	Article 85b (new)		
	Standard Forms		
	 The Commission may, taking into account the specific features and necessities of various sectors and data processing situations, lay down standard forms for: (a) specific methods to obtain verifiable consent referred to in Article 8(1), (b) the communication referred to in Article 12(2), including the electronic format, 		
	(c) providing the information referred to in paragraphs 1 to 3 of Article 14,		
	(d) requesting and granting access to the information referred to in Article 15(1), including for communicating the personal data to the data subject, (e) documentation referred to in		
	paragraph 1 of Article 28,		

(f) breach notifications pursuant to Article 31 to the supervisory authority and the documentation referred to in Article 31(4),
(g) prior consultations referred to in Article 34, and for informing the supervisory authorities pursuant to Article 34(6).
2. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises.
3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Article 86	Article 86	Article 86	Article 86
Exercise of the delegation	Exercise of the delegation	Exercise of the delegation	Exercise of the delegation
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
	Amendment 200		
2. The delegation of power referred to in Article $6(5)$, Article $8(3)$, Article $9(3)$, Article 12(5), Article $14(7)$, Article 15(3), Article $17(9)$, Article 20(6), Article $22(4)$, Article 23(3), Article $26(5)$, Article 28(5), Article $26(5)$, Article 31(5), Article $30(3)$, Article 31(5), Article $32(5)$, Article 336), Article $34(8)$, Article 35(11), Article $37(2)$, Article 39(2), Article $43(3)$, Article 44(7), Article $79(6)$, Article 81(3), Article $82(3)$ and Article 83(3) shall be conferred on the	2. The delegation of power power to adopt delegated acts referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 13a(5), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 336), Article 34(8), Article 35(11), Article 37(2), Article 38(4), Article 39(2), Article 41(3), Article 41(5), Article 43(3), Article 44(7), Article	2. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 336), Article 34(8), Article 35(11), Article 37(2), Article 39 a (27), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall be conferred on the	 Presidency suggestion 2. The delegation of power referred to in Article 39a(7) and Article 12(4c) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Commission for an indeterminate period of time from the date of entry into force of this Regulation.	79(6)Article 79(7), Article 81(3), and Article 82(3) and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.	Commission for an indeterminate period of time from the date of entry into force of this Regulation.	
---	--	--	--



	Amendment 201		
3. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 81(3), Article 82(3) and Article 81(3), Article 82(3) and Article 83(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official</i> <i>Journal of the European Union</i> or at a later date	3. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 13a(5), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 38(4), Article 39(2), Article 41(3), Article 41(5), Article 43(3), Article 44(7), Article 79(6)Article 79(7), Article 81(3), and Article 82(3) and Article 83(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the	3. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39 <i>a</i> (27), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European</i> <i>Union</i> or at a later	 Presidency suggestion 3. The delegation of power referred to in Article 39a(7) and Article 12(4c) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

specified therein. It shall not affect the validity of any delegated acts already in force.	decision in the <i>Official Journal of</i> <i>the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	date specified therein. It shall not affect the validity of any delegated acts already in force.	
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	 Presidency suggestion 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.



	Amendment 202		
5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the	5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 13a(5), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 38(4), Article 39(2), Article 41(3), Article 41(5), Article 43(3), Article 44(7), Article 79(6), Article 79(7), Article 81(3), and Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of	5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39 $a(27)$, Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the	<i>Presidency suggestion</i> 5. A delegated act adopted pursuant to Article 39a(7) and Article 12(4c) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

|--|

Article 87	Article 87	Article 87	Article 87
Committee procedure	Committee procedure	Committee procedure	Committee procedure
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	Presidency suggestion 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	Presidency suggestion2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
	Amendment 203		
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	deleted	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	Presidency suggestion3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

CHAPTER XI FINAL PROVISIONS	CHAPTER XI FINAL PROVISIONS	CHAPTER XI FINAL PROVISIONS	CHAPTER XI FINAL PROVISIONS
Article 88	Article 88	Article 88	Article 88
Repeal of Directive 95/46/EC			
1. Directive 95/46/EC is repealed.	1. Directive 95/46/EC is repealed.	1. Directive 95/46/EC is repealed.	Presidency suggestion
			1. Directive 95/46/EC is repealed on the date specified in Article 91(2).
2. References to the repealed Directive shall be construed as references to this Regulation. References to the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC shall be construed as references to the European Data Protection Board established by this Regulation.	2. References to the repealed Directive shall be construed as references to this Regulation. References to the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC shall be construed as references to the European Data Protection Board established by this Regulation.	2. References to the repealed Directive shall be construed as references to this Regulation. References to the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC shall be construed as references to the European Data Protection Board established by this Regulation.	 Presidency suggestion 2. References to the repealed Directive shall be construed as references to this Regulation. References to the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC shall be construed as references to the European Data Protection Board established by this Regulation.

Article 89	Article 89	Article 89	Article 89
Relationship to and amendment of Directive 2002/58/EC			
1. This Regulation shall not impose additional obligations on natural or legal persons in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union in relation to matters for which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.	1. This Regulation shall not impose additional obligations on natural or legal persons in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union in relation to matters for which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.	1. This Regulation shall not impose additional obligations on natural or legal persons in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union in relation to matters for which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.	Presidency suggestion 1. This Regulation shall not impose additional obligations on natural or legal persons in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union in relation to matters for which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.
	Amendment 204		
2. Article 1(2) of Directive 2002/58/EC shall be deleted.	2. ArticleArticles 1(2), 4 and 15 of Directive 2002/58/EC shall be deleted.	deleted	

Amendment 205	
2a. The Commission shall present, without delay and by the date referred to in Article 91(2) at the latest, a proposal for the revision of the legal framework for the processing of personal data and the protection of privacy in electronic communications, in order to align the law with this Regulation and ensure consistent and uniform legal provisions on the fundamental right to protection of personal data in the European Union.	

Amendment 206	
Article 89a (new)	
Relationship to and amendment of Regulation (EC) No 45/2001	
1. The rules set out in this Regulation shall apply to the processing of personal data by Union institutions, bodies, offices and agencies in relation to matters for which they are not subject to additional rules set out in Regulation (EC) No 45/2001.	
2. The Commission shall present, without delay and by the date specified in Article 91(2) at the latest, a proposal for the revision of the legal framework applicable to the processing of personal data by the Union institutions, bodies, offices and agencies.	

	Article 89a Relationship to previously concluded Agreements	Article 89a Relationship to previously concluded Agreements
	International agreements involving the transfer of personal data to third countries or international organisations which were concluded by Member States prior to the entry into force of this Regulation, and which are in compliance with Directive 95/46/EC, shall remain in force until amended, replaced or revoked.	Presidency suggestion: International agreements involving the transfer of personal data to third countries or international organisations which were concluded by Member States prior to the entry into force of this Regulation, and which are in compliance with Directive 95/46/EC, shall remain in force until amended, replaced or revoked.

Article 90	Article 90	Article 90	Article 90
Evaluation	Evaluation	Evaluation	Evaluation
The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other legal instruments, in particular taking account of developments in information technology and in the light of the state of progress in the information society. The reports shall be made public.	The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other legal instruments, in particular taking account of developments in information technology and in the light of the state of progress in the information/society. The reports shall be made public.	 The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals. In the context of these evaluations the Commission shall examine, in particular, the application and functioning of the provisions of Chapter VII on Co- operation and Consistency. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The reports shall be made public. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other legal instruments, in particular taking account of developments in information technology and in the light of the state of progress in the 	 <i>Tentatively agreed in trilogue</i> 1. The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals. 2. In the context of these evaluations the Commission shall examine, in particular, the application and functioning of the provisions of: a) Chapter V on the transfer of personal data to third countries or international organisations with particular regard to decisions adopted pursuant to article 41, paragraph 3 and decisions adopted on the basis of Article 25, paragraph 6 of Directive 95/46/EC; b) Chapter VII on Co-operation and Consistency. 2a. For the purpose referred to in paragraphs 1 and 2, the Commission may request

	information society. The reports shall be made public.	information from Member States and supervisory authorities, in particular as regards Articles 80(1), 80a and 80b.
		2b. In carrying out the evaluations and reviews referred to in paragraphs 1 and 2, the Commission shall take into account the positions and findings of the European Parliament, the Council as well as other relevant bodies or sources.
		3. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The reports shall be made public.
		4. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, in particular taking into account of developments in information technology and in the lightof the state of progress in the information society.

	Article 90a - new Review of other EU data protection instruments
	Presidency suggestion The Commission shall, if appropriate, submit legislative proposals with a view to amending other EU legal instruments on the protection of personal data, in order to ensure uniform and consistent protection of individuals with regard to the processing of personal data. This shall in particular concern the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies and on the free movement of such data.

Article 91	Article 91	Article 91	Article 91
Entry into force and application	Entry into force and application	Entry into force and application	Entry into force and application
1. This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the</i> <i>European Union</i> .	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the</i> <i>European Union</i> .	<i>Presidency suggestion</i> 1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from [<i>two years</i> from the date referred to in paragraph 1].	 2. It shall apply from [two years from the date referred to in paragraph 1]*. * OJ: insert the date: two years from the date of entry into force of this Regulation 	2. It shall apply from [<i>two years</i> from the date referred to in paragraph 1].	Presidency suggestion 2. It shall apply from [two years from the date referred to in paragraph 1].

This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	Presidency suggestion This Regulation shall be binding in its entirety and directly applicable in all Member States.
	Done at,	Done at Brussels	Done at Brussels
	For the European Parliament	For the European Parliament	For the European Parliament
	The President	The President	The President
	For the Council	For the Council	For the Council
	The President	The President	The President

