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INFORMATION NOTE

From:	Legal Service
To:	Permanent Representatives Committee (Part 2)
Subject:	Case before the General Court of the European Union: <ul style="list-style-type: none">– T-8/24 - Application for annulment of the EDPB's Binding Decision 1/2023 (Art. 66(2) GDPR) adopted on 27 October 2023– Plea challenging the legality of Article 66(2) GDPR

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (26.04.2024)

1. By application notified to the Council on 11 January 2024, the applicant seeks the annulment of the “Urgent Binding Decision 01/2023 requested by the Norwegian SA for the ordering of final measures regarding Meta Platforms Ireland Ltd (Art. 66(2) GDPR)” of the European Data Protection Board (EDPB) adopted on 27 October 2023.
2. Amongst four pleas in law in support of its application, the Applicant raises a plea challenging the legality of Article 66(2) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, “GDPR”)¹. The Applicant contends that Article 66(2) GDPR violates the principle of the rule of law, Articles 41 and 47 of the Charter of Fundamental Rights of the European Union (“Charter”), and Article 6 of the European Convention of Human Rights (“ECHR”) and that, for that reason, it is unlawful and thus invalid.

¹ OJ L 119, 4.5.2016, p. 1.

3. In order to defend the validity of Article 66(2) GDPR, the Council should intervene in this case. To that end, the Director-General of the Council Legal Service has appointed **DELETED** and **DELETED**, legal advisors in the Council Legal Service, as the Council's agents in this case.
 4. The agents will present, on behalf of the Council, an application to intervene pursuant to Articles 53 and 40 of the Statute of the Court of Justice and Article 143 of the Rules of Procedure of the General Court. In accordance with the Council's practice, the Council agents will limit their arguments to the defence of the validity of Article 66(2) GDPR and will not intervene on other pleas of law.
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