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General Secretariat

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2023/0202 (COD)

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From:	Presidency
To:	Delegations
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Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679 - Information note and discussion paper

In view of the meeting of the JHA Counsellors on data protection of 20 November 2024, delegations will find in the annex an information note and discussion paper from the Presidency.

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Information note and discussion points

The purpose of this note is to inform Member States about the initiation and state of play of inter-institutional negotiations with the European Parliament concerning the Proposal for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679.

In addition, this note is to aim to initiate discussion on certain points indicated in the fifth column entitled “JHA Counsellors discussion” of the four-column table attached hereto. Delegations are kindly invited to consider those discussion points in advance and express their views on them at the JHA Counsellors meeting of 20 November.

The Presidency also intends to provide further details orally during the meeting, on the basis of the table, reporting on the content of the discussions and possible outcome or compromises provisionally agreed.

Information by the Presidency: state of play of interinstitutional negotiations

So far, a kick-off political trilogue has taken place on 4 November 2024, followed by two interinstitutional technical meetings on 13 and 14 November.

1. Kick-off political trilogue

The kick-off political trilogue took place on 4 November in the European Parliament in Brussels. The primary objective of this first trilogue was to establish a foundation for negotiations and to present the perspectives and key priorities of each institution involved.

This first trilogue followed a standard agenda with some usual points that are handled at first trilogues: presentation of positions and key priorities, agreement on the 4-column document, delegation of the preparatory work to the technical level and agreement on a tentative timeline and calendar for the negotiations.

The Council's main aim was to explain its position, stressing the most important messages and priorities, and to obtain a broad mandate for discussions at technical level to ensure as much progress as possible ahead of the next political trilogue, which is scheduled for 12 December.

The European Parliament (EP) was represented by Mr. Javier Zarzalejos (Chair of the LIBE Committee) and Ms. Markéta Gregorová (rapporteur – Greens), and the European Commission (COM) by Commissioner for Justice, Mr. Didier Reynders, along with their respective teams. On behalf of the Council, Ambassador Bálint Ódor and his team attended on behalf of HU PRES.

During the meeting, all parties approved the identical lines of the four-column document and granted a broad negotiation mandate to the technical teams.

The kick-off trilogue successfully laid the groundwork for productive technical negotiations, aiming at bringing institutional positions closer, with strong commitment from each party to move forward expediently. The next steps involve continued technical-level work, guided by the Council's negotiation mandate, with the goal of achieving significant progress by the December trilogue.

2. First and second interinstitutional technical meeting

On the basis of the mandate given at political level, so far two interinstitutional technical meetings were held on 13 and 14 November. Discussions took place in a constructive and positive atmosphere, allowing good progress on the provisions discussed.

During these two meetings, the following items have been the subject of in-depth exchanges between the co-legislators: the scope of the regulation, its relation with national procedural law, the admissibility of complaints, relevant information, amicable settlement and the early resolution of complaints as well as the investigation of complaints.

As detailed in the following table, for some of these issues, significant progress has been made, either in the form of a provisional agreement included in the fourth column, or an agreement in principle to be followed by the drafting of a compromise text reflecting the outcome of discussions. The debate on other specific items may have been less conclusive, it has nevertheless proven useful in understanding the respective positions adopted and should lay the ground for further discussions towards a compromise text.

Discussion points

Delegations are invited to consider the points for discussion indicated in the fifth column of the following table (JHA Counsellors discussion). Discussion points are to be found in the following lines:

- Line 52
- Line 59d
- Line 59g
- Line 62g
- Line 72a
- Line 73

In addition, the following table includes several lines highlighted in green, indicating that a provisional agreement has been found at technical level. Such provisionally agreed texts are set out in the fourth column (Draft agreement).

The Presidency intends to provide further details orally during the meeting, and provide delegations with an opportunity to ask questions, in particular concerning the topics discussed during the first two interinstitutional meetings:

- Scope of the regulation: line 2, lines 51, 52 and 52a, line 81e, line 12a
- Relation with national procedural law: line 56c, lines 59d to 59g, line 12b
- Admissibility of complaints: lines 61 to 67, line 13a, lines 14, 14a to 14f
- Relevant information: lines 85 to 98d, line 15d, lines 22a and 22b
- Amicable settlement and early resolution of complaints: lines 73 to 74t, lines 19 to 19d
- Investigation of complaints: lines 68 to 72i

Delegations are reminded that the table reflects the current state of discussions at technical level, and that all indications and draft compromise texts should be considered provisional. Delegations are also kindly reminded to treat the content of these discussions confidential to ensure that further exchanges with the Parliament can continue to be conducted efficiently and productively.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down
additional procedural rules relating to the enforcement of Regulation (EU) 2016/679
2023/0202(COD)**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Formula					
1	2023/0202 (COD)	2023/0202 (COD)	2023/0202 (COD)	2023/0202 (COD) Text Origin: Commission Proposal	
Proposal Title					
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down additional procedural rules relating to	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down additional procedural rules relating to	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down additional procedural rules relating to	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down additional procedural rules relating to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	the enforcement of Regulation (EU) 2016/679	the enforcement of Regulation (EU) 2016/679	the enforcement of Regulation (EU) 2016/679 (Text with EEA relevance)	the enforcement of Regulation (EU) 2016/679 <u>(Text with EEA relevance)</u> Text Origin: Council Mandate	
Formula					
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal	
Citation 1					
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
				Text Origin: Commission Proposal	
Citation 2					
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal	
Citation 3					
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal	
Citation 4					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
7	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹, 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. . Text Origin: Commission Proposal	
Citation 5					
8	Having regard to the opinion of the Committee of the Regions¹, 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions¹, 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions¹², 1. OJ C , , p. . 2. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions¹², 1. OJ C , , p. . <u>2. OJ C , , p. .</u> Text Origin: Council Mandate	
Citation 6					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,		
Formula					
10	Whereas:	Whereas:	Whereas:		
Recital 1					
11	(1) Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ establishes a decentralised enforcement system which aims to ensure the consistent interpretation and application of Regulation (EU) 2016/679 in cross-border cases. In cases concerning cross-border processing of personal data, this system requires cooperation between supervisory authorities in	(1) Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ establishes a decentralised enforcement system which aims to ensure the consistent interpretation and application of Regulation (EU) 2016/679 in cross-border cases. In cases concerning cross-border processing of personal data, this system requires cooperation between supervisory authorities in	(1) Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ establishes a decentralised enforcement system which aims to ensure the consistent interpretation and application of Regulation (EU) 2016/679 in cross-border cases. In cases concerning cross-border processing of personal data, this system requires cooperation between supervisory authorities in	(1) Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ establishes a decentralised enforcement system which aims to ensure the consistent interpretation and application of Regulation (EU) 2016/679 in cross-border cases. In cases concerning cross-border processing of personal data, this system requires cooperation between supervisory authorities in	

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	an endeavour to reach consensus and, where supervisory authorities cannot reach consensus, provides for dispute resolution by the European Data Protection Board (the Board). 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	an endeavour to reach consensus and, where supervisory authorities cannot reach consensus, provides for dispute resolution by the European Data Protection Board (the Board). 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	an endeavour to reach consensus and, where supervisory authorities cannot reach consensus, provides for dispute resolution by the European Data Protection Board (the Board). 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	an endeavour to reach consensus and, where supervisory authorities cannot reach consensus, provides for dispute resolution by the European Data Protection Board (the Board). 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	

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	(OJ L 119, 4.5.2016, p. 1).	(OJ L 119, 4.5.2016, p. 1).	(OJ L 119, 4.5.2016, p. 1).	(OJ L 119, 4.5.2016, p. 1). Text Origin: Commission Proposal	
Recital 2					
12	(2) In order to provide for the smooth and effective functioning of the cooperation and dispute resolution mechanism provided for in Articles 60 and 65 of Regulation (EU) 2016/679, it is necessary to lay down rules concerning the conduct of proceedings by the supervisory authorities in cross-border cases, and by the Board during dispute resolution, including the handling of	(2) In order to provide for the smooth and effective functioning of the cooperation and dispute resolution mechanism provided for in Articles 60 and 65 of Regulation (EU) 2016/679, it is necessary to lay down rules concerning the conduct of proceedings by the supervisory authorities in cross-border cases, and by the Board during dispute resolution, including the handling of	(2) In order to provide for the smooth and effective functioning of the cooperation and dispute resolution mechanism provided for in Articles 60 and 65 of Regulation (EU) 2016/679, it is necessary to lay down rules concerning the conduct of proceedings by the supervisory authorities in cross-border cases, and by the Board during dispute resolution, including the handling of		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	cross-border complaints. It is also necessary for this reason to lay down rules concerning the exercise of the right to be heard by the parties under investigation prior to the adoption of decisions by supervisory authorities and, as the case may be, by the Board.	cross-border complaints. It is also necessary for this reason to lay down rules concerning the exercise of the right to be heard by the parties under investigation prior to the adoption of decisions by supervisory authorities and, as the case may be, by the Board. <u>This Regulation thereby aims at protecting the right to good administration as enshrined in Article 41 of the Charter of Fundamental Rights of the European Union (the ‘Charter’). To achieve this objective, when applying provisions of this Regulation, all data protection authorities should act in an impartial</u>	cross-border complaints. It is also necessary for this reason to lay down rules concerning the exercise of the right to be heard by the parties under investigation prior to the adoption of decisions by supervisory authorities and, as the case may be, by the Board.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>and independent manner</u> <u>and in accordance with the</u> <u>rule of law, as enshrined in</u> <u>Article 2 of the Treaty on</u> <u>European Union.</u>			
Recital 2a					
12a		<u>(2a) This Regulation</u> <u>and Chapter VII of</u> <u>Regulation (EU) 2016/679</u> <u>only govern certain</u> <u>elements of the</u> <u>cooperation procedure,</u> <u>when supervisory</u> <u>authorities of more than</u> <u>one Member State</u> <u>participate in the</u> <u>procedure. This Regulation</u> <u>does not apply when a</u> <u>party lodges a complaint</u> <u>directly with a lead</u> <u>supervisory authority in</u> <u>another Member State.</u>			

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Recital 2a					
12b		<u>(2b) The procedural law of each Member State should apply to the supervisory authorities insofar as this Regulation does not harmonise a matter. Some procedural elements, such as the horizontal burden of proof of the controller in Article 5(2) of Regulation (EU) 2016/679, are already governed by Union law. In line with the primacy of Union law, supervisory authorities should not apply national procedural law where it is in conflict with this Regulation and Regulation (EU) 2016/679. Cooperation among supervisory authorities</u>			

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		<u>should not be limited because of differences in national procedural law. Supervisory authorities should make use of all options under applicable national law to allow parties in another Member State to participate in procedures. This may include remote video participation, interpreters or generally available means of communication.</u>			
Recital 3					
13	(3) Complaints are an essential source of information for detecting infringements of data protection rules. Defining clear and efficient procedures for the handling	(3) Complaints are an essential source of information for detecting infringements of data protection rules. Defining clear and efficient procedures for the handling	(3) Complaints are an essential source of information for detecting infringements of data protection rules. Defining clear and efficient procedures for the handling		

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	of complaints in cross-border cases is necessary since the complaint may be dealt with by a supervisory authority other than the one to which the complaint was lodged.	of complaints in cross-border cases is necessary since the complaint may be dealt with by a supervisory authority other than the one to which the complaint was lodged. <u>To this end, it is recommended that an efficient mechanism for communication between supervisory authorities should be created used so as to facilitate rapid and secure sharing of information necessary to resolve complaints in accordance with data protection rules.</u>	of complaints in cross-border cases is necessary since the complaint may be dealt with by a supervisory authority other than the one to which the complaint was lodged.		
Recital 3a					
13a			(3a) A complaint should be understood as a claim lodged by a data		

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			subject with a supervisory authority in accordance with Article 77(1) or Article 80 of the Regulation (EU) 2016/679, seeking protection of his or her rights due to an alleged infringement of Regulation (EU) 2016/679 by processing of the data subject's personal data. The mere reporting of alleged infringements which does not concern the processing of personal data relating to the data subject, requests for advice from controllers or processors or general requests regarding the application of the GDPR, either from controllers, processors or natural		

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			persons, should not be regarded as a complaint.		
Recital 4					
14	(4) In order to be admissible a complaint should contain certain specified information. Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form should be provided. The information specified in the form should be required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the form may be used by supervisory authorities for cases that do not concern cross-border processing.	(4) In order to be admissible a complaint should contain certain specified<u>minimum</u> information <u>about the alleged violation, whether ongoing or past. The cessation of a violation should not be sufficient grounds to reject a complaint</u>. Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form<u>template</u> should be provided. The information specified in the form<u>template</u> should be	(4) In order to be admissible a complaint should contain certain specified information. Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form should be provided. The information specified in the form should be required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the form may be used by supervisory authorities for cases that do not concern cross-border processing.		

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	The form may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint to be deemed admissible. It should be possible for supervisory authorities to facilitate the submission of complaints in a user-friendly electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant	required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the formtemplate may be used by supervisory authorities for cases that do not concern cross-border processing. The forminformation may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint to be deemed	The form may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint relating to cross-border processing to be deemed admissible. It should be possible for supervisory authorities to facilitate the submission. However, administrative modalities and requirements for the admissibility of complaints in a user-friendly under the		

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	corresponds to the information required by the form and no additional information is required in order to find the complaint admissible.	admissible. <u>Where a complaint does not meet the minimum requirements, the supervisory authority should reject it and inform the complainant about the missing information. The complainant can then resubmit a complete complaint. While the complainant should not be required to contact the party under investigation before submitting a complaint, if the complainant was in contact with the party under investigation before submitting the complaint relating to the same matter, he or she should submit the communication related</u>	national procedural law of the supervisory authority with which a complaint is lodged, such as language, statute of limitations, means of identification, electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant corresponds to the information required by the form and no additional information is required in order to find the complaint admissible. form, specific template or signature, continue to apply. .		

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		<u>to that contact</u>. It should be possible for supervisory authorities to facilitate the submission of complaints in a user-friendly electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant corresponds to the information required by the form and no additional information is required in order to find the complaint admissible.			
Recital 4a					
14a			(4a) As part of the specified information required, the contact details of the person, or entity, filling the		

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			complaint could include the postal address, place of residence, and where available email address, in order to allow supervisory authorities to acknowledge receipt of complaint and, when necessary, contact the complainant.		
Recital 4b					
14b			(4b) Where the entity filling the complaint is a body, organisation or association referred to in Article 80 of Regulation 2016/679, a proof that the body, organisation or association has been properly constituted in accordance with the national law of the		

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			Member State of the authority with which the complaint is lodged should be provided, together with a proof that such body, organisation or association is acting on the basis of the mandate of the data subject. The modalities and procedures for the establishment of such proofs are determined in accordance with the national law of the Member State of the authority with which the complaint was lodged.		
Recital 4c					
14c			(4c) Where the complainant is a natural person not in a position to exercise his/her right to		

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			lodge a complaint without the assistance of a legal representative, for example because he/she is a child or because he/she has a disability or vulnerability, the result of which is that his/her rights are being exercised through another person, such as a parent, legal guardian or family member, and where such representation is allowed under national law, that circumstance must be clearly identified at the point in time at which the complaint is lodged together with sufficient information so as to enable the supervisory authority with which the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			complaint is lodged to satisfy itself that it is appropriate for it to engage with the representative on the complainant's behalf.		
Recital 4d					
14d			(4d) Supervisory authorities should facilitate the submission of all required information by the complainant and could ask for further information from the complainant in order to facilitate the handling of the complaint. Where some of the information necessary for the complaint to be deemed admissible is missing, the		

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			supervisory authority with which the complaint is lodged could contact the complainant in order to obtain the missing information where feasible. Only the supervisory authority with which the complaint is lodged should decide on its admissibility and such decision should be binding on the lead supervisory authority.		
Recital 4e					
14e			(4e) Where, following receipt of a complaint relating to cross-border processing from a supervisory authority, the lead supervisory authority requires additional	<u>(4e) Where, following receipt of a complaint relating to cross-border processing from a supervisory authority, the lead supervisory authority requires additional</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			information from the complainant in order to allow for the full investigation of the complaint, the supervisory authority with which the complaint was lodged should assist the lead supervisory authority, including by contacting the complainant to seek the required information if needed. The lead supervisory authority should not contest the admissibility of a complaint relating to cross-border processing.	<u>information from the complainant in order to allow for the full investigation of the complaint, the supervisory authority with which the complaint was lodged should assist the lead supervisory authority, including by contacting the complainant to seek the required information if needed.</u> Text Origin: Council Mandate	
Recital 4f					
14f			(4f) It should be possible for supervisory		

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			authorities to facilitate the submission of complaints in a user-friendly electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant corresponds to the specified information required and no additional information should be required in order to find the complaint admissible.		
Recital 5					
15	(5) Supervisory authorities are obliged to decide on complaints within a reasonable timeframe. What is a reasonable	(5) Supervisory authorities are obliged to decide on complaints within a reasonable timeframe. What is a reasonable	(5) Supervisory authorities are obliged to should decide on complaints within a reasonable timeframe. What		

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	timeframe depends on the circumstances of each case and, in particular, its context, the various procedural steps followed by the lead supervisory authority, the conduct of the parties in the course of the procedure and the complexity of the case.	timeframe depends on the circumstances of each case and, in particular, its context, the various procedural steps followed by the lead supervisory authority, the conduct of the parties in the course of the procedure and the complexity of the case. <u>Article 6 of the European Convention on Human Rights (ECHR) and Articles 41 and 47 of the Charter require a reasonable overall duration of procedures. Given that this includes judicial remedies under Article 78 of Regulation (EU) 2016/679, procedures before supervisory authorities should typically</u>	is a reasonable timeframe depends on the circumstances of each case and, in particular, its context, the various procedural steps followed by the lead supervisory authority, the conduct of the parties in the course of the procedure and the complexity of the case.		

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		<u>not take more than nine months, unless exceptional circumstances arise. This Regulation foresees prolongations for delays or disruptions that are outside of the control of the lead supervisory authority. To that end, sufficient funding and staffing should be ensured in order to guarantee a timely and efficient handling of cases that does not affect the right to a good administration.</u>			
Recital 5a					
15a		<u>(5a) The direct interaction between Member States' supervisory authorities and the parties is governed by</u>			

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		<u><i>national procedural law, insofar as Regulation (EU) 2016/679, this Regulation or Union law do not take primacy. In the case of indirect interaction of a lead supervisory authority with a party via another supervisory authority, the latter authority's procedural law should apply to any direct interaction with the party. In line with Article 56(6) of Regulation (EU) 2016/679, a complainant has the right to solely communicate with the supervisory authority with which the complaint has been lodged. This does not prevent the complainant to directly communicate with</i></u>			

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		<u>another supervisory authority, including the lead supervisory authority, which may be more efficient.</u>			
Recital 5b					
15b		<u>(5b) To ensure that minimum requirements of fair and efficient procedures are met in all cross-border cases, including in Member States where there is no codified national procedural law, the Regulation sets directly applicable rules based on Article 41 of the Charter.</u>			
Recital 5c					
15c		<u>(5c) It should be possible to apply, in accordance with national</u>			

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		<u>procedural law applicable to the supervisory authority that the party directly interacts with, strictly necessary and proportionate limitations in relation to the disclosure or the further use of legally protected information, such as personal data or trade secrets protected under Directive (EU) 2016/943^{1a}. This could include the internal deliberations and decision-making of the authority. The least intrusive measures, such as limitation of the use of information or blackening of information should be applied. Parties should always be informed that</u>			

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		<u>information was withheld from them, and why.</u> _____ <u>1a. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1.)</u>			
Recital 5d					
15d		<u>(5d) The lead supervisory authority manages the case in line with this Regulation, Regulation (EU) 2016/679</u>			

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		<u>and its national procedural law, while fully cooperating with other supervisory authorities in a spirit of common understanding and trust.</u> <u>Other supervisory authorities should provide any relevant information and their views to the lead supervisory authority. The lead supervisory authority should structure the case in an efficient and expedient way taking full account of the views of other supervisory authorities. At the same time, the procedure should be in line with Regulation (EU) 2016/679, in particular the one-stop-shop dispute resolution</u>			

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		<u>architecture and the competences of the lead supervisory authority.</u>			
Recital 5e					
15e		<u>(5e) Supervisory authorities may also start additional procedures, for example in the case of systemic or repetitive infringements. This should however, not lead to any interference with the rights of the parties.</u>			
Recital 5f					
15f		<u>(5f) Violations may concern the rights of multiple data subjects, therefore, evidence from procedures may need to be used in other procedures to facilitate an efficient procedure and consistent</u>			

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		<u><i>decision making. In order to objectively assess the amount of non-material damages based on the average data subject, civil courts may benefit from relying on established facts and evidence to determine a claim under Article 82 of Regulation (EU) 2016/679.</i></u>			
Recital 5g					
15g		<u><i>(5g) Each supervisory authority should define one or more languages that it accepts for incoming information by other supervisory authorities. An additional joint “cooperation language” should be defined which all supervisory authorities must accept for incoming</i></u>			

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		<u>or outgoing information.</u> <u>In case of judicial remedies, the supervisory authority against which a judicial remedy is brought should have the duty to translate all relevant documents to the accepted languages.</u>			
Recital 6					
16	(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be appropriate, necessary and proportionate	(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be appropriate<u>effective</u>,	(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to should be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be appropriate, necessary and		

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	in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The	necessary and proportionate and dissuasive in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively <u>requires</u> investigating all possible <u>relevant</u> legal and factual elements arising from the complaint, but <u>which provides to ensure</u>	proportionate in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The		

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	assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.	<u>that a decision can be jointly taken and</u> an effective and quick remedy to the complainant <u>can be quickly delivered. Without prejudice to the necessity of providing a satisfactory resolution to.</u> The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his <u>within a short timeframe, supervisory authorities should investigate to a degree that allows them to satisfy themselves as to whether a</u>	assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.		

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		<u>complaint is indicative of more serious or systemic infringements. Planning the procedure is important to ensure a quick result. Supervisory authorities should not refer to the</u> rights under Article 79 of Regulation (EU) 2016/679 <u>as a reason to limit the investigation of a complaint. To ensure compliance with Article 47 of the Charter, the handling of a complaint should always lead to an appealable decision. Unless a complaint is withdrawn, it should not be possible for complaints to be closed or otherwise terminated without a decision that can be</u>			

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		<u>submitted to judicial review.</u>			
Recital 7					
17	(7) The lead supervisory authority should provide the supervisory authority with which the complaint was lodged with the necessary information on the progress of the investigation for the purpose of providing updates to the complainant.	(7) The lead supervisory authority should provide the supervisory <u>authorities instant remote access to a joint case file that holds all relevant documents of the case, including all internal or confidential information, as well as a translation of all documents to the cooperation language. In addition, the lead supervisory authority should actively inform the other supervisory authorities on major changes that may require</u>	(7) The lead supervisory authority should provide the supervisory authority with which the complaint was lodged with the necessary information on the progress of the investigation for the purpose of providing updates to the complainant.		

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		<u>imminent action or closer attention. Defining clear and efficient procedures for the handling of complaints in cross-border cases is also necessary, since the complaint may be dealt with by a supervisory authority other than the one</u> with which the complaint was lodged with the necessary information on the progress of the investigation for the purpose of providing updates to the complainant.			
Recital 8					
18	(8) The competent supervisory authority should provide the complainant with access to the documents on the basis	(8) The competent supervisory authority should provide the complainant with <u>parties with remote</u> access to the	(8) The competent supervisory authority should provide the complainant with access to the documents on the basis		

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	of which the supervisory authority reached a preliminary conclusion to reject fully or partially the complaint.	documents on the basis of which the supervisory authority reached a preliminary conclusion to reject fully or partially the complaint <u>joint case file, but may restrict this right of access under certain circumstances. Such access should allow the use of an effective judicial remedy in line with Article 47 of the Charter.</u>	of which the supervisory authority reached a preliminary conclusion to reject fully or partially the complaint.		
Recital 9					
19	(9) In order for supervisory authorities to bring a swift end to infringements of Regulation (EU) 2016/679 and to deliver a quick resolution for complainants, supervisory authorities	(9) In order for supervisory authorities to bring a swift end to infringements of Regulation (EU) 2016/679 and to deliver a quick resolution for complainants, supervisory authorities	(9) In order for supervisory authorities to bring a swift end to infringements of Regulation (EU) 2016/679 and to deliver a quick resolution for complainants, supervisory authorities		

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	should endeavour, where appropriate, to resolve complaints by amicable settlement. The fact that an individual complaint has been resolved through an amicable settlement does not prevent the competent supervisory authority from pursuing an ex officio case, for example in the case of systemic or repetitive infringements of Regulation (EU) 2016/679.	should <u>be able to</u> endeavour, where appropriate, to resolve complaints by amicable settlement <u>between the parties. Supervisory authorities should not make the handling of a complaint contingent on participation in an amicable settlement process. Settlements should be able to take the form of a contract between the parties under applicable law, but should bind the authorities</u>. The fact that an individual complaint has been resolved through an amicable settlement does not prevent the competent supervisory authority from pursuing an ex officio case,	should endeavour, where appropriate, to resolveapply procedures allowing for the early resolution of complaints by amicable settlement. The fact that an individual, provided that such resolution results in the satisfaction of the complainant's request and that the infringement has been terminated. The early resolution of a complaint should therefore apply to cases where the complainant is duly able to assess the proposed outcome and determine that its request has been resolved through an amicable settlement does not prevent the competent		

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		for example in the case of systemic or repetitive infringements of Regulation (EU) 2016/679. <u>However, such an ex officio possibility should not be used to defer decisions on complaints.</u>	supervisory authority from pursuing an ex officio case, for example in the case of systemic or repetitive infringements of Regulation (EU) 2016/679 satisfied.		
Recital 9a					
19a			(9a) The early resolution of a complaint may be particularly useful in expeditiously resolving disputes concerning infringements of data subject rights to the satisfaction of the complainant's request. Such outcome should allow the supervisory authority with which the complaint was lodged to		

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			consider, on the basis of preliminary engagement with the data controller and processor and provided that supporting evidence has been obtained, that the complaint becomes devoid of purpose and that the complainant's request is satisfied. In such a case, the lead supervisory authority should be informed about the early resolution but the complaint should not be transmitted. Where the lead supervisory authority is the authority receiving the complaint, it may also apply such procedure.		
Recital 9b					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
19b			(9b) Where allowed under national law, an amicable settlement could also be considered as a way allowing for the early resolution of a complaint. However, resolution of the complaint by amicable settlement should not be possible where the data subject objects to the proposed outcome. In any event, the resolution of a complaint through amicable settlement by the lead supervisory authority should rely on a final decision pursuant to Article 60, paragraph 7 of Regulation (EU) 2016/679.		
Recital 9c					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
19c			(9c) Where the lead supervisory authority considers that a complaint can be resolved through a procedure allowing for its early resolution, a draft decision pursuant to Article 60, paragraph 3 of Regulation (EU) 2016/679 should be submitted to the other supervisory authorities concerned, with a view to adopting a final decision in accordance with Art. 60(7) of Regulation (EU) 2016/679 finding that the complaint, or part of the complaint, has been resolved by the lead supervisory authority and that the handling of the complaint will be		

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			terminated. The draft decision submitted could therefore be simplified and limited to an information that the complaint was settled, in whole or in part, through a procedure allowing for its early resolution, indicating the reasons underlying the decision and the scope of the resolution, and confirming that the complaint is therefore devoid of purpose. In such cases, the lead supervisory authority should directly submit its draft decision, without having to prepare and circulate a summary of key issues nor preliminary findings.		

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Recital 9d					
19d			(9d) The circumstance that an individual complaint has been resolved through a procedure allowing for its early resolution should not prevent the competent supervisory authority from pursuing an <i>ex officio</i> case, in particular in the case of systemic or repetitive infringements of Regulation (EU) 2016/679.		
Recital 10					
20	(10) In order to guarantee the effective functioning of the cooperation and consistency mechanisms in Chapter VII of Regulation (EU) 2016/679, it is important	(10) In order to guarantee the effective functioning of the cooperation and consistency mechanisms in Chapter VII of Regulation (EU) 2016/679, it is important	(10) In order to guarantee the effective functioning of the cooperation and consistency mechanisms in Chapter VII of Regulation (EU) 2016/679, it is important		

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	that cross-border cases are resolved in a timely fashion and in line with the spirit of sincere and effective cooperation that underlies Article 60 of Regulation (EU) 2016/679. The lead supervisory authority should exercise its competence within a framework of close cooperation with the other supervisory authorities concerned. Likewise, supervisory authorities concerned should actively engage in the investigation at an early stage in an endeavour to reach a consensus, making full use of the tools provided by Regulation (EU) 2016/679.	that cross-border cases are resolved in a timely fashion and in line with the spirit of sincere and effective cooperation that underlies Article 60 of Regulation (EU) 2016/679. The lead supervisory authority should exercise its competence within a framework of close cooperation with the other supervisory authorities concerned. Likewise, supervisory authorities concerned should actively engage in the investigation at an early stage in an endeavour to reach a consensus, making full use of the tools provided by Regulation (EU) 2016/679. <u><i>This should be in line with</i></u>	that cross-border cases are resolved in a timely fashion and in line with the spirit of sincere and effective cooperation that underlies Article 60 of Regulation (EU) 2016/679. The lead supervisory authority should exercise its competence within a framework of close cooperation with the other supervisory authorities concerned. Likewise, supervisory authorities concerned should actively engage in the investigation at an early stage in an endeavour to reach a consensus, making full use of the tools provided by Regulation (EU) 2016/679.		

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		<u>the ‘one-stop-shop’ mechanism of Regulation (EU) 2016/679 and guarantee, where applicable, non-discriminatory treatment of parties, legal certainty and independence of issuing of decisions by the supervisory authorities.</u>			
Recital 10a					
20a			(10a) Cases where the rights of a child as data subject are at stake, and cases related to the dissemination of intimate material, should be given high priority to ensure the adequate protection of the rights of the child.		
Recital 10b					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
20b			(10b) Where the lead supervisory authority, based on the characteristics of the case and previous decisions, considers that enhanced cooperation or further engagement in formal procedural steps for the handling of a complaint-based investigation relating to cross-border processing is not necessary, the lead supervisory authority should inform supervisory authorities concerned of such assessment and provide all relevant information concerning the complaint, including the main relevant facts and the provisions to be		

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			investigated. This may apply for example where the case does not raise any structural or recurring problem in several Member States, where the case does not concern a general legal issue with regards to the interpretation, application or enforcement of Regulation (EU) 2016/679, where the case is not related to the intersection of data protection with other legal fields, where the case does not affect a large number of data subjects in several Member States, where the case is not related to a large number of complaints in several		

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			Member States; or where Regulation (EU) 2016/679 does not imply that a high risk can be assumed. In such a case, unless any of the supervisory authorities concerned object, the lead supervisory authority shall continue cooperating in accordance with Article 60 of Regulation (EU) 2016/679 and submit a draft decision as referred to in Article 60, paragraph 3 of Regulation (EU) 2016/679.		
Recital 10c					
20c			(10c) Where formal steps for the enhanced cooperation procedure pursuant to this		

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			regulation are not engaged, supervisory authorities should ensure that the right to be heard of the parties under investigation and the complainant applies in a timely manner, as provided for in this Regulation and in line with Article 41(2) of the Charter which enshrines the right to good administration and the right of every person to be heard before any individual measure which would affect him or her adversely is taken.		
Recital 11					
21	(11) It is particularly important for supervisory	(11) It is particularly important for supervisory	(11) It is particularly important for supervisory		

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	authorities to reach consensus on key aspects of the investigation as early as possible and prior to the communication of allegations to the parties under investigation and adoption of the draft decision referred to in Article 60 of Regulation (EU) 2016/679, thereby reducing the number of cases submitted to the dispute resolution mechanism in Article 65 of Regulation (EU) 2016/679 and ultimately ensuring the quick resolution of cross-border cases.	authorities to reach consensus on key aspects of the investigation<u>case via the summary of key issues and comments on that summary</u> as early as possible and prior to the communication of allegations to the parties under investigation and adoption of the draft decision referred to in Article 60 of Regulation (EU) 2016/679, thereby reducing the number of cases submitted to the dispute resolution mechanism in Article 65 of Regulation (EU) 2016/679 and ultimately ensuring the quick resolution of cross-border cases.	authorities to reach consensus on key aspects of the investigation as early as possible and prior to the communication of allegations to the parties under investigation and adoption of the draft decision referred to in Article 60 of Regulation (EU) 2016/679, thereby reducing the number of cases submitted to the dispute resolution mechanism in Article 65 of Regulation (EU) 2016/679 and ultimately ensuring the quick resolution of cross-border cases.		
Recital 12					

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22	(12) Cooperation between supervisory authorities should be based on open dialogue which allows concerned supervisory authorities to meaningfully impact the course of the investigation by sharing their experiences and views with the lead supervisory authority, with due regard for the margin of discretion enjoyed by each supervisory authority, including in the assessment of the extent appropriate to investigate a case, and for the varying traditions of the Member States. For this purpose, the lead supervisory authority should provide concerned supervisory authorities with	(12) Cooperation between supervisory authorities should be based on open dialogue which allows concerned supervisory authorities to meaningfully impact the course of the investigation by sharing their experiences and views with the lead supervisory authority, with due regard for the margin of discretion enjoyed by each. <u>The</u> supervisory authority, including in the assessment of the extent appropriate to investigate a case, and for the varying traditions of the Member States. For this purpose, <u>with which a complaint has been lodged or which requests an ex-officio</u>	(12) Cooperation between supervisory authorities should be based on open dialogue which allows concerned supervisory authorities to meaningfully impact the course of the investigation by sharing their experiences and views with the lead supervisory authority, with due regard for the margin of discretion enjoyed by each supervisory authority, including in the assessment of the extent appropriate to investigate a case, and for the varying traditions of the Member States. For this purpose, the lead supervisory authority should provide concerned supervisory authorities with		

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	a summary of key issues setting out its preliminary view on the main issues in an investigation. It should be provided at a sufficiently early stage to allow effective inclusion of supervisory authorities concerned but at the same time at a stage where the lead supervisory authority's views on the case are sufficiently mature. Concerned supervisory authorities should have the opportunity to provide their comments on a broad range of questions, such as the scope of the investigation and the identification of complex factual and legal assessments. Given that the scope of the investigation	<u><i>action may provide</i></u> the lead supervisory authority <i>should provide concerned supervisory authorities</i> with a summary of key issues setting out its preliminary view on the main issues in an investigation. <u><i>The lead supervisory authority should draft the final summary of key issues.</i></u> <u><i>The summary of key issues should be part of the joint case file, and should be a living document that is updated by the lead supervisory authority during the course of the procedure.</i></u> It should be provided at a sufficiently early stage to allow effective inclusion of supervisory authorities	a summary of key issues setting out its preliminary view on the main issues in an investigation. It should be provided at a sufficiently early stage to allow effective inclusion of supervisory authorities concerned but at the same time at a stage where the lead supervisory authority's views on the case are sufficiently mature. Concerned supervisory authorities should have the opportunity to provide their comments on a broad range of questions, such as the scope of the investigation and the identification of complex factual and legal assessments. Given that the scope of the investigation		

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	determines the matters which require investigation by the lead supervisory authority, supervisory authorities should endeavour to achieve consensus as early as possible on the scope of the investigation.	concerned but at the same time at a stage where the lead supervisory authority's views on the case are sufficiently mature. Concerned supervisory authorities should have the opportunity to provide their comments on a broad range of questions, such as the scope <u>any update</u> of the investigation and the identification of complex factual and legal assessments. Given that the scope of the investigation determines the matters which require investigation by the lead <u>summary of key issues. The</u> supervisory authority, authorities <u>should be able to raise any dispute with the Board.</u>	determines the matters which require investigation by the lead supervisory authority, supervisory authorities should endeavour to achieve consensus as early as possible on the scope of the investigation.		

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		Supervisory authorities should endeavour to achieve consensus as early as possible on the scope of the investigation.			
Recital 12a					
22a			(12a) In this context, the exchange of relevant information between the lead supervisory authority and supervisory authorities concerned is an important element to support the spirit of effective and sincere cooperation. The relevant information to be provided by the lead supervisory authority will depend on the specificity of the case being investigated and		

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			should be considered in a proportionate manner. Such exchange of relevant information, and the timely provision of specific elements of information by the lead supervisory authority, should be understood as a continuous process throughout the course of an investigation and may vary in terms of documents and details required, depending on the complexity of the case being investigated. In particular, depending on the stage of the investigation and the circumstances of a case, such relevant information could progressively		

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			include, among others, the exchange of correspondence with the data controller or the data subject on the subject of a complaint or investigation, the preparatory documents for an audit or inspection, or preliminary technical or legal assessment being considered by the lead supervisory authority as a result of a specific step in its investigation.		
Recital 12b					
22b			(12b) While the lead supervisory authority should provide any relevant information to the supervisory authorities concerned		

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			without delay after the information becomes available, concerned supervisory authorities should also proactively make available any relevant information deemed useful to assess the legal and factual elements of a case. The exchange of relevant information should support the swift and effective cooperation between supervisory authorities and may, in certain cases, be supported by summary, extracts or copies of documents in order to facilitate a swift understanding of a case, while allowing for		

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			complementary information to be provided where further elements become necessary. In order to facilitate an effective and appropriate exchange of information between supervisory authorities, the Board could specify the modalities and requirements for the exchange of such information.		
Recital 12c					
22c			(12c) As part of the relevant information on a specific case, the lead supervisory authority should provide concerned supervisory authorities with a summary of key		

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			issues setting out its preliminary view on the main issues in an investigation. It should be provided at a sufficiently early stage to allow effective inclusion of the views submitted by supervisory authorities concerned but at the same time at a stage where the lead supervisory authority has sufficient elements to form its views on the case , where necessary by means of preliminary analysis and possible initial investigative measures. While the summary of key issues should always include the main relevant facts, the preliminary identification		

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			of the scope of investigations and the relevant provisions of Regulation (EU) 2016/679 concerned by the alleged infringement to be investigated, other additional elements should be provided in the summary of key issues depending on their availability and their relevance in order to facilitate the substantive assesement by supervisory authorities concerned and the formulation of their respective views. Such additional elements could include the identification of legal and technical issues deemed relevant for		

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			the investigation, in particular where such issues appear complex. The summary of key issues could also include the preliminary identification of potential corrective measures in cases where the lead supervisory authority has sufficient elements to form a preliminary view on the matter, in particular when the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement can be easily circumscribed and identified at an early stage.		
Recital 12d					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
22d			(12d) Concerned supervisory authorities should have the opportunity to provide their comments on the summary of key issues, including on a broad range of questions, such as the scope of the investigation, the identification of the alleged infringements and the identification of factual and legal issues which are relevant for the investigation. Given that the scope of the investigation determines the matters which require investigation by the lead supervisory authority, supervisory authorities should endeavour to		

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			achieve consensus as early as possible on the scope of the investigation.		
Recital 13					
23	(13) In the interest of effective inclusive cooperation between all supervisory authorities concerned and the lead supervisory authority, the comments of concerned supervisory authorities should be concise and worded in sufficiently clear and precise terms to be easily understandable to all supervisory authorities. The legal arguments should be grouped by reference to the part of the summary of key issues to which they relate. The comments of	(13) In the interest of effective inclusive cooperation between all supervisory authorities concerned and the lead supervisory authority, the <u>comments of any documents submitted by</u> concerned supervisory authorities <u>and the parties</u> should be concise and worded in sufficiently clear and precise terms to be easily understandable to all supervisory authorities. <u>Supervisory authorities may therefore limit the length of submissions by</u>	(13) In the interest of effective inclusive cooperation between all supervisory authorities concerned and the lead supervisory authority, the summary of key issues and the comments of concerned supervisory authorities should be concise and worded in sufficiently clear and precise terms to be easily understandable to all supervisory authorities. The legal arguments should be grouped by reference to the part of the summary of key		

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	supervisory authorities concerned may be supplemented by additional documents. However, a mere reference in the comments of a supervisory authority concerned to supplementary documents cannot make up for the absence of the essential arguments in law or in fact which should feature in the comments. The basic legal and factual particulars relied on in such documents should be indicated, at least in summary form, coherently and intelligibly in the comment itself.	<u>the parties.</u> The legal arguments should be grouped by reference to the part of the summary of key issues to which they relate. The comments of supervisory authorities concerned may be supplemented by additional documents. However, a mere reference in the comments of a supervisory authority concerned to supplementary documents cannot make up for the absence of the essential arguments in law or in fact which should feature in the comments. The basic legal and factual particulars relied on in such documents should be indicated, at least in summary form,	issues to which they relate. The summary of key issues and the comments of supervisory authorities concerned may be supplemented by additional documents. However, a mere reference in the comments of a supervisory authority concerned to supplementary documents cannotshould not make up for the absence of the essential arguments in law or in fact which should feature in the comments. The basic legal and factual particulars relied on in such documents should be indicated, at least in summary form, coherently and intelligibly in the comment itself.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		coherently and intelligibly in the comment itself			
Recital 14					
24	(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the preliminary findings provided for in Article 14 within nine months.	(14) Cases that do not raise contentious issues <u>(non-contentious cases)</u> do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the preliminary findings provided for in Article 14 <u>draft decision</u> within	(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the preliminary findings provided for in Article 14 within nine months.		

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		nine <u>three</u> months <u>from the receipt of the complaint.</u>			
Recital 14a					
24a			(14a) Where the lead supervisory authority is required by national law to further engage in subsequent domestic procedures related to the same case, such as administrative appeal proceedings or misdemeanour proceedings, the summary of key issues should be prepared again if this domestic procedure conducts the lead supervisory authority to deviate from previous consensus, and would result in substantive		

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			changes compared to the previous summary of key issues, in order to take into account the views of the supervisory authorities concerned. However, if the subsequent procedure related to the same case involves no further changes in comparison to previous decisions, the new summary of key issues may not be necessary. The lead supervisory authority should inform the supervisory authority concerned of such a possibility when submitting a draft decision in accordance		

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			with Article 60(3) of Regulation (EU) 2016/679.		
Recital 15					
25	(15) Supervisory authorities should avail of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will be investigated, or where the comments of the	(15) Supervisory authorities should avail <u>themselves</u> of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope <u>or procedural issues of a case of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will</u>	(15) Supervisory authorities should avail of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will be investigated, or where the comments of the		

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	supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority should use the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679.	be investigated, or where the comments <u>the supervisory authorities should raise the matter quickly with the Board.</u> <u>The Board should make the necessary procedural determinations. The Board and supervisory authorities should endeavour to complete ongoing proceedings as quickly as possible. The lead supervisory authority or one</u> of the supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority should use the tools provided for <u>also be able to request an urgent binding</u>	supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority shouldcould use the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679.		

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		<u>decision of the Board without a request</u> under Articles 61 and 62 of Regulation (EU) 2016/679 <u>or 62 having been made.</u>			
Recital 16					
26	(16) If the use of those tools does not enable the supervisory authorities to reach a consensus on the scope of a complaint-based investigation, the lead supervisory authority should request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. For this purpose, the requirement of urgency should be presumed. The lead supervisory authority	<i>deleted</i>	(16) If the use of those tools does not enable the supervisory authorities to reach a consensus on the scope of a complaint-based investigation, the lead supervisory authority should request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679 should be requested by any supervisory authority concerned or the lead		

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	should draw appropriate conclusions from the urgent binding decision of the Board for the purposes of preliminary findings. The urgent binding decision of the Board cannot pre-empt the outcome of the investigation of the lead supervisory authority or the effectiveness of the rights of the parties under investigation to be heard. In particular, the Board should not extend the scope of the investigation on its own initiative.		supervisory authority. For this purpose, the requirement of urgency should be presumed. The lead supervisory authority should draw appropriate conclusions from the urgent binding decision of the Board for the purposes of preliminary findings. The urgent binding decision of the Board in the context of deciding on the scope of a complaint-based investigation cannot pre-empt the outcome of the investigation of the lead supervisory authority or the effectiveness of the rights of the parties under investigation to be heard. In particular, the Board should not extend the scope of the		

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			investigation on its own initiative.		
Recital 16a					
26a			(16a) Complainant's procedural rights under this Regulation should be conferred on the complainant solely to the extent relative to his or her individual rights. Where Article 80(2) of Regulation (EU) 2016/679 applies, procedural rights should be conferred on the complainant pursuant to Article 80(2) of Regulation (EU) 2016/679 to the extent relative to the rights of the data subject that are considered to have been infringed.		

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Recital 17					
27	(17) To enable the complainant to exercise her or his right to an effective judicial remedy under Article 78 of Regulation (EU) 2016/679, the supervisory authority fully or partially rejecting a complaint should do so by means of a decision which may be challenged before a national court.	(17) To enable the complainant to exercise her or his right to an effective judicial remedy under Article 78 of Regulation (EU) 2016/679, the supervisory authority fully or partially rejecting <u>a handling of any</u> complaint should do so by means <u>of always lead to</u> a decision which may be challenged before a national court.	(17) To enable the complainant to exercise her or his right to an effective judicial remedy under Article 78 of Regulation (EU) 2016/679, the supervisory authority fully or partially rejecting a complaint should do so by means of a decision which may be challenged before a national court.		
Recital 18					
28	(18) Complainants should have the opportunity to express their views before a decision adversely affecting them is taken. Therefore, in the event of full or partial rejection of a	<i>deleted</i>	(18) Complainants should have the opportunity to express their views before a decision adversely affecting them is taken. Therefore, in the event of full or partial rejection of a		

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	complaint in a cross-border case, the complainant should have the opportunity to make her or his views known prior to the submission of a draft decision under Article 60(3) of Regulation (EU) 2016/679, a revised draft decision under Article 60(4) of Regulation (EU) 2016/679 or a binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679. The complainant may request access to the non-confidential version of the documents on which the decision fully or partially rejecting the complaint is based.		complaint in a cross-border case, the complainant should have the opportunity to make her or his views known prior to the submission of a draft decision under Article 60(3) of Regulation (EU) 2016/679, a revised draft decision under Article 60(4) of Regulation (EU) 2016/679 or a binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679. The complainant may request access to the non-confidential version of the documents on which the decision fully or partially rejecting the complaint is based.		
Recital 19					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
29	(19) It is necessary to clarify the division of responsibilities between the lead supervisory authority and the supervisory authority with which the complaint was lodged in the case of rejection of a complaint in a cross-border case. As the point of contact for the complainant during the investigation, the supervisory authority with which the complaint was lodged should obtain the views of the complainant on the proposed rejection of the complaint and should be responsible for all communications with the complainant. All such communications should be shared with the lead	(19) It is necessary to clarify the division of responsibilities between the lead supervisory authority and the supervisory authority with which the complaint was lodged in the case of rejection of a complaint in a cross-border case. As the point of contact for the complainant during the investigation, the supervisory authority with which the complaint was lodged should obtain the views of the complainant on the proposed rejection of the complaint and should be responsible for all communications with the complainant. All such communications should be shared with the lead	(19) It is necessary to clarify the division of responsibilities between the lead supervisory authority and the supervisory authority with which the complaint was lodged in the case of rejection of a complaint in a cross-border case. As the point of contact for the complainant during the investigation, the supervisory authority with which the complaint was lodged should obtain the views of the complainant on the proposed rejection of the complaint and should be responsible for all communications with the complainant. All such communications should be shared with the lead		

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	supervisory authority. Since under Article 60(8) and (9) of Regulation (EU) 2016/679 the supervisory authority with which the complaint was lodged has the responsibility of adopting the final decision rejecting the complaint, that supervisory authority should also have the responsibility of preparing the draft decision under Article 60(3) of Regulation (EU) 2016/679.	supervisory authority. Since under Article 60(8) and (9) of Regulation (EU) 2016/679 the supervisory authority with which the complaint was lodged has the responsibility of adopting the final decision <u>which needs to comply with its national procedural law</u>, rejecting the complaint, that supervisory authority should also have the responsibility of <u>be involved by the lead supervisory authority in</u> preparing the draft decision under Article 60(3) <u>and any final decision under Article 60(7) to (9)</u> of Regulation (EU) 2016/679.	supervisory authority. Since under Article 60(8) and (9) of Regulation (EU) 2016/679 the supervisory authority with which the complaint was lodged has the responsibility of adopting the final decision rejecting the complaint, that the lead supervisory authority should also have the responsibility of possibility to ask for the assistance of the complaint receiving supervisory authority if necessary in preparing the draft decision under Article 60(3) of Regulation (EU) 2016/679.		
Recital 20					

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30	(20) The effective enforcement of Union data protection rules should be compatible with the full respect of the parties' rights of defence, which constitutes a fundamental principle of Union law to be respected in all circumstances, and in particular in procedures which may give rise to penalties.	(20) The effective enforcement of Union data protection rules should be compatible with the full respect of the parties' rights of defence, which constitutes a fundamental principle of Union law to be respected in all circumstances, and in particular in procedures which may give rise to penalties.	(20) The effective enforcement of Union data protection rules should be compatible with the full respect of the parties' rights of defence, which constitutes a fundamental principle of Union law to be respected in all circumstances, and in particular in procedures which may give rise to penalties.	(20) The effective enforcement of Union data protection rules should be compatible with the full respect of the parties' rights of defence, which constitutes a fundamental principle of Union law to be respected in all circumstances, and in particular in procedures which may give rise to penalties. Text Origin: Commission Proposal	
Recital 21					
31	(21) In order to effectively safeguard the right to good administration and the rights of defence as	(21) In order to effectively safeguard the right to good administration and the rights of defence as	(21) In order to effectively safeguard the right to good administration and the rights of defence as		

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	enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including the right of every person to be heard before any individual measure which would affect him or her adversely is taken, it is important to provide for clear rules on the exercise of this right.	enshrined in the Charter of Fundamental Rights of the European Union ('the Charter') ; including the right of every person to be heard before any individual measure which would affect him or her adversely is taken, it is important to provide for clear rules on the exercise of this right <u>for all parties involved in a case. Every party should have the right to decline the right to be heard.</u>	enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including the right of every person to be heard before any individual measure which would affect him or her adversely is taken, it is important to provide for clear rules on the exercise of this right.		
Recital 21a					
31a			(21a) Member States may introduce into their national law provisions on the legal consequences of the failure of individuals to submit their		

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			observations within the time limit set by the supervisory authority with which the complaint was lodged.		
Recital 22					
32	(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure, thereby enabling them to	(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the <u>right to be heard</u> and opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure,	(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure, thereby enabling them to		

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	exercise their rights of defence. The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed. The parties under investigation should be provided with the documents required to defend themselves effectively and to comment on the allegations made against them, by receiving access to the administrative file.	thereby enabling them to exercise their rights of defence. The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed. The parties under investigation should be provided with <u>all the necessary</u>the documents required to defend themselves effectively and to comment on <u>matters relevant to the investigation</u>the allegations made against them, by receiving access to the	exercise their rights of defence. The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed. The parties under investigation should be provided with the documents required to defend themselves effectively and to comment on the allegations made against them, by receiving access to the administrative file.		

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		administrative <u>joint case</u> file.			
Recital 22a					
32a			(22a) These rules should be without prejudice to the possibility for supervisory authorities to grant further access to the administrative file in order to hear further the views of any of the parties under investigation or of the complainant in the course of the proceedings, in accordance with national law.		
Recital 23					
33	(23) The preliminary findings define the scope of the investigation and therefore the scope of any future final decision (as the	(23) The preliminary findings define the scope of the investigation and therefore the scope of any future final decision (as the	(23) The preliminary findings define the scope of the investigation and therefore the scope of any future final decision (as the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	case may be, taken on the basis of a binding decision issued by the Board under Article 65(1), point (a) of Regulation (EU) 2016/679) which may be addressed to controllers or processors. The preliminary findings should be couched in terms that, even if succinct, are sufficiently clear to enable the parties under investigation to properly identify the nature of the alleged infringement of Regulation (EU) 2016/679. The obligation of giving the parties under investigation all the information necessary to enable them to properly defend themselves is satisfied if the final decision does not allege that	case may be, taken on the basis of a binding decision issued by the Board under Article 65(1), point (a) of Regulation (EU) 2016/679) which may be addressed to controllers or processors. The preliminary findings should be couched in terms that, even if succinct, are sufficiently clear to enable the parties under investigation to properly identify the nature of the alleged infringement of Regulation (EU) 2016/679. The obligation of giving the parties under investigation all the information necessary to enable them to properly defend themselves <u>be heard</u> is satisfied if the final decision	case may be, taken on the basis of a binding decision issued by the Board under Article 65(1), point (a) of Regulation (EU) 2016/679) which may be addressed to controllers or processors. The preliminary findings should be couched in terms that, even if succinct, are sufficiently clear to enable the parties under investigation to properly identify the nature of the alleged infringement -of Regulation (EU) 2016/679. The obligation of giving the parties under investigation all the information necessary to enable them to properly defend themselves is satisfied if the final decision does not allege that		

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	the parties under investigation have committed infringements other than those referred to in the preliminary findings and only takes into consideration facts on which the parties under investigation have had the opportunity of making known their views. The final decision of the lead supervisory authority is not, however, necessarily required to be a replica of the preliminary findings. The lead supervisory authority should be permitted in the final decision to take account of the responses of the parties under investigation to the preliminary findings, and,	does not allege that the parties under investigation have committed infringements other than those referred to in the preliminary findings and only takes into consideration facts on which the parties under investigation have had the opportunity of making known their views. The final decision of the lead supervisory authority is not, however, necessarily required to be a replica of the preliminary findings. The lead supervisory authority should be permitted in the final decision to take account of the responses of the parties under investigation to the	the parties under investigation have committed infringements other than those referred to in the preliminary findings and only takes into consideration facts on which the parties under investigation have had the opportunity of making known their views. The final decision of the lead supervisory authority is not, however, necessarily required to be a replica of the preliminary findings. The lead supervisory authority should be permitted in the final decision to take account of the responses of the parties under investigation to the preliminary findings, and,		

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	where applicable, the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, and the Article 65(1), point (a), decision resolving the dispute between the supervisory authorities. The lead supervisory authority should be able to carry out its own assessment of the facts and the legal qualifications put forward by the parties under investigation in order either to abandon the objections when the supervisory authority finds them to be unfounded or to supplement and redraft its arguments, both in fact and in law, in support of the objections which it maintains. For	preliminary findings, and, where applicable, the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, and the Article 65(1), point (a), decision <u>by the Board</u> resolving the dispute between the supervisory authorities <u>under Article 65(1), point (a), of that Regulation</u>. The lead supervisory authority should be able to carry out its own assessment of the facts and the legal qualifications put forward by the parties under investigation in order either to abandon the objections when the supervisory authority finds them to be unfounded or to supplement	where applicable, the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, and the Article 65(1), point (a), decision resolving the dispute between the supervisory authorities. The lead supervisory authority should be able to carry out its own assessment of the facts and the legal qualifications put forward by the parties under investigation in order either to abandon the objections when the supervisory authority finds them to be unfounded or to supplement and redraft its arguments, both in fact and in law, in support of the objections which it maintains. For		

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	example, taking account of an argument put forward by a party under investigation during the administrative procedure, without it having been given the opportunity to express an opinion in that respect before the adoption of the final decision, cannot per se constitute an infringement of defence rights.	and redraft its arguments, both in fact and in law, in support of the objections which it maintains. For example, taking account of an argument put forward by a party under investigation during the administrative procedure, without it having been given the opportunity to express an opinion in that respect before the adoption of the final decision, cannot per se constitute an infringement of defence rights.	example, taking account of an argument put forward by a party under investigation during the administrative procedure, without it having been given the opportunity to express an opinion in that respect before the adoption of the final decision, cannot per se constitute an infringement of defence rights.		
Recital 23a					
33a			(23a) Where the lead supervisory authority is required by national law to further engage in		

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			subsequent domestic procedures related to the same case, such as administrative appeal proceedings or misdemeanour proceedings, the preliminary findings should be prepared again if this domestic procedure conducts the lead supervisory authority to deviate from previous consensus, and would result in substantive changes compared to the previous preliminary findings, in order to enable the parties under investigation to properly defend themselves. However, if the subsequent procedure		

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			related to the same case involves no further changes in comparison to previous decisions and national law ensures the right to be heard, the new preliminary findings may not be necessary. The lead supervisory authority should inform the supervisory authority concerned of such a possibility when submitting a draft decision in accordance with Article 60(3) of Regulation (EU) 2016/679.		
Recital 24					
34	(24) The parties under investigation should be provided with a right to be heard prior to the	(24) The parties under investigation should be provided with a right to be heard <u>at appropriate stages</u>	(24) The parties under investigation should be provided with a right to be heard prior to the		

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	submission of a revised draft decision under Article 60(5) of Regulation (EU) 2016/679 or the adoption of a binding decision by the Board pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679.	<u>of the procedure, in particular</u> prior to the submission of a revised draft decision under Article 60(5) of Regulation (EU) 2016/679 or the adoption of a binding decision by the Board pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679.	submission of a revised draft decision under Article 60(5) of Regulation (EU) 2016/679 or the adoption of a binding decision by the Board pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679.		
Recital 25					
35	(25) Complainants should be given the possibility to be associated with the proceedings initiated by a supervisory authority with a view to identifying or clarifying issues relating to a potential infringement of Regulation (EU) 2016/679. The fact that a supervisory authority	(25) Complainants should be given the possibility to be associated with the proceedings initiated by a supervisory authority with a view to identifying or clarifying issues relating to a potential infringement of Regulation (EU) 2016/679. The fact that a supervisory authority	(25) Complainants should be given the possibility to be associated with the proceedings initiated by a supervisory authority with a view to identifying or clarifying issues relating to a potential infringement of Regulation (EU) 2016/679. The fact that a supervisory authority		

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	has already initiated an investigation concerning the subject matter of the complaint or will deal with the complaint in an ex officio investigation subsequent to the receipt of the complaint does not bar the qualification of a data subject as complainant. However, an investigation by a supervisory authority of a possible infringement of Regulation (EU) 2016/679 by a controller or processor does not constitute an adversarial procedure between the complainant and the parties under investigation. It is a procedure commenced by a supervisory authority, upon its own initiative or based	has already initiated an investigation concerning the subject matter of the complaint or will deal with the complaint in an ex officio investigation subsequent to the receipt <i>of</i> the complaint does not bar the qualification of a data subject as complainant. However, an investigation by a supervisory authority of a possible infringement of Regulation (EU) 2016/679 by a controller or processor does not constitute an adversarial procedure between the complainant and the parties under investigation. It is a procedure commenced by a supervisory authority, upon its own initiative or based	has already initiated an investigation concerning the subject matter of the complaint or will deal with the complaint in an ex officio investigation subsequent to the receipt of the complaint does not bar the qualification of a data subject as complainant. However, an investigation by a supervisory authority of a possible infringement of Regulation (EU) 2016/679 by a controller or processor does not constitute an adversarial procedure between the complainant and the parties under investigation. It is a procedure commenced by a supervisory authority, upon its own initiative or based		

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	on a complaint, in fulfilment of its tasks under Article 57(1) of Regulation (EU) 2016/679. The parties under investigation and the complainant are, therefore, not in the same procedural situation and the latter cannot invoke the right to a fair hearing when the decision does not adversely affect her or his legal position. The complainant's involvement in the procedure against the parties under investigation cannot compromise the right of these parties to be heard.	on a complaint, in fulfilment of its tasks under Article 57(1) of Regulation (EU) 2016/679. The parties under investigation and the complainant are, therefore, not in the same procedural situation and the latter cannot invoke the right to a fair hearing when the decision does not adversely affect her or his legal position. The complainant's involvement in the procedure against the parties under investigation cannot compromise the right of these parties to be heard.	on a complaint, in fulfilment of its tasks under Article 57(1) of Regulation (EU) 2016/679. The parties under investigation and the complainant are, therefore, not in the same procedural situation and the latter cannot invoke the right to a fair hearing when the decision does not adversely affect her or his legal position. The complainant's involvement in the procedure against the parties under investigation cannot compromise the right of these parties to be heard.		
Recital 25a					
35a		<u>(25a) Notwithstanding the fact that the parties</u>			

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		<u>under investigation and the complainant are not in the same procedural situation, there are circumstances in which complainants can be in a position to adduce arguments and evidence during an investigation which can help the progress of the investigation. This is particularly the case in circumstances in which a not-for-profit body, organisation or association has lodged a complaint on behalf of a data subject or on its own initiative under Article 80 of Regulation (EU) 2016/679. Supervisory authorities should facilitate the hearing of such</u>			

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		<u>complainants at all stages of the investigation, including ex officio investigations, while also maintaining their independence.</u>			
Recital 26					
36	(26) The complainants should be given the possibility to submit in writing views on the preliminary findings. However, they should not have access to business secrets or other confidential information belonging to other parties involved in the proceedings. Complainants should not be entitled to have generalised access to the administrative file.	<i>deleted</i>	(26) The complainants should be given the possibility to submit in writing views on the preliminary findings to the extent that their individual rights as data subject are considered to have been infringed. However, they should not have access to business secrets or other confidential information belonging to other parties involved in the proceedings. Complainants		

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			should not be entitled to have generalised access to the administrative file.		
Recital 27					
37	(27) When setting deadlines for parties under investigation and complainants to provide their views on preliminary findings, supervisory authorities should have regard to the complexity of the issues raised in preliminary findings, in order to ensure that the parties under investigation and complainants have sufficient opportunity to meaningfully provide their views on the issues raised.	(27) When setting deadlines <u>and limiting the length of submissions</u> for parties under investigation and complainants to provide their views on preliminary findings, supervisory authorities should have regard to the complexity of the issues raised in preliminary findings, in order to ensure that <u>as well as the capacity of</u> the parties under investigation and complainants <u>to respond, in order to ensure that the parties</u> have sufficient	(27) When setting deadlines for parties under investigation and complainants to provide their views on preliminary findings, supervisory authorities should have regard to the complexity of the issues raised in preliminary findings, in order to ensure that the parties under investigation and complainants have sufficient opportunity to meaningfully provide their views on the issues raised.		

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		opportunity to meaningfully provide their views on the issues raised. <u>This should however not lead to unduly long procedures.</u>			
Recital 28					
38	(28) The exchange of views prior to the adoption of a draft decision involves an open dialogue and an extensive exchange of views where supervisory authorities should do their utmost to find a consensus on the way forward in an investigation. Conversely, the disagreement expressed in relevant and reasoned objections pursuant to Article 60(4) of Regulation (EU) 2016/679, which raise the potential for dispute	<i>deleted</i>	(28) The exchange of views prior to the adoption of a draft decision involves an open dialogue and an extensive exchange of views where supervisory authorities should do their utmost to find a consensus on the way forward in an investigation. Conversely, the disagreement expressed in relevant and reasoned objections pursuant to Article 60(4) of Regulation (EU) 2016/679, which raise the potential for dispute		

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	resolution between supervisory authorities under Article 65 of Regulation (EU) 2016/679 and delay the adoption of a final decision by the competent supervisory authority, should arise in the exceptional case of a failure of supervisory authorities to achieve a consensus and where necessary to ensure the consistent interpretation of Regulation (EU) 2016/679. Such objections should be used sparingly, when matters of consistent enforcement of Regulation (EU) 2016/679 are at stake, since every use of relevant and reasoned objections postpones the remedy for		resolution between supervisory authorities under Article 65 of Regulation (EU) 2016/679 and delay the adoption of a final decision by the competent supervisory authority, should arise in the exceptional case of a failure of supervisory authorities to achieve a consensus and where necessary to ensure the consistent interpretation of Regulation (EU) 2016/679. Such objections should be used sparingly, when matters of consistent enforcement of Regulation (EU) 2016/679 are at stake, since every use of relevant and reasoned objections postpones the remedy for		

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	the data subject. Since the scope of the investigation and the relevant facts should be decided prior to the communication of preliminary findings, these matters should not be raised by supervisory authorities concerned in relevant and reasoned objections. They may, however, be raised by supervisory authorities concerned in their comments on the summary of key issues pursuant to Article 9(3), before preliminary findings are communicated to the parties under investigation.		the data subject. Since the scope of the investigation and the relevant facts should be decided prior to the communication of preliminary findings, these matters should not be raised by supervisory authorities concerned in relevant and reasoned objections. They may, however, be raised by supervisory authorities concerned in their comments on the summary of key issues pursuant to Article 9(3), before preliminary findings are communicated to the parties under investigation.		
Recital 29					
39	(29) In the interest of the efficient and inclusive	(29) In the interest of the efficient and inclusive	<i>deleted</i>		

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	conclusion of the dispute resolution procedure, where all supervisory authorities should be in a position to contribute their views and bearing in mind the time constraints during dispute resolution, the form and structure of relevant and reasoned objections should meet certain requirements. Therefore, relevant and reasoned objections should be limited to a prescribed length, should clearly identify the disagreement with the draft decision and should be worded in sufficiently clear, coherent and precise terms.	conclusion of the dispute resolution procedure, where all supervisory authorities should be in a position to contribute their views and bearing in mind the time constraints during dispute resolution, the form and structure of relevant and reasoned objections should meet certain requirements. Therefore, relevant and reasoned objections should be limited to a prescribed length, should clearly identify the disagreement with the draft decision and should be worded in sufficiently clear, coherent and precise terms.			
Recital 30					

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40	(30) Access to the administrative file is provided for as a part of the rights of defence and the right to good administration enshrined in the Charter. Access to the administrative file should be provided to the parties under investigation when they are notified of preliminary findings and the deadline to submit their written reply to the preliminary findings should be set.	(30) Access to the administrative file is <u>joint case file may be</u> provided for as a part of the rights of defence and <u>in the spirit of</u> the right to good administration enshrined in the Charter. Access to the administrative <u>joint case</u> file should be provided to the parties under investigation <u>when they are notified of preliminary findings and the deadline to submit their written reply.</u> <u>Access of the parties</u> to the preliminary findings should be set <u>joint case file may be limited at the request of a party to protect their legally recognised rights or the rights of others, or in the public interest. Such</u>	(30) Access to the administrative file is provided for as a part of the rights of defence and the right to good administration enshrined in the Charter. Access to the administrative file should be provided to the parties under investigation when they are notified of preliminary findings and the deadline to submit their written reply to the preliminary findings should be set.		

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		<u>limitation must be proportionate in light of the respective recognised rights of others or the public interest pursued.</u>			
Recital 31					
41	(31) When granting access to the administrative file, supervisory authorities should ensure the protection of business secrets and other confidential information. The category of other confidential information includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm a controller, a processor or a	(31) When granting access to the administrative <u>joint case</u> file, supervisory authorities should ensure the protection of business secrets and other <u>legally protected</u> <u>and the protection of information in the public interest in accordance with applicable national law.</u> The category of other confidential information includes information other than business secrets, which	(31) When granting access to the administrative file to parties under investigation and the complainant , supervisory authorities should ensure the protection of business trade secrets and other confidential information. The category of other confidential information includes information other than business trade secrets, which may be considered as confidential in accordance		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	natural person. The supervisory authorities should be able to request that parties under investigation that submit or have submitted documents or statements identify confidential information.	may be considered as confidential, insofar as its disclosure would significantly harm a controller, a processor or a natural <u>or legal</u> person. The supervisory authorities should be able to request that parties under investigation that submit or have submitted documents or statements identify confidential information <u>and provide a non-confidential version</u> .	with national law, insofar as its disclosure would significantly harm a controller, a processor or a natural person. Confidential information shall in particular include information which is known only to a limited number of persons and which disclosure is liable to cause serious harm to the person who provided it or to third parties, and where the interests liable to be harmed by the disclosure of such information are, objectively, worthy of protection. The supervisory authorities should be able to request that parties under		

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			investigation that submit or have submitted documents or statements identify confidential information.		
Recital 32					
42	(32) Where business secrets or other confidential information are necessary to prove an infringement, the supervisory authorities should assess for each individual document whether the need to disclose is greater than the harm which might result from disclosure.	(32) Where business secrets or other confidential information are necessary to prove an infringement, the supervisory authorities should assess for each individual document whether the need to disclose is greater than the harm which might result from disclosure.	(32) Where business trade secrets or other confidential information are necessary to prove an infringement, the supervisory authorities should assess for each individual document whether the need to disclose is greater than the harm which might result from disclosure. In disclosing documents containing personal data, the supervisory authorities should also take into		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			account the principle of data minimisation.		
Recital 32a					
42a			(32a) Access to documents included in the administrative file on the basis of access to public documents shall be provided in accordance with Member States law. Until the final decision is adopted by the competent supervisory authority, the decision-making process of the authorities, including the performance of their tasks without undue external influence, shall be protected.		
Recital 33					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
43	(33) When referring a subject-matter to dispute resolution under Article 65 of Regulation (EU) 2016/679, the lead supervisory authority should provide the Board with all necessary information to enable it to assess the admissibility of relevant and reasoned objections and to take the decision pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679. Once the Board is in receipt of all the necessary documents listed in Article 23, the Chair of the Board should register the referral of the subject-matter in the sense of Article 65(2) of Regulation (EU) 2016/679.	(33) When referring a subject-matter to dispute resolution under Article 65 of Regulation (EU) 2016/679, the lead supervisory authority should provide the Board with all necessary information to enable it to assess the admissibility of relevant and reasoned objections and to take the decision pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679. Once the Board is in receipt of all the necessary documents listed in Article 23, the Chair of the Board should register the referral of the subject-matter in the <u>sense of accordance with</u>	(33) When referring a subject-matter to dispute resolution under Article 65 of Regulation (EU) 2016/679, the lead supervisory authority should provide the Board with all necessary information to enable it to assess the admissibility of relevant and reasoned objections and to take the decision pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679. Once the Board is in receipt of all the necessary documents listed in Article 23, the Chair of the Board should register the referral of the subject-matter in the sense of Article 65(2) of Regulation (EU) 2016/679.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		Article 65(2) of Regulation (EU) 2016/679.			
Recital 34					
44	(34) The binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679 should concern exclusively matters which led to the triggering of the dispute resolution and be drafted in a way which allows the lead supervisory authority to adopt its final decision on the basis of the decision of the Board while maintaining its discretion.	(34) The binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679 should concern exclusively matters which led to the triggering of the dispute resolution and be drafted in a way which allows <u>clear and precise language,</u> <u>allowing</u> the lead supervisory authority to adopt its final decision on the basis of the decision of the Board while maintaining its discretion.	(34) The binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679 should concern exclusively matters which led to the triggering of the dispute resolution and be drafted in a way which allows the lead supervisory authority to adopt its final decision on the basis of the decision of the Board while maintaining its discretion.		
Recital 35					
45	(35) In order to streamline the resolution of	(35) In order to streamline the resolution of	(35) In order to streamline the resolution of	(35) In order to streamline the resolution of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	disputes between supervisory authorities submitted to the Board under Article 65(1), points (b) and (c), of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the documents to be submitted to the Board and on which the Board should base its decision. It is also necessary to specify when the Board should register the submission of the matter to dispute resolution.	disputes between supervisory authorities submitted to the Board under Article 65(1), points (b) and (c), of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the documents to be submitted to the Board and on which the Board should base its decision. It is also necessary to specify when the Board should register the submission of the matter to dispute resolution.	disputes between supervisory authorities submitted to the Board under Article 65(1), points (b) and (c), of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the documents to be submitted to the Board and on which the Board should base its decision. It is also necessary to specify when the Board should register the submission of the matter to dispute resolution.	disputes between supervisory authorities submitted to the Board under Article 65(1), points (b) and (c), of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the documents to be submitted to the Board and on which the Board should base its decision. It is also necessary to specify when the Board should register the submission of the matter to dispute resolution. Text Origin: Commission Proposal	
Recital 35a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
45a			(35a) When the Board sets a time limit for the parties under investigation or the complainant to make their views known, it would be appropriate for the Board to extend the period for the adoption of its decision, given that in such circumstances the need to take into account the views made known by the parties or the complainant always increases the complexity of the subject -matter, for the purposes of Article 65(2) of Regulation (EU) 2016/679.		
Recital 36					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
46	(36) In order to streamline the procedure for the adoption of urgent opinions and urgent binding decisions of the Board under Article 66(2) of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the timing of the request for an urgent opinion or urgent binding decision, the documents to be submitted to the Board and on which the Board should base its decision, to whom the opinion or decision of the Board should be addressed, and the consequences of the opinion or decision of the Board.	(36) In order to streamline the procedure for the adoption of urgent opinions and urgent binding decisions of the Board under Article 66(2) of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the timing of the request for an urgent opinion or urgent binding decision, the documents to be submitted to the Board and on which the Board should base its decision, to whom the opinion or decision of the Board should be addressed, and the consequences of the opinion or decision of the Board. <u>Provisional measures pursuant to Article 66(1) of Regulation</u>	(36) In order to streamline the procedure for the adoption of urgent opinions and urgent binding decisions of the Board under Article 66(2) of Regulation (EU) 2016/679, it is necessary to specify procedural rules regarding the timing of the request for an urgent opinion or urgent binding decision, the documents to be submitted to the Board and on which the Board should base its decision, to whom the opinion or decision of the Board should be addressed, and the consequences of the opinion or decision of the Board.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>(EU) 2016/679 should include all possible measures within the powers of supervisory authorities, pursuant to Article 58 of that Regulation.</u>			
Recital 36a					
46a		<u>(36a) The Board should be able to request any further information from supervisory authorities necessary for it to take a binding decision.</u>			
Recital 36b					
46b		<u>(36b) The complainant should have a right to a judicial remedy in the event that a supervisory authority does not use its powers or does not otherwise take necessary</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>action required by Regulation (EU) 2016/679.</u> <u>In addition, the parties should have a right to take action against the lead supervisory authority in case of inaction or overly long procedures. To ensure that there is no enforcement gap, the parties to the case and organisations under Article 80(1) of Regulation (EU) 2016/679 should be empowered to seek a judicial remedy in the public interest if a supervisory authority does not comply with a decision of the Board and if they consider that the rights of a data subject under Regulation (EU) 2016/679</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>have been infringed as a result of the processing.</u>			
Recital 37					
47	(37) Chapters III and IV concern cooperation between supervisory authorities, the procedural rights of parties under investigation and the involvement of complainants. To ensure legal certainty, those provisions should not apply to investigations already under way at the time this Regulation enters into force. They should apply to ex officio investigations opened after the entry into force of this Regulation and to complaint-based investigations where the	(37) Chapters III and IV concern cooperation between supervisory authorities, the procedural rights of parties under investigation and the involvement of complainants. To ensure legal certainty, those provisions should not apply to investigations already under way at the time this Regulation enters into force. They should apply to ex officio investigations opened after the entry into force of this Regulation and to complaint-based investigations where the	(37) Chapters III and IV concern cooperation between supervisory authorities, the procedural rights of parties under investigation and the involvement of complainants. To ensure legal certainty, those provisions should not apply to investigations already under way at the time this Regulation enters into force. They should apply to ex officio investigations opened after the entry into force of this Regulation and to complaint-based		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	complaint was lodged after the entry into force of this Regulation. Chapter V provides procedural rules for cases submitted to dispute resolution under Article 65 of Regulation (EU) 2016/679. Also for reasons of legal certainty, this Chapter should not apply to cases that have been submitted to dispute resolution prior to the entry into force of this Regulation. It should apply to all cases submitted to dispute resolution after the entry into force of this Regulation.	complaint was lodged after the entry into force of this Regulation. Chapter V provides procedural rules for cases submitted to dispute resolution under Article 65 of Regulation (EU) 2016/679. Also for reasons of legal certainty, this Chapter should not apply to cases that have been submitted to dispute resolution prior to the entry into force of this Regulation. It should apply to all cases submitted to dispute resolution after the entry into force of this Regulation.	investigations where the complaint was lodged after the entry into force of this Regulation. Chapter V provides procedural rules for cases submitted to dispute resolution under Article 65 of Regulation (EU) 2016/679. Also for reasons of legal certainty, this Chapter should not apply to cases that have been submitted to dispute resolution prior to the entry into force of this Regulation. It should apply to all cases submitted to dispute resolution after the entry into force of this Regulation.		
Recital 37a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
47a			(37a) The successful implementation of the Regulation requires adequate digital tools supporting the exchange of information in line with the Regulation. An appropriate secure common electronic communication system should be provided for all data protection authorities, which should build upon the experience gained in using the existing systems. The sufficient resources needed for the implementation of such communication system should be provided.		
Recital 38					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
48	(38) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered a joint opinion on [],	(38) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered a joint opinion on 19 19 September 2023,	(38) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered a joint opinion on [19 th September 2023-],	(38) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered a joint opinion on 19 19 September 2023, Text Origin: EP Mandate	
Formula					
49	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal	
Chapter I					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
50	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions Text Origin: Commission Proposal	
Section 1a (new)					
50a		<u>Section 1a (new)</u> <u>Subject matter,</u> <u>scope, and definitions</u>			
Article 1					
51	Article 1 Subject matter	Article 1 Subject matter <u>and scope</u>	Article 1 Subject matter Scope	Article 1 Subject matter <u>and scope</u> Text Origin: EP Mandate	
Article 1, first paragraph					
52	This Regulation lays down procedural rules for the handling of complaints and	This Regulation lays down procedural rules for the handling of complaints and	This Regulation lays down procedural rules for the handling of complaints and	This Regulation lays down procedural rules for the handling of complaints and	Following exchanges at technical level, provisional

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	the conduct of investigations in complaint-based and ex officio cases by supervisory authorities in the cross-border enforcement of Regulation (EU) 2016/679.	the conduct of investigations in complaint-based and ex officio cases by supervisory authorities <u>whenever supervisory authorities of more than one Member State are involved</u> in the cross-border enforcement of Regulation (EU) 2016/679 case, as well as <u>procedural rules on related judicial remedies</u> .	the conduct of investigations in complaint-based and ex officio ex officio cases by supervisory authorities in the cross-border enforcement of Regulation (EU) 2016/679 for cross-border processing .	the conduct of investigations in complaint-based and <u>ex officio</u> ex officio cases by supervisory authorities in the cross-border enforcement of Regulation (EU) 2016/679 <u>for cross-border processing, including the determination of whether a case relates to cross-border processing</u> . Text Origin: Council Mandate	agreement was found to work on the basis of the Council general approach, while clarifying that the Regulation would apply also to the procedure for determining whether a case relate to cross-border processing. → Delegations are invited to express their views on the proposed draft compromise.
Article 1, first paragraph a					
52a		<u>1a. Article 26b of this Regulation also applies to cases before a supervisory authority of a single Member State, pursuant to</u>			This EP proposal will be addressed and discussed during an upcoming meeting, as part of the technical discussion on the proposed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>Article 56(2) of Regulation (EU) 2016/679.</u>			Article 26b by the Parliament, related to judicial remedies.
Article 2					
53	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal	
Article 2, first paragraph					
54	For the purposes of this Regulation the definitions in Article 4 of Regulation (EU) 2016/679 shall apply.	For the purposes of this Regulation the definitions in Article 4 of Regulation (EU) 2016/679 shall apply.	For the purposes of this Regulation the definitions in Article 4 of Regulation (EU) 2016/679 shall apply.	For the purposes of this Regulation the definitions in Article 4 of Regulation (EU) 2016/679 shall apply. Text Origin: Commission Proposal	
Article 2, second paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
55	The following definitions shall also apply:	The following definitions shall also apply:	The following definitions shall also apply:	The following definitions shall also apply: Text Origin: Commission Proposal	
Article 2, second paragraph, point (1)					
56	(1) ‘parties under investigation’ means the controller(s) and/or processor(s) investigated for alleged infringement of Regulation (EU) 2016/679 related to cross-border processing;	(1) ‘parties’ <u>party</u> under investigation’ means the controller(s) and/or processor(s) <u>complained about, or</u> investigated for alleged infringement of Regulation (EU) 2016/679 related to cross-border processing, <u>as well as their representative(s);</u>	(1) ‘parties under investigation’ means the controller(s) and/or processor(s) investigated for alleged infringement of Regulation (EU) 2016/679 related to cross-border processing;		
Article 2, second paragraph, point (1a)					
56a		<u>(1a) ‘complainant’ means the data subject or non-for-profit body,</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>organisation or association that has lodged a complaint under Article 77 of Regulation (EU) 2016/679 and is therefore considered as a party to the proceedings;</u>			
Article 2, second paragraph, point (1b)					
56b		<u>(1b) ‘party’ means the party or parties under investigation, the complainant(s) and any third party involved in the proceedings as defined under national law;</u>			
Article 2, second paragraph, point (1a)					
56c		<u>(1c) ‘national procedural law’ means laws, regulations and administrative provisions of the Member State that regulate the procedure</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>before a supervisory authority;</i></u>			
Article 2, second paragraph, point (1d)					
56d		<u><i>(1d) 'complaints procedure' means a procedure determining the outcome of a complaint under Article 77 of Regulation (EU) 2016/679;</i></u>			
Article 2, second paragraph, point (1e)					
56e		<u><i>(1e) 'ex officio procedure' means an investigation into the activities of a natural or legal person, public authority, agency or other body initiated on a supervisory authority's initiative under Article 57(1), point (a), of Regulation (EU) 2016/679;</i></u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 2, second paragraph, point (1f)					
56f		<u>(1f) ‘joint case file’ means a dedicated electronic file for any case falling under the scope of this Regulation, that is managed by the lead supervisory authority and in which all relevant information, in particular documents, submissions, memos and other information regarding a case, are stored and made remotely accessible to supervisory authorities concerned and parties to the case;</u>			
Article 2, second paragraph, point (1g)					
56g		<u>(1g) ‘complaint-receiving authority’ means the supervisory authority</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>with which the complaint has been lodged as referred to in Article 4(22), point (c), of Regulation (EU) 2016/679;</u>			
Article 2, second paragraph, point (2)					
57	(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority to supervisory authorities concerned identifying the main relevant facts and the lead supervisory authority’s views on the case;	(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority to supervisory authorities concerned, identifying the main relevant facts <u>facts</u> <u>and legal issues within the preliminary scope of the investigation</u> and the lead supervisory authority’s <u>facts</u> <u>and legal</u> views on the case;	(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority to supervisory authorities concerned identifying the main relevant facts and the lead supervisory authority’s views on the case;		
Article 2, second paragraph, point (3)					
58	(3) ‘preliminary findings’ means the	(3) ‘preliminary findings’ means the	(3) ‘preliminary findings’ means the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	document provided by the lead supervisory authority to the parties under investigation setting out the allegations, the relevant facts, supporting evidence, legal analysis, and, where applicable, proposed corrective measures;	document provided by the lead supervisory authority to the parties under investigation setting out the allegations, the relevant facts, supporting evidence, legal analysis, and, where applicable, proposed corrective measures;	document provided by the lead supervisory authority to the parties under investigation setting out the allegations, the relevant facts, supporting evidence, preliminary legal analysis, and, where applicable, proposed corrective measures;		
Article 2, second paragraph, point (4)					
59	(4) ‘retained relevant and reasoned objections’ means the objections which have been determined by the Board to be relevant and reasoned within the meaning of Article 4(24) of Regulation (EU) 2016/679.	(4) ‘retained relevant and reasoned objections’ means the objections which have been determined by the Board to be relevant and reasoned within the meaning of Article 4(24) of Regulation (EU) 2016/679.	(4) ‘retained relevant and reasoned objections’ means the objections which have been determined by the Board to be relevant and reasoned within the meaning of Article 4(24) of Regulation (EU) 2016/679.	(4) ‘retained relevant and reasoned objections’ means the objections which have been determined by the Board to be relevant and reasoned within the meaning of Article 4(24) of Regulation (EU) 2016/679.	

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				Text Origin: Commission Proposal	
Article 2, second paragraph, point (4a)					
59a		<u>(4a) 'confidential version of a document' means a document containing confidential or sensitive information which may be subject to legal privilege under the applicable Union or national law and data protection rules;</u>			
Article 2, second paragraph, point (4b)					
59b		<u>(4b) 'non-confidential version of a document' means a version of a document from which confidential or sensitive information has been</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>redacted and which can be provided to the complainant without breaching Union or national law or data protection rules.</u>			
Section 1b (new)					
59c		<u>Section 1b (new)</u> <u>Procedural rules</u>			
Article 2a					
59d		<u>Article 2a</u> <u>Applicable Procedural Law</u>			Discussion on this EP proposal (from line 59d to 59f) led to the conclusion that a reference to national procedural law may be best addressed in a Recital, building upon elements from Recital 2b EP (line 12b), and aligning the wording with CJEU case-law.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
					→ Delegations are invited to express their views on the principle of having a Recital clarifying the application of national procedural law and the interaction with the application of this Regulation.
Article 2a(1)					
59e		<u>1. In addition to this Regulation, and provided that it is not in conflict with this Regulation, the procedural law applicable before a supervisory authority shall govern all direct interactions between that supervisory authority and the parties before it. This Regulation shall not preclude Member States from specifying procedural</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>matters not regulated by this Regulation or Regulation (EU) 2016/679.</u>			
Article 2a(2)					
59f		<u>2. This Regulation and Regulation (EU) 2016/679 govern the interaction between supervisory authorities of different Member States that falls within the scope of this Regulation.</u>			
Article 2a(3)					
59g		<u>3. A complainant shall have the right to communicate exclusively with the supervisory authority with which the complaint has been lodged pursuant to Article 77 of Regulation (EU) 2016/679.</u>			Discussion on this EP proposal led to the conclusion that such a provision should be further clarified in terms of wording, and may need to be moved in another Article. ➔ Delegations are invited to express

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
					their views on the principle of including in the Regulation a clarification that the supervisory authority with which the complaint has been lodged should be the sole interlocutor for the complainant.
Article 2b					
59h		<u>Article 2b</u> <u>Common procedural standards</u>			
Article 2b(1)					
59i		<u>1. Without prejudice to additional rights under national procedural law,</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>each party shall have at least the following rights:</i></u>			
Article 2b(1), point (a)					
59j		<u><i>(a) to have their case handled impartially and fairly, and to be treated equally, even if they are before different supervisory authorities in different jurisdictions (“fair procedure”);</i></u>			
Article 2b(1), point (b)					
59k		<u><i>(b) to be heard before any measure is taken that would adversely affect them, including before the decision to uphold, or to fully or partially reject a complaint is adopted (“right to be heard”);</i></u>			
Article 2b(1), point (c)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
59l		<u>(c) to have access to the joint case file, except to any internal deliberations of the supervisory authority or deliberations between those authorities (“procedural transparency”).</u>			
Article 2b(2)					
59m		<u>2. The lead supervisory authority shall inform and hear the parties at appropriate stages of the procedure, in order to allow them to effectively express their views on all factual findings and legal conclusions made by the lead supervisory authority.</u>			
Article 2b(3)					

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59n		<u>3. The joint case file shall include all evidence, inculpatory and exculpatory, including documents and other evidence provided by the parties under investigation.</u>			
Article 2b(4)					
59o		<u>4. On the request of a party to protect their legally recognised rights or to protect the rights of others, or when it is in the public interest or in order to protect operational security and cybersecurity a supervisory authority may limit the rights referred to in paragraph 1, point (c). Any such limitation shall be carried out in accordance with the</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>national procedural law applicable under Article 2a(1) to any direct interaction between a supervisory authority and the party receiving limited information, and must be proportionate in light of the respective recognised rights of others or the public interest pursued. The party claiming confidentiality shall provide a confidential version of any information, as well as a suggested non-confidential version.</i></u>			
Article 2b(5)					
59p		<u><i>5. The non-confidential version of documents that were provided by a party shall be</i></u>			

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		<u>determined by the supervisory authority making a determination pursuant to first sentence of paragraph 4, applying only strictly proportionate measures, such as redacting specific parts of documents.</u>			
Article 2b(6)					
59q		<u>6. Supervisory authorities concerned shall always have access to the confidential version of all documents, and may object to redactions that they consider not strictly proportionate. Supervisory authorities pursuant to first sentence of paragraph 4 shall immediately inform the parties about the fact</u>			

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		<u>that information is withheld. The lead supervisory authority shall keep records of each access to the joint case file.</u>			
Article 2b(7)					
59r		<u>7. In the interest of efficiency of procedures, supervisory authorities shall limit the length of submissions by the parties to not more than 50 pages. Those authorities shall set reasonable and appropriate time limits not shorter than three weeks and not longer than six weeks, unless exceptional circumstances require a reasonable extension. The supervisory authorities shall not be obliged to take</u>			

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		<u>into account written views received after the expiry of that time-limit.</u>			
Article 2b(8)					
59s		<u>8. The lead supervisory authority may join and separate cases in accordance with national procedural law, insofar as this does not undermine the rights of the parties.</u>			
Article 2c					
59t		<u>Article 2c Cooperation between supervisory authorities</u>			
Article 2c(1)					
59u		<u>1. The lead supervisory authority shall structure, coordinate and manage the case in an efficient and expedient</u>			

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		<u>way, in accordance with Regulation (EU) 2016/679, this Regulation and any applicable national procedural law.</u>			
Article 2c(2), first subparagraph					
59v		<u>2. Any supervisory authority may declare that it is concerned, setting out the reasons why it meets the definition of a supervisory authority concerned under Article 4(22) of Regulation (EU) 2016/679. The lead supervisory authority shall maintain a list of supervisory authorities concerned for each case in the joint case file.</u>			
Article 2c(2), second subparagraph					

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59w		<u>Where the lead supervisory authority considers that a supervisory authority which has made a declaration that it is concerned according to this paragraph does not meet the definition of a supervisory authority concerned, it shall inform that authority of its assessment. The supervisory authority which declared that it is concerned shall within one week of receiving that assessment either withdraw its declaration, or produce a reasoned opinion setting out the reasons why it considers the assessment of the lead supervisory authority to be incorrect.</u>			

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		<u>Where the diverging assessments of the lead supervisory authority and the supervisory authority which declared to be concerned cannot be resolved in a different manner, the lead supervisory authority shall request a determination of the Board under Article 26a.</u>			
Article 2c(3)					
59x		<u>3. Any supervisory authority concerned which receives relevant information for a case shall provide it to the lead supervisory authority without delay, but no later than one week from the</u>			

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		<u>day that it received such information.</u>			
Article 2c(4)					
59y		<u>4. Where diverging views cannot be overcome or in the case of inactivity of another supervisory authority, supervisory authorities shall use the powers intended for resolution of such situations under this Regulation and under Chapter VII of Regulation (EU) 2016/679.</u>			
Article 2c(5)					
59z		<u>5. All written documents by the supervisory authorities shall be provided by electronic means and in a concise, transparent,</u>			

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		<u>intelligible and easily accessible form, using clear and plain language.</u>			
Article 2d					
59aa		<u>Article 2d</u> <u>Use of Languages and Translations</u>			
Article 2d(1)					
59ab		<u>1. The Board shall determine one language that shall be accepted by all supervisory authorities during the cooperation between authorities (“cooperation language”).</u>			
Article 2d(2)					
59ac		<u>2. When a supervisory authority shares relevant information with another supervisory authority, it</u>			

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		<u>shall provide a translation into the cooperation language or any other language the receiving supervisory authority accepts.</u>			
Article 2d(3)					
59ad		<u>3. The lead supervisory authority shall provide submissions into the joint case file in the original language, and shall provide translations into the cooperation language.</u>			
Article 2d(4)					
59ae		<u>4. In any direct interaction with the parties, supervisory authorities shall provide parties with information in the original language and,</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>if necessary, either a translation into the language of the national procedural law, or into any other language the party understands or uses in its routine external communication.</u>			
Article 2d(5)					
59af		<u>5. A supervisory authority may provide automated translations, if it finds that the automated translation is not substantially different from the original.</u>			
Article 2d(6)					
59ag		<u>6. When a judicial remedy is filed against a supervisory authority, the supervisory authority shall provide the joint case file</u>			

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		<u>and any other relevant information in a language accepted by the judiciary of the Member State.</u>			
Chapter II					
60	Chapter II Submission and handling of complaints	deleted Heading "Chapter II" is placed after article 3 and its title is changed	Chapter II Submission and handling of complaints		
Article 3					
61	Article 3 Cross-border complaints	Article 3 Cross-border complaints	Article 3 Complaints relating to cross-border complaints processing	Article 3 <u>Complaints relating to cross-border complaints processing</u> Text Origin: Council Mandate	
Article 3(1)					

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62	1. A complaint on the basis of Regulation (EU) 2016/679 that relates to cross-border processing shall provide the information required in the Form, as set out in the Annex. No additional information shall be required in order for the complaint to be admissible.	1. A complaint on the basis of <u>subject to this</u> Regulation (EU) 2016/679 that relates to cross-border processing shall provide the information required in the Form <u>template</u> , as set out in the Annex. No additional information shall be required in order for the complaint to be admissible. <u>The information can be provided by any means the authority accepts, including by not using the template.</u>	1- For a complaint on the basis of Regulation (EU) 2016/679 that relates to cross-border processing shall provide the information required in the Form, as set out in the Annex. No additional to be admissible, the following information shall be required in order for the complaint to be admissible provided:		
Article 3(1), point (a)					
62a			(a) name of person or entity filing the complaint;		
Article 3(1), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
62b			(b) where the complaint is submitted by a body, organisation or association referred to in Article 80 of Regulation (EU) 2016/679, proof that the body, organisation or association has been properly constituted in accordance with the law of a Member State;		
Article 3(1), point (c)					
62c			(c) where the complaint is submitted on the basis of Article 80(1) of Regulation 2016/679, name of the body, organisation or association, contact details and proof that the body, organisation or association lodging the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			complaint is acting on the basis of the mandate of a data subject;		
Article 3(1), point (d)					
62d			(d) contact details of the person or entity filing the complaint;		
Article 3(1), point (e)					
62e			(e) elements allowing for the identification of the controller or processor which is the subject of the complaint;		
Article 3(1), point (f)					
62f			(f) explanation of the alleged infringement of Regulation (EU) 2016/679.		
Article 3(2)					
62g		<u>1a. The complainant shall not be required to</u>			Following exchanges on this proposed provision by the EP,

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		<u>contact the party under investigation before submitting a complaint.</u> <u>Where the complainant was in contact with the party under investigation before submitting the complaint relating to the same matter, he or she shall submit the communication related to that contact pursuant to the Annex.</u>			the Presidency expressed a scrutiny reservation, in order to be able to get feedback from delegations. → Delegations are invited to express their views on the proposed provision by the EP.
Article 3(3), first subparagraph					
62h			1bis. The supervisory authority with which the complaint was lodged shall decide on the admissibility of the complaint within four weeks after receiving all the necessary information	Deadlines	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			according to paragraph 1, pursuant to the following :		
Article 3(3), first subparagraph, point (a)					
62i			a) Only information under paragraph 1 shall be required in order for the complaint relating to cross-border processing to be admissible.		
Article 3(3), first subparagraph, point (b)					
62j			b) Administrative modalities and requirements under the national procedural law of the supervisory authority with which the complaint is lodged shall continue to apply.		
Article 3(3), second subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
62k			The supervisory authority with which the complaint was lodged may extend by two weeks the period to decide on the admissibility of a complaint on account of the complexity of the case.	Deadlines	
Article 3(4)					
62l		<u><i>1b. The supervisory authority with which a complaint has been lodged shall, within two weeks, acknowledge receipt and admissibility of the complaint, or, where a complaint does not meet the requirements pursuant to paragraph 1, declare the complaint inadmissible and inform the</i></u>		Deadlines	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>complainant about the missing information.</u>			
Article 3(5)					
62m		<u>1c. The supervisory authority shall attribute a case number to the complaint and communicate this information to the complainant. This shall be without prejudice to the assessment of admissibility of the complaint pursuant to paragraph 2(c), point (i).</u>		Joint case file	
Article 3(6)					
62n			1ter. Without prejudice to the admissibility of a complaint, supervisory authorities may ask the submission of supplementary information by the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			complainant in order to facilitate the handling of the complaint and enable the full investigation of the case.		
Article 3(2)					
63	2. The supervisory authority with which the complaint was lodged shall establish whether the complaint relates to cross-border processing.	2. The supervisory authority with which the complaint was <u>has been</u> lodged shall establish <u>whether, within three weeks after acknowledging the admissibility of</u> the complaint relates to cross-border processing pursuant to paragraph 1b:	2. The supervisory authority with which the complaint was lodged shall establish determine, by way of a preliminary conclusion, whether the complaint relates to cross-border processing and which supervisory authority is assumed to act as a lead supervisory authority in accordance with Article 56, paragraph 1 of Regulation (EU) 2016/679, and where relevant whether the case	Deadlines	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			may be handled in accordance with Article 56, paragraph 2 of Regulation (EU) 2016/679		
Article 3(2), point (a)					
63a		<u>(a) establish, by way of a preliminary conclusion, whether the complaint relates to cross-border processing of personal data of the complainant, considering at least the following:</u>			
Article 3(2), point (a)(i)					
63b		<u>(i) relevant controller or processor for the processing in question;</u>			
Article 3(2), point (a)(ii)					
63c		<u>(ii) number of establishments of the</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>controller or processor in the EU;</u>			
	Article 3(2), point (a)(iii)				
G	63d	<u>(iii) place of the main establishment;</u>			G
	Article 3(2), point (a)(iv)				
G	63e	<u>(iv) activities of establishments in more than one Member State;</u>			G
	Article 3(2), point (a)(v)				
G	63f	<u>(v) substantial effect or likely substantial effect on data subjects in more than one Member State.</u>			G
	Article 3(2), point (b)				
G	63g	<u>(b) establish which supervisory authority is the assumed lead supervisory authority under Article 56(1) of Regulation (EU)</u>			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>2016/679, and whether the case is local in nature pursuant to Article 56(2) of Regulation (EU) 2016/679,</u>			
Article 3(2), point (b)					
63h		<u>(c) take one of the following actions:</u>			
Article 3(2), point (b)(i)					
63i		<u>(i) transmit the complaint to the assumed lead supervisory authority under Article 56(1) of Regulation (EU) 2016/679 and inform the complainant thereof. The assessment of the admissibility of the complaint by the supervisory authority with which the complaint has been lodged shall be</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>binding on the lead supervisory authority; or</i></u>			
Article 3(2), point (b)(ii)					
63j		<u><i>(ii) handle the complaint under Article 56(2) of Regulation (EU) 2016/679.</i></u>			
Article 3(3)					
63k		<u><i>2a. The lead supervisory authority shall immediately provide the complaint to the party under investigation and request a reply without undue delay, but no later than three weeks from the day the party under investigation was informed by the lead supervisory authority. In complex cases, and where requested and duly justified by the</i></u>		Procedural steps	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>party under investigation, the time for replying can be extended by the lead supervisory authority by another three weeks.</u>			
Article 3(2b)					
631		<u>2b. The parties or the assumed lead supervisory authority shall raise any objection in relation to the competence of the assumed lead supervisory authority or to the handling of a complaint under Article 56(2) of Regulation (EU) 2016/679 within three weeks from being informed about the action taken pursuant to Article 3(2), point (c).</u>			
Article 3(2c)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
63m		<u>2c. Where an objection under paragraph 2b was raised, the supervisory authority with which the complaint has been lodged may withdraw the transmission of the complaint and either assume its own competence under Article 55 or 56 of Regulation (EU) 2016/679 or transfer it to an assumed lead supervisory authority within two weeks. If none of these actions were taken, or where differing assessments of the supervisory authorities involved cannot be resolved otherwise, the supervisory authority with which the complaint has been lodged shall request a</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>determination by the Board under Article 26a. It shall provide the Board with a description of relevant processing activities, of the company's organisation and a description of where decisions are taken.</u>			
Article 3(3)					
64	3. The supervisory authority with which the complaint was lodged shall determine the completeness of the information required by the Form within one month.	<i>deleted</i>	<i>deleted</i>		
Article 3(4)					
65	4. Upon assessment of the completeness of the information required by the Form, the supervisory authority with which the	<i>deleted</i>	4. Upon assessment of the completeness of the information required by the Form Where a complaint that relates to cross-		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	complaint was lodged shall transmit the complaint to the lead supervisory authority.		border processing is admissible , in the absence of early resolution pursuant to Article 5, the supervisory authority with which the complaint was lodged shall transmit the complaint to the assumed lead supervisory authority.		
Article 3(4a)					
65a			4a. Within eight weeks after receipt of the complaint, the assumed lead supervisory authority shall either confirm its competence or, where there are conflicting views on which supervisory authorities concerned is competent for the main establishment, refer the subject-matter to the	Deadlines	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			Board for dispute resolution under Article 65 (1) (b) of Regulation (EU) 2016/679. This shall not preclude supervisory authorities from referring the subject-matter to the Board for dispute resolution under Article 65(1)(b) of Regulation (EU) 2016/679 after the expiry of this deadline.		
Article 3(5)					
66	5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint.	<i>deleted</i>	<i>deleted</i>		
Article 3(6)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
67	6. The supervisory authority with which a complaint was lodged shall acknowledge receipt of the complaint within one week. This acknowledgement shall be without prejudice to the assessment of admissibility of the complaint pursuant to paragraph 3.	<i>deleted</i>	<i>deleted</i>		
Chapter II					
67a		<u>Chapter II</u> <u>Complaints and ex officio procedures</u>			
Article 4					
68	Article 4 Investigation of complaints	Article 4 Investigation <u>Handling</u> of complaints	Article 4 Investigation of complaints		
Article 4, first paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
69	While assessing the extent appropriate to which a complaint should be investigated in each case the supervisory authority shall take into account all relevant circumstances, including all of the following:	While assessing the extent appropriate to which a complaint should be investigated in each case the <u>lead</u> supervisory authority shall take into account all relevant circumstances, including all of <u>endeavour to ensure</u> the following:	While assessing the extent appropriate to which a complaint should be investigated in each case the lead supervisory authority or, as the case may be, the supervisory authorities concerned, shall take into account all relevant circumstances, including all of the following:	While assessing the extent appropriate to which a complaint should be investigated in each case the <u>lead</u> supervisory authority <u>or, where applicable, the supervisory authorities concerned,</u> shall take into account all relevant circumstances, including all of the following: Text Origin: Council Mandate	
Article 4, first paragraph, point (a)					
70	(a) the expediency of delivering an effective and timely remedy to the complainant;	(a) the expediency of delivering <u>delivery of</u> an effective and timely remedy to the complainant;	(a) the expediency of delivering handling the complaint in an effective and timely remedy to the complainant manner ;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 4, first paragraph, point (b)					
71	(b) the gravity of the alleged infringement;	(b) the gravity of the alleged infringement <u>investigation of relevant factual and legal elements required to jointly decide on the complaint and issue a decision under Article 60(7), (8) and (9) of Regulation (EU) 2016/679;</u>	(b) the gravity nature of the alleged infringement;		
Article 4, first paragraph, point (c)					
72	(c) the systemic or repetitive nature of the alleged infringement.	(c) the <u>investigation of any other elements necessary for the efficient enforcement of Regulation (EU) 2016/679, including the ex officio exercise of powers pursuant to Article 58(2), Article 83 or Article 84 of Regulation (EU) 2016/679, especially in the</u>	(c) the systemic or repetitive nature character of the alleged infringement.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<i>case of</i> systemic, <i>grave</i> or repetitive <i>nature of the alleged infringement</i> <i>infringements</i> .			
Article 4, (1a)					
72a		<u>1a. The handling of a complaint shall always lead to a legally binding decision that is subject to an effective legal remedy under Article 78 of Regulation (EU) 2016/679.</u>			Following exchanges on this proposed provision by the EP, the Presidency expressed a scrutiny reservation, in order to be able to get feedback from delegations. → Delegations are invited to express their views on the proposed provision by the EP.
Article 4, (1b), first sub-paragraph					
72b		<u>1b. The lead supervisory authority shall deliver a draft decision pursuant to Article 60(3) of Regulation (EU) 2016/679</u>		Deadlines	

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		<u>without delay, and no later than nine months from the receipt of the complaint.</u>			
Article 4, (1b), second sub-paragraph					
72c		<u>This deadline may exceptionally be extended by:</u>		Deadlines	
Article 4, (1b), second sub-paragraph, point (a)					
72d		<u>(a) eight weeks when comments under Article 9(3) are submitted with regard to a summary of key issues or an updated summary of key issues;</u>		Deadlines	
Article 4, (1b), second sub-paragraph, point (b)					
72e		<u>(b) eight weeks where the lead supervisory authority intends to issue fines or other penalties;</u>		Deadlines	
Article 4, (1b), second sub-paragraph, point (c)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
72f		<u>(c) the period of time between a reference under Article 26a(1) or (2) and the decision by the Board;</u>		Deadlines	
Article 4, (1b), second sub-paragraph, point (d)					
72g		<u>(d) the period of any prolongation permitted by the Board under Article 26a(3).</u>		Deadlines	
Article 4, (1b), third sub-paragraph					
72h		<u>Each extension under points (a) to (d) may only be done once.</u>		Deadlines	
Article 4, (1c)					
72i		<u>1c. Paragraph 1b shall not apply once a case is submitted to the consistency mechanism in accordance with Article 60(4) of Regulation (EU) 2016/679.</u>		Deadlines	

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Article 5					
73	Article 5 Amicable settlement	Article 5 Amicable settlement	Article 5 Amicable settlement Procedure for the early resolution of complaints relating to cross-border processing		A first in-depth discussion took place in relation to amicable settlement and the early resolution of complaints, where the Presidency had the opportunity to explain the key principles and logic of the Council general approach. While there seems to be a common understanding on the approach reflected in the Council general approach, further discussions are needed in order to work towards a compromise text based on the principles reflected in Council general approach. → Delegations are invited to express their views, from a drafting point of view, on a possible

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
					horizontal provision, without the explicit mention of amicable settlement where it exists at national level, which would however cover existing procedures at national level.
Article 5, first paragraph					
74	A complaint may be resolved by amicable settlement between the complainant and the parties under investigation. Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement	A complaint may be resolved by amicable settlement between the complainant and the parties party under investigation. Where the <u>at any stage of the proceedings. The complaint-receiving or the lead</u> supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed	1. A complaint relating to cross-border processing which concerns the exercise of data subjects' rights under Regulation (EU) 2016/679, may be resolved by amicable settlement between the complainant and the parties under investigation. Where the supervisory authority considers that an amicable settlement to the complaint		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn.	settlement to the complainant <u>may encourage and facilitate that voluntary process.</u> If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn.	has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn. through a procedure allowing for its early resolution when:		
Article 5, 1., point (a)					
74a			(a) the supervisory authority with which the complaint was lodged, prior to the possible transmission of the complaint to the lead supervisory authority, considers that the controller or processor		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			has duly addressed the alleged infringement of Regulation (EU) 2016/679 and that the complainant's request has been dealt with in a satisfactory manner. or,		
Article 5, 1., point (b)					
74b			(b) the supervisory authority with which the complaint was lodged, prior to the possible transmission of the complaint to the lead supervisory authority, or the lead supervisory authority to which the complaint has been transmitted where applicable, determines that an amicable		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			settlement to the complaint has been found and that the issues raised by the complainant have been dealt with in a satisfactory manner, provided that such settlement is allowed under the supervisory authority's national law and results in the termination of the alleged infringement of Regulation (EU) 2016/679.		
Article 5, first paragraph a					
74c		<u>1a. An amicable settlement between the complainant and the party under investigation shall be considered to be found where there is explicit agreement. Where an</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>amicable settlement to the complaint has been found, the parties shall within one month communicate the settlement to the lead supervisory authority and the supervisory authority where the complaint has been lodged.</i></u>			
Article 5, 1. a					
74d			2. The early resolution of a complaint pursuant to paragraph 1 (a) may only apply when:		
Article 5, 1. a, point (a)					
74e			(a) the supervisory authority with which the complaint was lodged has obtained supporting evidence that the controller or processor has already complied with		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			the request of the complainant and that the infringements of Regulation (EU) 2016/679 are terminated, the supervisory authority has documented and communicated this to the complainant, using clear and plain language, and		
Article 5, 1. a, point (b)					
74f			(b) given that the complainant's request have been addressed in a satisfactory manner for the complainant, the supervisory authority can consider that the object of the complaint becomes devoid of purpose.		
Article 5, first paragraph b					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
74g		<u>1b. Within one month after the communication of the amicable settlement under paragraph 1a, a draft decision pursuant to Article 56(4) of Regulation (EU) 2016/679 shall be submitted, indicating:</u>			
Article 5, first paragraph b, point (a)					
74h		<u>(a) whether the conditions of an amicable settlement under paragraph 1a are fulfilled, and</u>			
Article 5, first paragraph b, point (b)					
74i		<u>(b) whether to open an ex officio investigation under paragraph 1d.</u>			
Article 5, 1. b					
74j			3. The early resolution of a complaint		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			pursuant to paragraph 1 (b) may only apply when:		
Article 5, 1. b, point (a)					
74k			(a) the supervisory authority has documented and communicated the proposed settlement to the complainant, using clear and plain language, to inform the complainant about the nature and consequences of the proposed settlement, and		
Article 5, 1. b, point (b)					
74l			(b) the complainant does not object to the amicable settlement proposed within four weeks after having received the proposed settlement. The		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			complainant may request an extension of two weeks to object to the proposed settlement. In the absence of objection by the complainant within four or six weeks, as the case may be, the proposed settlement is deemed to have been accepted, and therefore the complaint becomes devoid of purpose.		
Article 5, first paragraph c					
74m		<u><i>1c. Where, within one month, none of the other supervisory authorities concerned have objected to the draft decision under paragraph 1b or the Board confirms the amicable settlement in the procedure</i></u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>under Article 65(1), point (a) of Regulation (EU) 2016/679, the complaint shall be deemed withdrawn and the settlement shall become valid.</u>			
Article 5, first paragraph d					
74n		<u>1d. An amicable settlement does not prevent the lead supervisory authority from conducting an ex officio investigation in the same matter. It may open an ex officio investigation instead, in particular where:</u>			
Article 5, first paragraph d, point (a)					
74o		<u>(a) the party under investigation is a repeat offender;</u>			
Article 5, first paragraph d, point (b)					

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74p		<u>(b) the party under investigation has been the subject of a large number of other amicable settlements;</u>			
Article 5, first paragraph d, point (c)					
74q		<u>(c) the broad subject matter of the complaint concerns a large number of data subjects other than the complainant, is of long duration, or is of serious nature; or</u>			
Article 5, first paragraph d, point (d)					
74r		<u>(d) the exercise of powers is otherwise required to ensure effective, proportionate and dissuasive enforcement of Regulation (EU) 2016/679.</u>			

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Article 5, 1. c					
74s			4. Where the supervisory authority with which the complaint was lodged considers that a complaint can be resolved through a procedure allowing for its early resolution in accordance with paragraph 1 , it shall inform the assumed lead supervisory authority about the resolution and take into account any views that might be submitted.		
Article 5, 1. d					
74t			5. Where the lead supervisory authority considers that a complaint can be resolved through a		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			procedure allowing for its early resolution in accordance with paragraph 1 b), it shall submit a draft decision to the concerned supervisory authorities in accordance with Article 60 of Regulation (EU) 2016/679, with a view to adopting a final decision in accordance with Article 60(7) of Regulation (EU) 2016/679 finding that the complaint, or part of the complaint, has been resolved by the lead supervisory authority and that the handling of the complaint will be terminated.		
Article 5a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
74u		<u>Article 5a</u> <u>Request for an ex officio procedure</u>			
Article 5a, first paragraph					
74v		<u>1. Where it considers that Regulation (EU) 2016/679 may be violated and data subjects in the territory of its Member State are affected, any supervisory authority concerned may request an ex officio procedure by submitting a written request for a discretionary action pursuant to paragraph 2 to the lead supervisory authority. Such a request shall contain at least:</u>			
Article 5a, first paragraph, point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
74w		<u>(a) a declaration to be a supervisory authority concerned, and</u>			
Article 5a, first paragraph, point (b)					
74x		<u>(b) a summary of key issues pursuant to Article 9.</u>			
Article 5a, (2), first sub-paragraph					
74y		<u>2. Within three weeks, the assumed lead supervisory authority shall:</u>			
Article 5a, (2), first sub-paragraph, point (a)					
74z		<u>(a) inform the supervisory authority concerned that it has opened an ex officio procedure;</u>			
Article 5a, (2), first sub-paragraph, point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
74aa		<u>(b) inform the supervisory authority concerned that Article 56(2) of Regulation (EU) 2016/679 applies to the case and that in accordance with Article 56(3) of Regulation (EU) 2016/679 the lead supervisory authority does not intend to handle the case itself; or</u>			
Article 5a, (2), first sub-paragraph, point (c)					
74ab		<u>(c) reject the request, if it takes the view that it is not the lead supervisory authority or there is no prima facie violation of Regulation (EU) 2016/679.</u>			
Article 5a, (2), second sub-paragraph					
74ac		<u>In the case referred to in point (a) of</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>this paragraph, the supervisory authority concerned may submit to the lead supervisory authority a draft decision pursuant to Article 56(4) of Regulation (EU) 2016/679.</u>			
Article 5a, (2), third sub-paragraph					
74ad		<u>In the cases referred to in point (b) and (c) of this paragraph, the supervisory authority concerned may resubmit an amended request for an ex officio procedure, or request a determination on the opening of the procedure by the Board in accordance with Article 26a(1).</u>			
Article 5a, third paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
74ae		<u>3. Where the lead supervisory authority opens an ex officio procedure, it shall deliver a draft decision pursuant to Article 60(3) of Regulation (EU) 2016/679 without delay, but no later than nine months from the receipt of the request pursuant to paragraph 1. This deadline may exceptionally be extended by:</u>			
Article 5a, third paragraph, point (a)					
74af		<u>(a) eight weeks when comments under Article 9(3) are submitted against a summary of key issues or an updated summary of key issues;</u>			
Article 5a, third paragraph, point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
74ag		<u>(b) eight weeks where the lead supervisory authority intends to issue fines or other penalties;</u>			
Article 5a, third paragraph, point (c)					
74ah		<u>(c) the period of time between a reference under Article 26a and the decision by the Board;</u>			
Article 5a, third paragraph, point (d)					
74ai		<u>(d) the period of any prolongation permitted by the Board under Article 26a(3).</u>			
Article 6					
75	Article 6 Translations	Article 6 deleted	Article 6 deleted		
Article 6(1)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
76	1. The supervisory authority with which the complaint was lodged shall be responsible for:	<i>deleted</i>	<i>deleted</i>		
Article 6(1), point (a)					
77	(a) translation of complaints and the views of complainants into the language used by the lead supervisory authority for the purposes of the investigation;	<i>deleted</i>	<i>deleted</i>		
Article 6(1), point (b)					
78	(b) translation of documents provided by the lead supervisory authority into the language used for communication with the complainant, where it is necessary to provide such documents to the complainant pursuant to	<i>deleted</i>	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	this Regulation or Regulation (EU) 2016/679.				
Article 6(2)					
79	2. In its rules of procedure, the Board shall determine the procedure for the translation of comments or relevant and reasoned objections expressed by supervisory authorities concerned in a language other than the language used by the lead supervisory authority for the purposes of the investigation.	<i>deleted</i>	<i>deleted</i>		
Chapter III					
80	Chapter III Cooperation under Article 60 of Regulation (EU) 2016/679	Chapter III Cooperation under Article 60 of Regulation (EU) 2016/679 <u>and with other relevant authorities</u>	Chapter III Cooperation under Article 60 of Regulation (EU) 2016/679		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Section 1					
81	Section 1 Reaching consensus within the meaning of Article 60(1) of Regulation (EU) 2016/679	Section 1 Reaching consensus within the meaning of Article 60(1) of Regulation (EU) 2016/679	Section 1 Reaching consensus within the meaning of Article 60(1) of Regulation (EU) 2016/679 General principles of cooperation		
Article 6a					
81a			Article 6 bis Application of enhanced cooperation procedures		
Article 6a, first paragraph					
81b			1. Supervisory authorities shall cooperate in accordance with the provisions of this Chapter in order to enhance cooperation procedures under Article 60 of Regulation (EU) 2016/679.		
Article 6a, second paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
81c			2. Where the lead supervisory authority considers that, on the basis of the characteristics of a case and previous decisions on similar cases, there is no need to trigger enhanced cooperation procedures between supervisory authorities provided for under Chapter III of this Regulation, the lead supervisory authority may not apply the procedures pursuant to Chapter III of this Regulation and continue to cooperate with supervisory authorities concerned under Article 60 of Regulation (EU) 2016/679. The lead		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			supervisory authority shall inform the supervisory authorities concerned thereof, providing the relevant information on the characteristics of the case and the relevant previous decisions taken into consideration for this assessment, no later than within six weeks from the transmission of a complaint in accordance to Article 3, paragraph 4, of this Regulation. In such a case, the right to be heard of the parties under investigation and/or of the complainant shall be ensured mutatis mutandis as provided in Section II		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			and Article 14 and 17 of this Regulation.		
Article 6a, third paragraph					
81d			3. Where any of the supervisory authorities concerned objects to the assessment made by the lead supervisory authority pursuant to paragraph 2, within two weeks after having been notified of it, the provisions of Chapter III of this Regulation shall apply.		
Article 6a, first paragraph					
81e			4. Chapter III does not apply for cross-border processing cases handled pursuant to Article 56, paragraph 2 of Regulation (EU) 2016/679.	<u>4. Chapter III does not apply for cases handled by the concerned supervisory authority pursuant to Article 56, paragraph 2 of Regulation (EU) 2016/679.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
				Text Origin: Council Mandate	
Article 6a, fifth paragraph					
81f			5. Articles 9 to 15 of this Regulation do not apply to complaint-based cases resolved pursuant to Article 5 of this Regulation.		
Section 1a					
81g			Section 1bis REACHING CONSENSUS WITHIN THE MEANING OF ARTICLE 60(1) OF REGULATION (EU) 2016/679		
Article 7					
82	Article 7	Article 7	Article 7		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	Cooperation between supervisory authorities	Cooperation between supervisory authorities	Cooperation between supervisory authorities		
Article 7, first paragraph					
83	While cooperating in an endeavour to reach a consensus, as provided for in Article 60(1) of Regulation (EU) 2016/679, supervisory authorities shall use all the means provided for in Regulation (EU) 2016/679, including mutual assistance pursuant to Article 61 and joint operations pursuant to Article 62 of Regulation (EU) 2016/679.	While cooperating in an endeavour to reach a consensus, as provided for in Article 60(1) of Regulation (EU) 2016/679, supervisory authorities shall use all the means provided for in Regulation (EU) 2016/679, including mutual assistance pursuant to Article 61 and joint operations pursuant to Article 62 of Regulation (EU) 2016/679.	<i>deleted</i>		
Article 7, second paragraph					
84	The provisions in this section concern the relations between supervisory authorities and	<i>deleted</i>	The provisions in this section concern the relations cooperation between supervisory		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	are not intended to confer rights on individuals or the parties under investigation.		authorities and are not intended to do not confer rights on individuals or the parties under investigation.		
Article 8					
85	Article 8 Relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679	Article 8 Relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679	Article 8 Relevant information to be exchanged between the lead supervisory authority and supervisory authorities concerned within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679	Article 8 Relevant information <u>to be exchanged between the lead supervisory authority and supervisory authorities concerned</u> within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679 Text Origin: Council Mandate	
Article 8(1)					
86	1. The lead supervisory authority shall regularly update the other	1. The lead supervisory authority shall regularly update the other	1. The lead supervisory authority shall regularly update the other	Joint case file Deadlines	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	supervisory authorities concerned about the investigation and provide the other supervisory authorities concerned, at the earliest convenience, with all relevant information once available.	supervisory authorities concerned about the investigation and provide the other supervisory authorities concerned, at the earliest convenience, with <u>instant, unrestricted and continuous remote access to the full joint case file, and shall include in the joint case file</u> all relevant information once available, <u>in particular documents, submissions, memos and other information related to the case within one week from producing or receiving them.</u>	supervisory authorities concerned about the investigation and provide the other supervisory authorities concerned, at the earliest convenience, with all relevant information once as soon as it becomes available.		
Article 8(2)					
87	2. Relevant information within the meaning of Article 60(1)	2. <u>The lead supervisory authority shall actively provide and notify</u>	2- In the course of the investigation, the lead supervisory authority and	Joint case file	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	and (3) of Regulation (EU) 2016/679 shall include, where applicable:	<u>the other supervisory authorities concerned and, where necessary for dispute resolution under Article 65 of Regulation (EU) 2016/679, the Board,</u> with relevant information within the meaning of Article 60(1) and (3) of <u>that</u> Regulation, <u>within one week from producing or receiving it. This information</u> (EU) 2016/679 shall include <u>cover information on major steps in the procedure, including</u> where applicable:	the supervisory authorities concerned shall exchange relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679, which shall include, where applicable and as soon as available:		
Article 8(2), point (a)					
88	(a) information on the opening of an investigation of an alleged infringement	(a) information on the opening of an <u>ex officio</u> investigation of an alleged infringement of Regulation	(a) information on the opening of an investigation of an alleged infringement	(a) information on the opening of an investigation of an alleged infringement	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	of Regulation (EU) 2016/679;	(EU) 2016/679 <u>or of a complaints procedure;</u>	of Regulation (EU) 2016/679;	of Regulation (EU) 2016/679; Text Origin: Commission Proposal	
Article 8(2), point (b)					
89	(b) requests for information pursuant to Article 58(1), point (e) of Regulation (EU) 2016/679;	(b) requests for information pursuant to Article 58(1), point (e) of Regulation (EU) 2016/679;	(b) requests for information pursuant to Article 58(1), point (e) of Regulation (EU) 2016/679 and related documents resulting from these requests;	(b) requests for information pursuant to Article 58(1), point (e) of Regulation (EU) 2016/679 <u>and related documents resulting from these requests;</u> Text Origin: Council Mandate	
Article 8(2), point (c)					
90	(c) information of the use of other investigative	(c) information of the use of other investigative	(c) information of the use of other investigative	(c) information of the use of other investigative	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	powers referred to in Article 58(1) of Regulation (EU) 2016/679;	powers referred to in Article 58(1) of Regulation (EU) 2016/679;	powers referred to in Article 58(1) of Regulation (EU) 2016/679 and related documents resulting from the exercise of these powers;	powers referred to in Article 58(1) of Regulation (EU) 2016/679 <u>and related documents resulting from the exercise of these powers;</u> Text Origin: Council Mandate	
Article 8(2), point (d)					
91	(d) in the case of envisaged rejection of complaint, the lead supervisory authority's reasons for rejection of the complaint;	(d) in the case of envisaged rejection of complaint, the lead supervisory authority's reasons for rejection of the complaint;	(d) in the case of envisaged rejection of complaint, the lead supervisory authority's reasons for rejection of the complaint;	(d) in the case of envisaged rejection of complaint, the lead supervisory authority's reasons for rejection of the complaint; Text Origin: Council Mandate	
Article 8(2), point (da)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
91a			(dd) the possible early resolution of the complaint pursuant to Article 5 of this Regulation;		
Article 8(2), point (e)					
92	(e) summary of key issues in an investigation in accordance with Article 9;	(e) <u>the issuing or updating of the</u> summary of key issues in an investigation in accordance with Article 9;	(e) summary of key issues in an investigation and related comments in accordance with Article 9;	(e) <u>[the issuing or updating of the]</u> summary of key issues in an investigation <u>and related comments</u> in accordance with Article 9; Text Origin: Council Mandate	
Article 8(2), point (ea)					
92a		<u>(ea) any comments to a summary of key issues in accordance with Article 9(3);</u>	(ee) information on the scope of investigation, including developments or findings which may lead		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			to the modification of the scope of investigation or the initiation of a new investigation;		
Article 8(2), point (f)					
93	(f) information concerning steps aiming to establish an infringement of Regulation (EU) 2016/679 prior to the preparation of preliminary findings;	(f) information concerning steps aiming to establish an infringement of Regulation (EU) 2016/679 prior to the preparation of preliminary findings <u>and prior to the preparation of the draft decision</u> ;	(f) information concerning steps and legal analysis aiming to establish an infringement of Regulation (EU) 2016/679 prior to the preparation of preliminary findings;	(f) information concerning steps <u>and legal analysis</u> aiming to establish an infringement of Regulation (EU) 2016/679 prior to the preparation of preliminary findings <u>and prior to the preparation of the draft decision</u> ; Text Origin: Council Mandate	
Article 8(2), point (g)					
94	(g) preliminary findings;	(g) preliminary findings;	(g) preliminary findings;	(g) preliminary findings;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
				Text Origin: Commission Proposal	
Article 8(2), point (h)					
95	(h) the response of the parties under investigation to the preliminary findings;	(h) the response of the parties under investigation to the preliminary findings;	(h) the response of the parties under investigation to the preliminary findings;	(h) the response of the parties under investigation to the preliminary findings; Text Origin: Commission Proposal	
Article 8(2), point (i)					
96	(i) the views of the complainant on the preliminary findings;	(i) the views of the complainant on the <u>non-confidential version of the preliminary findings</u> <u>and, if applicable, other aspects of the investigation on which formal written submissions have been made by the complainant</u> ;	(i) the views of the complainant on the non-confidential version of the preliminary findings;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 8(2), point (j)					
97	(j) in the case of rejection of a complaint, the written submissions of the complainant;	(j) in the case of rejection of a complaint, the written submissions of the complainant;	(j) in the case of rejection of a complaint, the written submissions of the complainant;	(j) in the case of rejection of a complaint, the written submissions of the complainant; Text Origin: Commission Proposal	
Article 8(2), point (k)					
98	(k) any relevant steps taken by the lead supervisory authority after receiving the response of the parties under investigation to the preliminary findings and prior to submission of a draft decision in the sense of Article 60(3) of Regulation (EU) 2016/679.	(k) any relevant steps taken by the lead supervisory authority after receiving the response of the parties under investigation to the preliminary findings and prior to submission of a draft decision in the sense of Article 60(3) of Regulation (EU) 2016/679.	(k) any relevant steps taken by the lead supervisory authority after receiving the response of the parties under investigation -to the preliminary findings and prior to submission of a draft decision in the sense of Article 60(3) of Regulation (EU) 2016/679-;	(k) any relevant steps taken by the lead supervisory authority after receiving the response of the parties under investigation to the preliminary findings and prior to submission of a draft decision in the sense of Article 60(3) of Regulation (EU) 2016/679.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
				Text Origin: Commission Proposal	
Article 8(2), point (ka)					
98a		<u>(ka) any draft decision in accordance with Article 60(3) of Regulation (EU) 2016/679 or revised draft decision in accordance with Article 60(5) of Regulation (EU) 2016/679;any draft decision in accordance with Article 60(3) of Regulation (EU) 2016/679 or revised draft decision in accordance with Article 60(5) of Regulation (EU) 2016/679;</u>	(l) any other information deemed useful and relevant for the purpose of the investigation.	<u>(ka) any other information deemed useful and relevant for the purpose of the investigation.</u> Text Origin: Council Mandate	
Article 8(2), point (kb)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
98b		<u>(kb) any relevant and reasoned objections in accordance with Article 60(4) of Regulation (EU) 2016/679;</u>			
Article 8(2), point (kc)					
98c		<u>(kc) any judicial remedy brought during a procedure under Article 60 of Regulation (EU) 2016/679 or against a decision under Article 60(7) to (9) of Regulation (EU) 2016/679.</u>			
Article 8(2a)					
98d			3. The Board may specify the modalities and requirements for the exchange of relevant information between supervisory authorities referred to in this Article	Joint case file	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			and for the provision of comments by supervisory authorities concerned on the summary of key issues referred to in Article 9.		
Article 9					
99	Article 9 Summary of key issues	Article 9 Summary of key issues	Article 9 Summary of key issues	Article 9 Summary of key issues Text Origin: Commission Proposal	
Article 9(1)					
100	1. Once the lead supervisory authority has formed a preliminary view on the main issues in an investigation, it shall draft a summary of key issues for the purpose of cooperation	1. Once <u>Within four weeks after having received a complaint, or a request to open an ex officio procedure,</u> the lead supervisory authority has formed a preliminary view on the main issues in an	1. Once the lead supervisory authority has formed sufficient elements to form a preliminary view on the main issues in an investigation, it shall draft a summary of key issues for the purpose of cooperation		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	under Article 60(1) of Regulation (EU) 2016/679.	investigation, it shall draft a summary of key issues <u>that presumably need to be determined in order to decide the case,</u> for the purpose of cooperation under Article 60(1) of Regulation (EU) 2016/679, <u>and provide this summary to the supervisory authorities concerned. The summary shall be drafted in an impartial way, taking into account any diverging facts and arguments. When transferring a case to the lead supervisory authority pursuant to Article 3(2), point (c), point (i), the concerned supervisory authority may provide a draft of a summary of key issues,</u>	under Article 60(1) of Regulation (EU) 2016/679, which shall include the following elements:		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>which is not binding on the lead supervisory authority.</i></u>			
Article 9(2)					
101	2. The summary of key issues shall include all of the following elements:	2. The summary of key issues shall include all of the following elements:	<i>deleted</i>		
Article 9(2), point (a)					
102	(a) the main relevant facts;	(a) the main relevant facts;	(a) the main relevant facts;		
Article 9(2), point (b)					
103	(b) a preliminary identification of the scope of the investigation, in particular the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated;	(b) a preliminary identification of the scope of the investigation, in particular the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated , <u>and, where applicable, an indication of whether they appear to have been infringed</u> ;	(b) a preliminary identification of the scope of the investigation, in particular the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will are to be investigated;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 9(2), point (c)					
104	(c) identification of complex legal and technological assessments which are relevant for preliminary orientation of their assessment;	(c) identification of complex <u>preliminary factual</u> or legal and technological assessments which are, <u>dealing with all</u> relevant for preliminary orientation of their assessment <u>views as expressed by parties when the summary is drafted, and including relevant European case law, as well as guidelines, recommendations and best practices issued by the Board;</u>	(c) where applicable, identification of complex legal, factual and/or and technological assessments issues which are relevant for preliminary orientation of their assessment;		
Article 9(2), point (d)					
105	(d) preliminary identification of potential corrective measure(s).	(d) preliminary identification of potential corrective measure(s).	(d) where applicable, preliminary identification of potential corrective measure(s).		
Article 9(2c), third subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
105a			The summary of key issues shall be communicated to the supervisory authorities concerned without delay, and no later than three months after the lead supervisory authority has confirmed its competence pursuant to Article 3, paragraph 4a of this Regulation. The lead supervisory authority may extend by another three months that period on account of the complexity of the case.		
Article 9(2a)					
105b		<u>2a. The summary of key issues shall be updated by the lead supervisory authority without undue</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>delay to reflect any factual or legal changes that emerge during the course of the procedure.</i></u>			
Article 9(3)					
106	3. The supervisory authorities concerned may provide comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues.	3. The supervisory authorities concerned may provide <u><i>factual or legal</i></u> comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues <u><i>or any update of it, in accordance with Article 60 of Regulation (EU) 2016/679.</i></u>	3. The supervisory authorities concerned may provide comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues. The period may be extended by another two weeks on account of the complexity of the case upon request of the supervisory authorities concerned or of the lead supervisory authority.		
Article 9(4)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
107	4. Comments provided pursuant to paragraph 3 shall meet the following requirements:	<i>deleted</i>	<i>deleted</i>		
Article 9(4a)					
107a			4. In cases where the supervisory authorities concerned provided comments under paragraph 3, they shall be shared with all other supervisory authorities concerned. The lead supervisory authority shall respond to these comments within four weeks to indicate whether and how it intends to take them into account. The period may be extended by another four weeks on		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			account of the complexity of the case.		
Article 9(4), point (a)					
108	(a) language used is sufficiently clear and contains precise terms to enable the lead supervisory authority, and, as the case may be, supervisory authorities concerned, to prepare their positions;	<i>deleted</i>	<i>deleted</i>		
Article 9(4), point (b)					
109	(b) legal arguments are set out succinctly and grouped by reference to the part of the summary of key issues to which they relate;	<i>deleted</i>	<i>deleted</i>		
Article 9(4), point (c)					
110	(c) the comments of the supervisory authority concerned may be	<i>deleted</i>	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	supported by documents, which may supplement the comments on specific points.				
Article 9(5)					
III	5. The Board may specify in its rules of procedure restrictions on the maximum length of comments submitted by supervisory authorities concerned on the summary of key issues.	<i>deleted</i>	<i>deleted</i>		
Article 9(5a)					
IIIa			5 Where the lead supervisory authority is required by national law to engage in subsequent domestic procedure related to the same case, the summary of key issues shall be prepared again if		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			the lead supervisory authority intends to deviate from previous consensus on the case.		
Article 9(6)					
112	6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within 9 months of the expiry of the deadline provided for in paragraph 3 of this Article.	6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article <u>which challenge the summary of key issues or raise other important factual or legal questions</u> shall be considered non-contentious cases. In such cases, the preliminary findings <u>deadline to issue a draft decision</u> referred to in Article 14 <u>4(1b)</u> shall be communicated to the parties under investigation	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		within 9 ³ months of the expiry of the deadline provided for in paragraph 3 of this Article.			
Section II					
112a		<u>Section 2</u> <u>Cooperation with other relevant authorities</u>			
Article 10					
113	Article 10 Use of means to reach consensus	Article 10 Use of means to reach consensus	Article 10 Use of means to reach consensus within within the meaning of Article 60(1) of Regulation (EU) 2016/679		
Article 10(-1)					
113a			1. Pursuant to Article 60(1) of Regulation (EU) 2016/679, the lead supervisory authority and supervisory		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			authorities concerned shall endeavour to reach consensus on cross-border processing cases, in accordance with this Article, and may use all the means provided for in Regulation (EU) 2016/679, including mutual assistance pursuant to Article 61 and joint operations pursuant to Article 62 of Regulation (EU) 2016/679.		
Article 10(-1a)					
113b			1a. In cases where none of the supervisory authorities concerned provided comments under Article 9, paragraph 3, of this Regulation, or in cases where consensus		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			was found following comments received, the preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within six months of the expiry of the deadline provided for in Article 9, paragraph 3, of this Regulation. In an exceptional case, that period may be extended once on account of the complexity of the case. In such a case, the lead supervisory authority shall notify the supervisory authorities concerned and set out the duration of and reasons for the extension.		
Article 10(1)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
114	1. A supervisory authority concerned shall make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), a supervisory authority concerned disagrees with the assessment of the lead supervisory authority on:	1. A supervisory authority concerned shall make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679,^{or} Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), a supervisory authority concerned disagrees with the assessment of the lead supervisory authority on:	1.1b In cases where a supervisory authority concerned shall disagrees with the lead supervisory authority and in the absence of consensus, that supervisory authority may make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, or to trigger Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), a supervisory authority concerned disagrees with the assessment of the lead supervisory authority in		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			order to reach consensus on:		
Article 10(1), point (a)					
115	(a) the scope of the investigation in complaint-based cases, including the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated;	(a) the scope of the investigation in complaint-based cases, including the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated;	(a) the scope of the investigation in complaint-based cases, including the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated;	(a) the scope of the investigation in complaint-based cases, including the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated; Text Origin: Commission Proposal	
Article 10(1), point (b)					
116	(b) preliminary orientation in relation to complex legal assessments identified by the lead supervisory authority	(b) preliminary orientation in relation to complex <u>factual or</u> legal assessments identified by the lead supervisory	(b) preliminary orientation in relation to complex the legal assessments issues identified by the lead supervisory authority		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	pursuant to Article 9(2), point (c);	authority pursuant to Article 9(2), point (c);	pursuant to Article 9(2), point (c), where applicable ;		
Article 10(1), point (c)					
117	(c) preliminary orientation in relation to complex technological assessments identified by the lead supervisory authority pursuant to Article 9(2), point (c).	<i>deleted</i>	(c) preliminary orientation in relation to complex technological assessments issues identified by the lead supervisory authority pursuant to Article 9(2), point (c), where applicable .		
Article 10(1), point (ca)					
117a		<u><i>(ca) preliminary identification of potential corrective measure(s) pursuant to Article 9(2), point (d).</i></u>			
Article 10(2)					

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118	2. The request under paragraph 1 shall be made within two months of the expiry of the period referred to in Article 9(3).	2. The request under paragraph 1 shall be made within two months of the expiry of the period referred to in Article 9(3).	2. The request under paragraph 1 shall be made within two one months of the expiry of the period referred to in Article 9(3) 9(4).		
Article 10(2a)					
118a			2a. Where a request to conduct joint operations pursuant to Article 62 of Regulation (EU) 2016/679 is made by a concerned supervisory authority, the lead supervisory authority should respond to the request within one month.		
Article 10(3)					
119	3. The lead supervisory authority shall engage with the supervisory authorities concerned on the	3. <u>In cases not falling under Article 9(6) of this Regulation,</u> the lead supervisory authority shall	3. The lead supervisory authority shall engage with the supervisory authorities concerned on the		

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	basis of their comments on the summary of key issues, and, where applicable, in response to requests under Article 61 and 62 of Regulation (EU) 2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings or, where applicable, provide the supervisory authority with which the complaint was lodged with its reasoning for the purposes of Article 11(2).	<u>investigate facts relevant for diverging views and engage, making its best effort,</u> with the supervisory authorities concerned on the basis of their comments on the summary of key issues, and, where applicable, in response to requests under Article 61 and 62 of Regulation (EU) 2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings or, where applicable, provide the supervisory authority with which the complaint was lodged with its	basis of their comments on the summary of key issues, and, where applicable, in response to requests under Article 61 and 62 of Regulation (EU) 2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings or, where applicable, provide the supervisory authority with which the complaint was lodged -with its reasoning for the purposes of Article 11(2).		

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		<i>reasoning for the purposes of Article 11(2).</i>			
Article 10(4)					
120	4. Where, in a complaint-based investigation, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the matter referred to in Article 9(2), point (b), of this Regulation, the lead supervisory authority shall request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation	4. Where <u>within four weeks after the expiry of the deadlines for comments, the procedure provided for in paragraph 3 of this Article fails to generate</u>in a complaint-based investigation, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities <u>concerned</u> on the matter<u>matters</u> referred to in Article 9(2), point (b), of this Regulation, the lead supervisory authority <u>or a supervisory authority concerned</u> shall request an	4. Where, in a complaint-based investigation, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the matter referred to in Article 9(2)9(1), point (b), of this Regulation, the lead supervisory authority shall request for an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679 shall be submitted by any supervisory authority concerned or the lead		

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	(EU) 2016/679 shall be presumed to be met.	urgent binding decision <u>procedural determination</u> of the Board under Article 66(3) of <u>26a of this</u> Regulation (EU) 2016/679 . In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.	supervisory authority. In those cases. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.		
Article 10(5)					
121	5. When requesting an urgent binding decision of the Board pursuant to paragraph 4 of this Article, the lead supervisory authority shall provide all of the following:	5. When requesting an urgent binding decision <u>procedural determination</u> of the Board pursuant to paragraph 4 of this Article, the lead <u>requesting</u> supervisory authority shall provide all of the following:	5. When requesting an urgent binding decision of the Board pursuant to paragraph 4 of this Article, the lead requesting supervisory authority shall provide all of the following:		
Article 10(5), point (a)					

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122	(a) the documents referred to in Article 9(2), points (a) and (b);	(a) the documents <u>relevant information</u> referred to in Article 9(2), points (a) and (b) <u>including any updates when they occur</u> ;	(a) the documents referred to in Article 9(2) 9(1) , points (a) and (b);		
Article 10(5), point (b)					
123	(b) the comments of the supervisory authority concerned that disagrees with the lead supervisory authority's preliminary identification of the scope of the investigation.	(b) the comments of the supervisory authority <u>authorities</u> concerned that disagrees <u>disagree</u> with the lead supervisory authority's preliminary identification of the scope of the investigation- <u>or the factual or legal assessment of the elements of the summary of key issues referred to in Article 9(2)</u> ;	(b) the comments of the supervisory authority concerned that disagrees with the lead supervisory authority's preliminary identification of the scope of the investigation.;		
Article 10(5), point (ba)					

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123a		<u>(ba) access to the joint case file.</u>	(c) further exchanges between the lead supervisory authority and the supervisory authorities concerned under Article 9(4), 9(5) and 10(3);		
Article 10(5), point (bb)					
123b			(d) any other relevant document or information, as requested by the Board.		
Article 10(5a)					
123c		<u>5a. The Board may request the supervisory authorities to provide other documents or information, as it deems appropriate in the particular case.</u>			
Article 10(6)					

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124	6. The Board shall adopt an urgent binding decision on the scope of the investigation on the basis of the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments.	6. The Board shall adopt an urgent binding decision on the scope of the investigation <u>summary of key issues or on extending the period referred to in paragraph 4, in accordance with Article 26a</u> , on the basis of the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments <u>all documents received</u> .	6. The Board shall adopt an urgent binding decision on the scope of the investigation on the basis of the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments all the documents received .		
Article 10(6a)					
124a			6bis. Following the implementation of the urgent binding decision referred to under paragraph 6 by the		

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			Board, the lead supervisory authority shall continue to cooperate with the supervisory authorities concerned pursuant to Article 60 of Regulation (EU) 2016/679 and continue handling the case. The preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within six months. In an exceptional case, that period may be extended once on account of the complexity of the case. In such a case, the lead supervisory authority shall notify the concerned supervisory authority and		

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			set out the duration of and reasons for the extension.		
Article 10a					
124b		<u>Article 10a</u> <u>Cooperation with other relevant authorities</u>			
Article 10a(1)					
124c		<u>Supervisory authorities shall strive to communicate non-personal information obtained in the context of the procedures set out in this Regulation to national and Union supervisory authorities competent in data protection and other areas, including competition, financial services, energy, telecommunications, consumer protection,</u>			

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		<u>digital services, or artificial intelligence supervisory authorities, where the information is deemed relevant to the tasks and duties of those authorities, in particular for opening administrative procedures and investigations into possible violations of legislation under their competences. Information can be only used for the purposes of which it was gathered. However, that does not preclude the supervisory authority to initiate other proceedings based on that information or to share it with other authorities for that purpose.</u>			
Section 2					

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125	Section 2 Full or partial rejection of complaints	<i>deleted</i> <i>Heading "Section 2" is placed after Article 9 and its title is changed to "Section 2 Cooperation with other relevant authorities" - see line 112a</i>	Section 2 Full or partial rejection of complaints		
Article 11					
126	Article 11 Hearing of complainant prior to full or partial rejection of a complaint	Article 11 <i>deleted</i>	Article 11 Hearing of complainant prior to Procedure for dismissal or full or partial rejection of a complaint within the meaning of Article 60(8) and Article 60(9) of Regulation EU 2016/679		
Article 11(1)					
127	1. Following the procedure provided for in	<i>deleted</i>	1. Following the procedure provided for		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	Article 9 and 10, the lead supervisory authority shall provide the supervisory authority with which the complaint was lodged with the reasons for its preliminary view that the complaint should be fully or partially rejected.		in Prior to submitting a draft decision pursuant to Article 9 and 10(3) of Regulation (EU) 2016/679, the lead supervisory authority shall provide the supervisory authority with which the complaint was lodged with the reasons for its preliminary view that the complaint should be dismissed or fully or partially rejected.		
Article 11(2)					
128	2. The supervisory authority with which the complaint was lodged shall inform the complainant of the reasons for the intended full or partial rejection of the complaint and set a time-limit within which the	<i>deleted</i>	2. The supervisory authority with which the complaint was lodged shall inform the complainant of the reasons for the intended dismissal or full or partial rejection of the complaint and set a time-limit within		

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	complainant may make known her or his views in writing. The time-limit shall be no less than three weeks. The supervisory authority with which the complaint was lodged shall inform the complainant of the consequences of the failure to make her or his views known.		which the complainant may make known her or his views in writing. The time-limit shall be no less than three weeks. The supervisory authority with which the complaint was lodged shall provide the complainant with the possibility to make her or his views known and shall inform the complainant of the consequences of the failure to make her or his views known. The complainant shall make his or her views known in writing and within four weeks upon receiving the reasons for the intended dismissal or full or partial rejection of the complaint. Upon request of the		

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			complainant, the period shall be extended by two weeks on account of the complexity of the case.		
Article 11(3)					
129	3. If the complainant fails to make known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged, the complaint shall be deemed to have been withdrawn.	<i>deleted</i>	3. If the complainant fails to make known her or his views within the time-limit set by The supervisory authority with which the complaint was lodged, the complaint shall without delay transmit any views made by the complainant within the time-limit of four or six weeks, as the case may be, to the lead supervisory authority be deemed to have been withdrawn.		
Article 11(4)					

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130	4. The complainant may request access to the non-confidential version of the documents on which the proposed rejection of the complaint is based.	<i>deleted</i>	<i>deleted</i>		
Article 11(5)					
131	5. If the complainant makes known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged and the views do not lead to a change in the preliminary view that the complaint should be fully or partially rejected, the supervisory authority with which the complaint was lodged shall prepare the draft decision under Article 60(3) of	<i>deleted</i>	5. If the complainant makes known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged and the views do not lead to a change in the preliminary view that the complaint should be dismissed or fully or partially rejected, the lead supervisory authority, in cooperation with the supervisory authority with which the		

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	Regulation (EU) 2016/679 which shall be submitted to the other supervisory authorities concerned by the lead supervisory authority pursuant to Article 60(3) of Regulation (EU) 2016/679.		complaint was lodged, shall prepare the draft decision under Article 60(3) of Regulation (EU) 2016/679 which shall be submitted to the other supervisory authorities concerned by the lead supervisory authority pursuant to Article 60(3) of Regulation (EU) 2016/679.-		
Article 11(5a)					
131a			6. When the draft decision submitted pursuant to paragraph 5 concludes that the complaint should be partially rejected, the lead supervisory authority shall continue its investigation in cooperation with the concerned supervisory		

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			authorities on the part of the complaint which remains to be investigated.		
Article 12					
132	Article 12 Revised draft decision fully or partially rejecting a complaint	<i>deleted</i>	Article 12 Revised draft decision dismissing or fully or partially rejecting a complaint		
Article 12(1)					
133	1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises elements on which the complainant should have the opportunity to make her or his views known, the supervisory	<i>deleted</i>	1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises new elements on which the complainant should have the opportunity to make her or his views known, the supervisory		

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	authority with which the complaint was lodged shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the complainant with the possibility to make her or his views known on such new elements.		authority with which the complaint was lodged shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the complainant with the possibility to make her or his views known on such new elements, following the same procedure as provided under Article 11 of this Regulation.		
Article 12(2)					
134	2. The supervisory authority with which the complaint was lodged shall set a time-limit within which the complainant may make known her or his views.	<i>deleted</i>	<i>deleted</i>		

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Article 13					
135	Article 13 Decision fully or partially rejecting a complaint	Article 13 <i>deleted</i>	Article 13 Decision dismissing or fully or partially rejecting a complaint		
Article 13, first paragraph					
136	When adopting a decision fully or partially rejecting a complaint in accordance with Article 60(8) of Regulation (EU) 2016/679, the supervisory authority with which the complaint was lodged shall inform the complainant of the judicial remedy available to him or her in accordance with Article 78 of Regulation (EU) 2016/679.	<i>deleted</i>	1. When adopting a decision dismissing or fully or partially rejecting a complaint in accordance with Article 60(8) Articles 60(8) or 60(9) of Regulation (EU) 2016/679, the supervisory authority with which the complaint was lodged shall inform the complainant of the judicial remedy available to him or her in accordance with Article 78 of Regulation (EU) 2016/679.		
Article 13, first paragraph a					

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136a			2. The lead supervisory authority shall inform the controller of the decision adopted pursuant to Article 60(9) of Regulation (EU) 2016/679.		
Section 3					
137	Section 3 Decisions addressed to controllers and processors	Section 3 Decisions addressed to controllers <u>and processors</u> <u>parties under investigation</u>	Section 3 Decisions addressed to controllers and processors		
Article 14					
138	Article 14 Preliminary findings and reply	Article 14 Preliminary findings and reply <u>the right to be heard</u>	Article 14 Preliminary findings and reply		
Article 14(1)					
139	1. When the lead supervisory authority intends to submit a draft decision within the meaning	1. <u>Following the consultations and procedures under Articles 9 and 10 of this</u>	1. When the lead supervisory authority intends to submit a draft decision within the meaning		

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	of Article 60(3) of Regulation (EU) 2016/679 to the other supervisory authorities concerned finding an infringement of Regulation (EU) 2016/679, it shall draft preliminary findings.	<u>Regulation</u> , when the lead supervisory authority intends to submit a draft decision within the meaning of Article 60(3) of Regulation (EU) 2016/679 to the other supervisory authorities concerned finding an infringement of Regulation (EU) 2016/679, it shall draft preliminary findings.	of Article 60(3) of Regulation (EU) 2016/679 to the other supervisory authorities concerned finding an infringement of Regulation (EU) 2016/679, it shall draft preliminary findings.		
Article 14(2), first subparagraph					
140	2. The preliminary findings shall present allegations raised in an exhaustive and sufficiently clear way to enable the parties under investigation to take cognisance of the conduct investigated by the lead supervisory authority.	2. The preliminary findings shall present allegations raised in an exhaustive and sufficiently clear way to enable the parties under investigation to take cognisance of the conduct investigated by the lead supervisory authority.	2. The preliminary findings shall include the main findings of the investigation and present allegations raised in an exhaustive and sufficiently clear way to enable the parties under investigation to take cognisance of the		

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	In particular, they must set out clearly all the facts and the entire legal assessment raised against the parties under investigation, so that they can express their views on the facts and the legal conclusions the lead supervisory authority intends to draw in the draft decision within the meaning of Article 60(3) of Regulation (EU) 2016/679, and list all the evidence it relies upon.	In particular, they must <u>shall</u> set out clearly all the facts, <u>including listing all the evidence relied upon</u> , and the entire legal assessment raised against the parties under investigation, so that they <u>are heard and</u> can express their views on the facts and the legal conclusions the lead supervisory authority intends to draw in the draft decision within the meaning of Article 60(3) of Regulation (EU) 2016/679, and list all the evidence it relies upon.	conduct investigated by the lead supervisory authority. In particular, they must set out clearly all the facts and the entire legal assessment raised against the parties under investigation, so that they can express their views on the facts and the legal conclusions the lead supervisory authority intends to draw in the draft decision within the meaning of Article 60(3) of Regulation (EU) 2016/679, and list all the evidence it relies upon.		
Article 14(2), second subparagraph					
141	The preliminary findings shall indicate corrective measures the lead	The preliminary findings shall indicate <u>the</u> corrective measures <u>that are</u>	The preliminary findings shall indicate, based on the information available at		

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	supervisory authority intends to use.	<u>considered by</u> the lead supervisory authority intends to use.	that stage and without prejudice to the views of the parties, corrective measures the lead supervisory authority intends to use considers using.		
Article 14(2), third subparagraph					
142	Where the lead supervisory authority intends to impose a fine, it shall list in the preliminary findings the relevant elements on which it relies while calculating the fine. In particular, the lead supervisory authority shall list the essential facts and matters of law which may result in the imposition of the fine and the elements listed in Article 83(2) of Regulation (EU) 2016/679,	Where the lead supervisory authority intends to impose <u>considers imposing</u> a fine, it shall list in the preliminary findings the relevant elements on which it relies <u>intends to rely in deciding whether to impose an administrative fine and</u> while calculating the fine. In particular, the lead supervisory authority shall list the essential facts and matters of law which may	Where the lead supervisory authority intends to impose a fine, it shall list in the preliminary findings the relevant elements on which it relies while calculating the, based on the information available at that stage and without prejudice to the views of the parties, considers imposing an administrative fine. In particular in accordance		

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	including any aggravating or mitigating factors it will take into account.	result in the imposition of the fine and the elements listed in Article 83(2) of Regulation (EU) 2016/679, including any aggravating or mitigating factors it will take into account.	with Article 83 of Regulation (EU) 2016/679, the lead supervisory authority shall list in the preliminary findings the main legal and factual elements,the essential facts and matters of law which may result in the imposition are known to it, and on which it intends to rely in deciding whether to impose an administrative fine and in deciding on the amount of the fine, having regard to and the elements listed in Article 83(2) of Regulation (EU) 2016/679, including any aggravating or mitigating factors it will take into account.		
Article 14(2a)					

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142a			2bis. The preliminary findings shall be transmitted to the supervisory authorities concerned, which may provide comments to the lead supervisory authorities within four weeks. Upon request of one of the supervisory authority concerned, the period shall be extended by another two weeks on account of the complexity of the case.		
Article 14(3)					
143	3. The lead supervisory authority shall notify preliminary findings to each of the parties under investigation.	3. The lead supervisory authority shall notify preliminary findings to each of the parties under investigation <u>that may be subject to the exercise of a</u>	3. The lead supervisory authority shall notify preliminary findings, where relevant amended to take into account comments received by the		

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		<u>corrective power, as well as to the supervisory authority with which the complaint was lodged and the supervisory authorities concerned. The supervisory authority with which the complaint was lodged shall notify preliminary findings to the complainant.</u>	supervisory authorities concerned, to each of the parties under investigation.		
Article 14(4)					
144	4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a time-limit within which these parties may provide their views in writing. The lead supervisory authority shall	<i>deleted</i>	4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a time-limit of four weeks within which these parties may provide their views in writing, or hold a hearing within the same		

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	not be obliged to take into account written views received after the expiry of that time-limit.		time-limit in order to hear the views of the parties orally. Upon request of the parties under investigation, the period shall be extended by another two weeks on account of the complexity of the case. The lead supervisory authority shall not be obliged to take into account written views received after the expiry of that time-limit, in accordance with national law.		
Article 14(5)					
145	5. When notifying the preliminary findings to the parties under investigation, the lead supervisory authority shall provide	<i>deleted</i>	5. When notifying the preliminary findings to the parties under investigation, the lead supervisory authority shall provide		

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	those parties with access to the administrative file in accordance with Article 20.		those parties with access to the administrative file in accordance with Article 20.		
Article 14(6)					
146	6. The parties under investigation may, in their written reply to preliminary findings, set out all facts and legal arguments known to them which are relevant to their defence against the allegations of the lead supervisory authority. They shall attach any relevant documents as proof of the facts set out. The lead supervisory authority shall, in its draft decision, deal only with allegations, including the facts and the legal assessment based on those facts, in respect of	6. The parties under investigation may, in their written reply to preliminary findings, set out all facts and legal arguments known to them which are relevant to their defence against the allegations of the lead supervisory authority. They shall attach any relevant documents as proof of the facts set out. The lead supervisory authority shall, in its draft decision, deal only with allegations, including the facts and the legal assessment based on those facts, in respect of	6. The parties under investigation may, in their written or oral reply to preliminary findings, set out all facts and legal arguments known to them which are relevant to their defence against the allegations of the lead supervisory authority. They shall attach any relevant documents as proof of the facts set out. The lead supervisory authority shall, in its draft decision, deal only with allegations, including the facts and the legal assessment based on		

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	which the parties under investigation have been given the opportunity to comment.	which the parties under investigation have been given the opportunity to comment.	those facts, in respect of which the parties under investigation have been given the opportunity to comment.		
Article 14(6a)					
146a			7. The lead supervisory authority shall submit a draft decision in accordance with Article 60(3) GDPR to the other supervisory authorities concerned within three months from the receiving of the views of the parties under investigations and/or the complainant. In an exceptional case, that period may be extended once on account of the complexity of the case. In		

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			such a case, the lead supervisory authority shall notify the concerned supervisory authority and set out the duration of and reasons for the extension.		
Article 14(6b)					
146b			8. Where the lead supervisory authority is required by national law to engage in subsequent domestic procedure related to the same case, the preliminary findings shall be prepared again if the lead supervisory authority intends to deviate from previous consensus on the case.		
Article 15					
147	Article 15	Article 15	Article 15		

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	Transmission of preliminary findings to complainants	<i>deleted</i>	Transmission of preliminary findings to complainants		
Article 15(1)					
148	1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was lodged shall provide the complainant with a non-confidential version of the preliminary findings and set a time-limit within which the complainant may make known its views in writing.	<i>deleted</i>	1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was lodged shall provide the complainant with a non-confidential version of the preliminary findings, in accordance with Article 20 and 21 , and set a time-limit of four weeks within which the complainant may make known its views in writing. Upon request of		

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			the complainant, the period shall be extended by another two weeks on account of the complexity of the case.		
Article 15(1a)					
148a			1a. For the purpose of paragraph 1, administrative modalities and requirement under the national procedural law of the supervisory authority with which the complaint was lodged shall continue to apply.		
Article 15(2)					
149	2. Paragraph 1 shall apply also when a supervisory authority, where appropriate, treats several complaints jointly, splits the complaints in	<i>deleted</i>	<i>deleted</i>		

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	several parts or in any other way exercises its discretion concerning the scope of the investigation as set out in preliminary findings.				
Article 15(3)					
150	3. Where the lead supervisory authority considers that it is necessary for the complainant to be provided with documents included in the administrative file in order for the complainant to effectively make known her or his views on the preliminary findings, the supervisory authority with which the complaint was lodged shall provide the complainant with the non-confidential version of such	<i>deleted</i>	<i>deleted</i>		

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	documents when providing the preliminary findings pursuant to paragraph 1.				
Article 15(4)					
151	4. The complainant shall be provided with the non-confidential version of the preliminary findings only for the purpose of the concrete investigation in which the preliminary findings were issued.	<i>deleted</i>	<i>deleted</i>		
Article 15(5)					
152	5. Before receiving the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the complainant shall send to the lead supervisory authority a confidentiality declaration, where the	<i>deleted</i>	<i>deleted</i>		

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	complainant commits himself or herself not to disclose any information or assessment made in the non-confidential version of preliminary findings or to use those findings for purposes other than the concrete investigation in which those findings were issued.				
<i>Article 16</i>					
153	Article 16 Adoption of final decision	Article 16 <u>Submission of draft decisions, revised draft decisions and</u> adoption of final decision	Article 16 Adoption of final decision		
<i>Article 16, first paragraph</i>					
154	After submitting the draft decision to supervisory authorities concerned pursuant to Article 60(3) of	After submitting the draft decision to supervisory authorities concerned pursuant to Article 60(3) of	1. After submitting the draft decision to supervisory authorities concerned pursuant to		

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	Regulation (EU) 2016/679 and where none of the supervisory authorities concerned has objected to the draft decision within the periods referred to in Article 60(4) and (5) of Regulation (EU) 2016/679, the lead supervisory authority shall adopt and notify its decision under Article 60(7) of Regulation (EU) 2016/679 to the main establishment or single establishment of the controller or processor, as the case may be, and inform the supervisory authorities concerned and the Board of the decision in question, including a summary of the relevant facts and grounds.	Regulation (EU) 2016/679 and where none of the supervisory authorities concerned has objected to the draft decision within the periods referred to in Article 60(4) and (5) of Regulation (EU) 2016/679, the lead supervisory authority shall, <u>within four weeks from the end of the periods referred to in Article 60(4) and (5) of Regulation 2016/679</u> , adopt and notify its decision under Article 60(7) <u>and Article 60(9)</u> of Regulation (EU) 2016/679 to the main establishment or single establishment of the controller or processor, as the case may be, and inform the supervisory authorities	Article 60(3) of Regulation (EU) 2016/679 and where none of the supervisory authorities concerned has objected to the draft decision within the periods referred to in Article 60(4) and (5) of Regulation (EU) 2016/679, the lead supervisory authority shall adopt and notify, within one month , its decision under Article 60(7) of Regulation (EU) 2016/679 to the main establishment or single establishment of the controller or processor, as the case may be, and inform the supervisory authorities concerned and the Board of the decision in question, including a summary of the relevant facts and grounds.		

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		concerned and the Board of the decision in question, including a summary of the relevant facts and grounds.	The supervisory authority with which the complaint was lodged shall inform the complainant of the decision.		
Article 16, first paragraph a					
154a		<u><i>1a. Where a supervisory authority concerned has objected to the draft decision within the period referred to in Article 60(4) of Regulation (EU) 2016/679, and the lead supervisory authority intends to follow that objection, the lead supervisory authority shall, within four weeks, submit a revised draft decision pursuant to Article 60(5) of that Regulation.</i></u>	2. Where the lead supervisory authority and the supervisory authorities concerned agree to dismiss or reject parts of a complaint and act on other parts of that complaint, a separate decision shall be adopted and notified to the main or single establishment of the controller or the processor and the complainant, following the article 60 (9) of Regulation (EU) 2016/679.		

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Article 16, first paragraph b					
154b		<u><i>1b. Where a supervisory authority concerned has objected to the draft decision within the period referred to in Article 60(4) of Regulation (EU) 2016/679, and the lead supervisory authority does not follow the relevant and reasoned objection or is of the opinion that the objection is not relevant or reasoned, the lead supervisory authority shall, within four weeks, submit the matter to the consistency mechanism referred to in Article 63, in accordance with Article 60(4) of that Regulation.</i></u>			
Article 16, first paragraph c					

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154c		<u>1c. Without prejudice to additional requirements under national law, any draft decision or final decision under Article 60(3), (5) or (7) to (9) of Regulation (EU) 2016/679 shall be issued in writing, using a short, concise, transparent, intelligible form and clear and plain language. It shall be drafted in an impartial way, taking into account any diverging evidence and views of the parties, and shall at least contain the following elements:</u>			
Article 16, first paragraph c, point (a)					
154d		<u>(a) the name of the supervisory authority which issued the decision;</u>			

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Article 16, first paragraph c, point (b)					
154e		<u>(b) the date of issuing the decision;</u>			
Article 16, first paragraph c, point (c)					
154f		<u>(c) an impartial summary of the relevant facts of the case and their source;</u>			
Article 16, first paragraph c, point (d)					
154g		<u>(d) the legal grounds for the decision;</u>			
Article 16, first paragraph c, point (e)					
154h		<u>(e) the exercised corrective powers, penalties or other measures; and</u>			
Article 16, first paragraph c, point (f)					
154i		<u>(f) information on the right to an effective judicial remedy under</u>			

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		<u>Article 78 of Regulation (EU) 2016/679 and any applicable national procedural law.</u>			
Article 16, first paragraph d					
154j		<u>1d. In the event where the legally binding decision is to be issued by the supervisory authority with which the complaint has been lodged in accordance with Article 60(8) or (9) of Regulation (EU) 2016/679, the lead supervisory authority shall ensure that the decision contains all elements necessary under the applicable national procedural law of the supervisory authority concerned. The supervisory authority</u>			

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		<u>concerned with which the complaint has been lodged shall assist the lead supervisory authority in drafting the decision in such a manner.</u>			
Article 16, first paragraph e					
154k		<u>1e. Any draft decision or final decision shall only rely on factual findings made on the basis of documents or other evidence, on which the parties under investigation had the opportunity to make their views known.</u>			
Article 16, first paragraph f					
154l		<u>1f. The information provided to the parties under Article 60(7) to (9) of Regulation (EU) 2016/679 shall include a</u>			

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		<u>copy of the legally binding decision, and information about a judicial remedy available in accordance with Article 78 of Regulation (EU) 2016/679.</u>			
Article 16, first paragraph g					
154m		<u>Ig. Supervisory authorities shall publish all legally binding decisions they issue without undue delay, but no later than three months after adoption, unless the new decisions do not materially depart from previously published decisions. In accordance with applicable national law, supervisory authorities may redact party names, any other information that may allow</u>			

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		<u>the identification of parties, and other information that is protected under applicable law.</u>			
Article 17					
155	Article 17 Right to be heard in relation to revised draft decision	Article 17 <i>deleted</i>	Article 17 Right to be heard in relation to revised draft decision		
Article 17(1)					
156	1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises elements on which the parties under investigation should have the opportunity to make their views known, the lead	<i>deleted</i>	1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises new elements on which the parties under investigation should have the opportunity to make their views known, the lead		

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	supervisory authority shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the parties under investigation with the possibility to make their views known on such new elements.		supervisory authority shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the parties under investigation with the possibility to make their views known on such new elements.		
Article 17(2)					
157	2. The lead supervisory authority shall set a time-limit within which the parties under investigation may make known their views.	<i>deleted</i>	2. The lead supervisory authority shall set a time-limit of four weeks within which the parties under investigation may make known their views. Upon request of the parties under investigation, the period shall be extended by two		

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			week on account of the complexity of the case.		
Article 17(2a)					
157a			2bis. The lead supervisory authority shall inform the supervisory authorities concerned of the views made by the parties under investigation.		
Section 4					
158	Section 4 Relevant and reasoned objections	Section 4 Relevant and reasoned objections	Section 4 Relevant and reasoned objections	Section 4 Relevant and reasoned objections Text Origin: Commission Proposal	
Article 18					
159	Article 18 Relevant and reasoned objections	Article 18 Relevant and reasoned objections	Article 18 Relevant and reasoned objections	Article 18 Relevant and reasoned objections	

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				Text Origin: Commission Proposal	
Article 18(1)					
160	1. Relevant and reasoned objections within the meaning of Article 4(24) of Regulation (EU) 2016/679 shall:	1. Relevant and reasoned objections within the meaning of Article 4(24) of Regulation (EU) 2016/679 shall:	1. Relevant and reasoned objections within the meaning of Article 4(24) of Regulation (EU) 2016/679 shall:	1. Relevant and reasoned objections within the meaning of Article 4(24) of Regulation (EU) 2016/679 shall: Text Origin: Commission Proposal	
Article 18(1), point (a)					
161	(a) be based exclusively on factual elements included in the draft decision; and	(a) be based exclusively on factual elements included in the draft decision; and , <u>or on the evidence the joint case file or on any additional</u>	(a) be based exclusively on factual and legal elements included in the draft decision, taking into account the comments relating to the		

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		<u>evidence submitted together with the relevant and reasoned objection;</u>	summary of key issues and the preliminary findings; and		
Article 18(1), point (b)					
162	(b) not change the scope of the allegations by raising points amounting to identification of additional allegations of infringement of Regulation (EU) 2016/679 or changing the intrinsic nature of the allegations raised.	(b) not change the scope of the allegations by raising points amounting to identification of additional allegations of infringement of Regulation (EU) 2016/679 or changing the intrinsic nature <u>case as defined in the latest version</u> of the allegations raised <u>summary of key issues; and</u>	(b) not change concern the scope of the allegations by raising points amounting to identification of additional allegations of infringement of Regulation an investigation on which consensus was found pursuant to Article 10(EU1a) 2016/679 or changing the intrinsic nature or 10(3), or as defined in the binding decision of the allegations raised. Board adopted under Article 10 (6) when applicable,		
Article 18(1), point (ba)					

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162a		<u>(ba) clearly identify the elements of the draft decision that should be changed, including, when possible, the precise wording of the proposed change or a sufficiently precise description of the proposed change to the draft decision.</u>	(c) not concern a draft decision adopted in accordance with the conditions pursuant to Article 5 of this Regulation.		
Article 18(1a)					
162b			2. Notwithstanding point (b) of paragraph 1, a supervisory authority concerned may provide relevant and reasoned objections that concern the scope of an investigation as referred to in point (b) of paragraph 1, provided		

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			that, in duly justified cases:		
Article 18(1a), point (a)					
162c			– the lead supervisory authority has failed to investigate all the elements of the summary of key issues agreed pursuant to Article 10(1a) or 10(3), or has failed to comply with the binding decision of the Board under Article 10 (6). or,		
Article 18(1a), point (b)					
162d			– additional new elements not available at the time of agreeing on the summary of key issues pursuant to Article 10(1a) or 10(3), or at the time of the binding decision of the		

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			Board under Article 10 (6), demonstrate a significant risk posed by the draft decision as regards the fundamental rights and freedom of the data subject and, where applicable, the free flow of personal data within the Union; or both		
Article 18(2)					
163	2. The form and structure of relevant and reasoned objections shall meet all of the following requirements:	2. The form and structure of relevant and reasoned objections shall meet all of the following requirements:	<i>deleted</i>		
Article 18(2), point (a)					
164	(a) the length of each relevant and reasoned objection and the position of the lead supervisory	<i>deleted</i>	<i>deleted</i>		

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	authority on any such objection shall not exceed three pages and shall not include annexes. In cases involving particularly complex legal issues, the maximum length may be increased to six pages, except if specific circumstances justifying a longer length are accepted by the Board;				
<i>Article 18(2), point (b)</i>					
165	(b) the disagreement of the supervisory authority concerned with the draft decision shall be stated at the beginning of the relevant and reasoned objection and shall be worded in sufficiently clear, coherent and precise terms	(b) the disagreement of the supervisory authority concerned with the draft decision shall be stated at the beginning of the relevant and reasoned objection and shall be worded in sufficiently clear, coherent and precise terms	<i>deleted</i>		

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	to enable the lead supervisory authority, and as the case may be, supervisory authorities concerned, to prepare their positions and to enable the Board to efficiently resolve the dispute;	to enable the lead supervisory authority, and as the case may be, supervisory authorities concerned, to prepare their positions and to enable the Board to efficiently resolve the dispute;			
<i>Article 18(2), point (c)</i>					
166	(c) legal arguments shall be set out and grouped by reference to the operative part of the draft decision to which they relate. Each argument or group of arguments shall generally be preceded by a summary statement.	(c) legal arguments shall be set out and grouped by reference to the operative part of the draft decision to which they relate. Each argument or group of arguments shall generally be preceded by a summary statement.	<i>deleted</i>		
<i>Chapter IV</i>					
167	Chapter IV	Chapter IV <i>deleted</i>	Chapter IV		

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	Access to the administrative file and treatment of confidential information		Access to the administrative file and treatment of confidential information		
Article 19					
168	Article 19 Content of the administrative file	Article 19 <i>deleted</i>	Article 19 Content of the administrative file		
Article 19(1)					
169	1. The administrative file in an investigation concerning an alleged infringement of Regulation (EU) 2016/679 consists of all documents which have been obtained, produced and/or assembled by the lead supervisory authority during the investigation.	<i>deleted</i>	1. The administrative file in an investigation concerning an alleged infringement of Regulation (EU) 2016/679 consists of all the documents which have been obtained, or produced and/or by the concerned supervisory authorities and the lead supervisory authority, and assembled by the lead supervisory authority		

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			during the investigation procedure, including inculpatory and exculpatory documents. The administrative file shall not include internal communication within a supervisory authority or internal drafts.		
Article 19(2)					
170	2. In the course of investigation of an alleged infringement of Regulation (EU) 2016/679, the lead supervisory authority may return to the party from which they have been obtained documents which following a more detailed examination prove to be unrelated to the subject matter of the investigation.	<i>deleted</i>	<i>deleted</i>		

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	Upon return, these documents shall no longer constitute part of the administrative file.				
Article 19(3)					
171	3. The right of access to the administrative file shall not extend to correspondence and exchange of views between the lead supervisory authority and supervisory authorities concerned. The information exchanged between the supervisory authorities for the purpose of the investigation of an individual case are internal documents and shall not be accessible to the parties under investigation or the complainant.	<i>deleted</i>	<i>deleted</i>		

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Article 19(4)					
172	4. Access to relevant and reasoned objections pursuant to Article 60(4) of Regulation (EU) 2016/679 shall be provided in accordance with Article 24.	<i>deleted</i>	<i>deleted</i>		
Article 20					
173	Article 20 Access to the administrative file and use of documents	Article 20 <i>deleted</i>	Article 20 Access to the administrative file by parties under investigation and the complainant and use of documents		
Article 20(1)					
174	1. The lead supervisory authority shall grant access to the administrative file to the parties under investigation, enabling them to exercise	<i>deleted</i>	1. Upon request of the parties under investigation, or the complainant where the decision is liable to affect his or her interests		

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	their right to be heard. Access to the administrative file shall be granted after the lead supervisory authority notifies the preliminary findings to the parties under investigation.		adversely, the lead supervisory authority shall grant access to the administrative file to the parties under investigation, or the complainant, enabling them to exercise their right to be heard. Access to the administrative file shall be granted after the lead supervisory authority notifies the preliminary findings to the parties under investigation.		
Article 20(2)					
175	2. The administrative file shall include all documents, inculpatory and exculpatory, including facts and documents which are known to the parties under investigation.	<i>deleted</i>	<i>deleted</i>		

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Article 20(3)					
176	3. The conclusions of the lead supervisory authority in the draft decision under Article 60(3) of Regulation (EU) 2016/679 and the final decision under Article 60(7) of Regulation (EU) 2016/679 may only rely on documents cited in the preliminary findings or on which the parties under investigation had the opportunity to make their views known.	<i>deleted</i>	3. The conclusions of the lead supervisory authority in the draft decision under Article 60(3) of Regulation (EU) 2016/679 and the final decision under Article 60(7) of Regulation (EU) 2016/679 may shall only rely on documents cited in the preliminary findings or on elements on which the parties under investigation had the opportunity to make their views known.		
Article 20(3a)					
176a			3bis. Correspondence, exchange of views and other information exchanged between supervisory authorities		

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			for the purpose of the investigation shall not be accessible to the parties under investigation, the complainant or third parties.		
Article 20(3b)					
176b			3ter. Access to relevant and reasoned objections pursuant to Article 60(4) of Regulation (EU) 2016/679 on the basis to which the lead supervisory authority intends to adopt a revised draft decision shall only be provided by the lead supervisory authority where necessary to enable the parties under investigation or the complainant to express		

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			their views and defend their rights.		
Article 20(4)					
177	4. Documents obtained through access to the administrative file pursuant to this Article shall be used only for the purposes of judicial or administrative proceedings for the application of Regulation (EU) 2016/679 in the specific case for which such documents were provided.	<i>deleted</i>	<i>deleted</i>		
Article 21					
178	Article 21 Identification and protection of confidential information	Article 21 <i>deleted</i>	Article 21 Identification and protection of confidential information		
Article 21(1)					

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179	1. Unless otherwise provided in this Regulation, information collected or obtained by a supervisory authority in cross-border cases under of Regulation (EU) 2016/679, including any document containing such information, shall not be communicated or made accessible by the supervisory authority in so far as it contains business secrets or other confidential information of any person.	<i>deleted</i>	1. Unless otherwise provided in this Regulation, any information collected, produced or obtained by a supervisory authority in cross-border cases under-of Regulation (EU) 2016/679, including any document containing such information, shall not be communicated or made accessible by the supervisory authority to the parties under the investigation or to the complainant in so far as it contains business trade secrets as defined in directive (EU) 2016/943 or other confidential information of any person in accordance with Union and Member State law.		

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Article 21(2)					
180	2. Any information collected or obtained by a supervisory authority in cross-border cases under Regulation (EU) 2016/679, including any document containing such information, is excluded from access requests under laws on public access to official documents as long as the proceedings are ongoing.	<i>deleted</i>	2. Any information collected, produced or obtained by a supervisory authority in cross-border cases under Regulation (EU) 2016/679 referred to in paragraph 1 , including any document containing such information, is excluded from access requests under laws on public access to official documents shall not be disclosed, unless required by Union or Member State law , as long as the proceedings are ongoing.		
Article 21(3)					
181	3. When communicating preliminary findings to parties under	<i>deleted</i>	<i>deleted</i>		

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	investigation and providing for access to the administrative file on the basis of Article 20, the lead supervisory authority shall ensure that the parties under investigation to whom access is being given to information containing business secrets or other confidential information treat such information with utmost respect for its confidentiality and that such information is not used to the detriment of the provider of the information. Depending on the degree of confidentiality of the information, the lead supervisory authority shall adopt appropriate arrangements to give full				

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	effect to the rights of defence of the parties under investigation with due regard for the confidentiality of the information.				
Article 21(4)					
182	4. An entity submitting information that it considers to be confidential shall clearly identify the information which it considers to be confidential, giving reasons for the confidentiality claimed. The entity shall provide a separate non-confidential version of the submission.	<i>deleted</i>	4. An entity A party under investigation, a complainant, or a third party submitting information that it considers to be confidential shall clearly identify the information which it considers to be confidential, giving reasons for the confidentiality claimed. The entity party under investigation, complainant, or third party shall provide a		

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			separate non-confidential version of the submission.		
Article 21(5)					
183	5. Without prejudice to paragraph 4, the lead supervisory authority may require the parties under investigation, or any other party which produces documents pursuant to Regulation (EU) 2016/679, to identify the documents or parts of documents which they consider to contain business secrets or other confidential information belonging to them and to identify the parties for which these documents are considered to be confidential.	<i>deleted</i>	5. Without prejudice to paragraph 4, the lead supervisory authority to which the information is submitted may require the parties under investigation, or any other party which produces documents pursuant to Regulation (EU) 2016/679, to identify the documents or parts of documents which they consider to contain businesstrade secrets or other confidential information belonging to them and to identify the parties for which these		

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			documents are considered to be confidential.		
Article 21(6)					
184	6. The lead supervisory authority may set a time-limit for parties under investigation and any other party raising a confidentiality claim to:	<i>deleted</i>	6. The lead supervisory authority may to which the information is submitted shall set a time-limit for parties under investigation and any other party raising a confidentiality claim to:		
Article 21(6), point (a)					
185	(a) substantiate their claims for business secrets and other confidential information for each individual document or part of document, statement, or part of statement;	<i>deleted</i>	(a) substantiate their claims for business trade secrets and other confidential information for each individual document or part of document, statement, or part of statement;		
Article 21(6), point (b)					

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186	(b) provide a non-confidential version of the documents and statements, in which the business secrets and other confidential information are redacted;	<i>deleted</i>	(b) provide a non-confidential version of the documents and statements, in which the business trade secrets and other confidential information are redacted;		
Article 21(6), point (c)					
187	(c) provide a concise, non-confidential, description of each piece of redacted information.	<i>deleted</i>	(c) provide a concise, non-confidential, description of each piece of redacted information.		
Article 21(7)					
188	7. If the parties under investigation or any other party fails to comply with paragraphs 4 and 5, the lead supervisory authority may assume that the documents or statements concerned do not contain business secrets	<i>deleted</i>	7. If the parties under investigation or any other party fails to comply with paragraphs 4 and 5, the lead supervisory authority to which the information is submitted may assume that the documents or statements concerned do		

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	or other confidential information.		not contain business trade secrets or other confidential information.		
Article 21(7a)					
188a			7bis. The authority to which the information is submitted shall determine whether or not the information or relevant and specific parts of documents are confidential, in accordance with paragraph 1, and shall inform the other supervisory authorities about the confidential nature of the information when transmitted.		
Article 21(7b)					
188b			8. Information exchanged between		

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			supervisory authorities in the application of Regulation (EU) 2016/679, where it is regarded as confidential information under the national law of the supervisory authority to which the information is submitted, shall remain treated as confidential by the supervisory authority receiving it.		
Chapter V					
189	Chapter V Dispute resolution	Chapter V Dispute resolution	Chapter V Dispute resolution	Chapter V Dispute resolution Text Origin: Commission Proposal	
Article 22					
190	Article 22	Article 22	Article 22	Article 22	

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	Referral to dispute resolution under Article 65 of Regulation (EU) 2016/679	Referral to dispute resolution under Article 65 <u>65(1), point (a)</u> of Regulation (EU) 2016/679	Referral to dispute resolution under Article 65, paragraph 1(a) , of Regulation (EU) 2016/679	Referral to dispute resolution under Article 65, <u>paragraph 1(a)</u> , of Regulation (EU) 2016/679 Text Origin: Council Mandate	
Article 22(1)					
191	1. If the lead supervisory authority does not follow the relevant and reasoned objections or is of the opinion that the objections are not relevant or reasoned, it shall submit the subject-matter to the dispute resolution mechanism set out in Article 65 of Regulation (EU) 2016/679.	1. If the lead supervisory authority does not follow the relevant and reasoned objections or is of the opinion that the objections are not relevant or reasoned, it shall submit the subject-matter to the dispute resolution mechanism set out in Article 65 of Regulation (EU) 2016/679, <u>within four weeks from the receipt of all relevant and reasoned</u>	<i>deleted</i>		

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		<u>objections or from the lapse of the deadline pursuant to Article 60(4) of Regulation (EU) 2016/679.</u> <u>Relevant and reasoned objections that have been received after the deadline shall not be taken into consideration.</u>			
Article 22(1a)					
191a			1a. Within three months after the expiry of the period set out by Article 60(4) of Regulation (EU) 2016/679, the lead supervisory authority shall either submit a revised draft pursuant to Article 60 (5) of Regulation (EU) 2016/679 to the other supervisory authorities		

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			concerned or refer the subject-matter to the Board for dispute resolution under Article 65 (1) (a) of Regulation (EU) 2016/679.		
Article 22(1b)					
191b			1b. Within three months after the expiry of the period set out by Article 60(5) of Regulation 2016/679, the lead supervisory authority shall either submit another revised draft decision under 60 (5) of Regulation (EU) 2016/679 or refer the subject-matter to the Board for dispute resolution under Article 65 (1) (a) of Regulation (EU) 2016/679.		

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Article 22(2)					
192	2. When referring the subject-matter to dispute resolution, the lead supervisory authority shall provide the Board with all of the following documents:	2. When referring the subject-matter to dispute resolution, the lead supervisory authority shall provide the Board with all of the following documents :	2. When referring the subject-matter to dispute resolution under Article 65, paragraph 1(a) of Regulation (EU) 2016/679 , the lead supervisory authority shall provide the Board with all of the following documents:		
Article 22(2), point (a)					
193	(a) the draft decision or revised draft decision subject to the relevant and reasoned objections;	(a) the draft decision or revised draft decision subject to the relevant and reasoned objections;	(a) the draft decision or revised draft decision subject to the relevant and reasoned objections;	(a) the draft decision or revised draft decision subject to the relevant and reasoned objections; Text Origin: Commission Proposal	
Article 22(2), point (aa)					

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193a		(aa) <u>the summary of key issues;</u>			
Article 22(2), point (b)					
194	(b) a summary of the relevant facts;	(b) a summary of the relevant facts, <u>including the description of processing activities, the description of the controller's organisation and where the relevant decisions on the purposes and means of the processing of personal data are taken;</u>	(b) a summary of the relevant facts;		
Article 22(2), point (c)					
195	(c) the preliminary findings;	(c) the preliminary findings;	<i>deleted</i>		
Article 22(2), point (d)					
196	(d) view made in writing by the parties under investigation, as the case	(d) view <u>views</u> made in writing by the parties under investigation, as the case	(d) view made in writing by the parties under investigation, as the case		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	may be, pursuant to Articles 14 and 17;	may be , pursuant to Articles 14 and 17 <u>Article 14</u> ;	may be, pursuant to Articles 14 and 17 at least to the extent they relate to the subject matter submitted to the dispute resolution mechanism ;		
Article 22(2), point (e)					
197	(e) views made in writing by complainants, as the case may be, pursuant to Articles 11, 12, and 15;	<i>deleted</i>	(e) views made in writing by complainants, as the case may be, pursuant to Articles 11, 12, and 15 at least to the extent they relate to the subject matter submitted to the dispute resolution mechanism ;		
Article 22(2), point (f)					
198	(f) the relevant and reasoned objections which were not followed by the lead supervisory authority;	(f) the relevant and reasoned objections which were not followed by the lead supervisory authority. <u>and the objections that the</u>	(f) the relevant and reasoned objections which were not followed or rejected by the lead supervisory authority and		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>lead supervisory authority has rejected as not relevant or reasoned;</u>	the objections that the lead supervisory authority has rejected as being neither relevant nor reasoned;		
Article 22(2), point (g)					
199	(g) the reasons on the basis of which the lead supervisory authority did not follow the relevant and reasoned objections or considered the objections not to be relevant or reasoned.	(g) the reasons on the basis of which the lead supervisory authority did not follow the relevant and reasoned objections or considered <u>rejected</u> the objections <u>as</u> not to be relevant or reasoned.	(g) the reasons on the basis of which the lead supervisory authority did not follow the relevant and reasoned objections or considered the objections not to be relevant or reasoned.		
Article 22(2), point (ga)					
199a		<u>(ga) access to the joint case file.</u>			
Article 22(2a)					
199b			2a. Where appropriate, the Board may request further		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			documents from the lead supervisory authority, at least to the extent they relate to the subject matter submitted to the dispute resolution mechanism.		
Article 22(3)					
200	3. The Board shall within four weeks of receiving the documents listed in paragraph 2 identify retained relevant and reasoned objections.	3. The Board shall <u>register the submission of a subject-matter to the dispute resolution mechanism</u> within four <u>two</u> weeks of receiving <u>all of</u> the documents listed in paragraph 2 identify retained relevant and reasoned objections <u>or it shall demand a resubmission that includes any missing information within another week.</u>	3. The Board shall within four weeks of receiving the documents listed in paragraph 2 identify retained relevant and reasoned objections.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>When registering the submission, the Board shall list and structure the disputes between supervisory authorities which form the scope of the procedure before the Board, and instantly provide them to all supervisory authorities.</u>			
Article 22(3a)					
200a		<u>3a. Once all information specified in paragraph 2 have been received, the Chair of the Board is empowered to request from the lead supervisory authority or the supervisory authorities concerned any additional information, documents or clarifications necessary for</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>the Board to take a binding decision concerning all of the matters which are the subject of the relevant and reasoned objections. The authorities shall provide this additional information no later than one week after having received the request.</u>			
Article 22(3b)					
200b		<u>3b. The supervisory authorities concerned may, within two weeks after having been provided with the submission pursuant to paragraph 3, submit other relevant information that they have on that case which was not included in the objections, including but not limited to, facts and</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>documentation related to their objection.</u>			
Article 22(3c)					
200c		<u>3c. The “referral of the subject-matter” pursuant to Article 65(2) of Regulation (EU) 2016/679 shall mean the moment when all of the documents referred to in Article 22(2) are available and translated in accordance with Article 2d.</u>			
Article 22(3d)					
200d		<u>3d. The prohibition provided for in Article 65(4) of Regulation (EU) 2016/679 for supervisory authorities to adopt a decision on the subject matter submitted to the Board during the periods</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>referred to in Article 65(2) and (3) of Regulation (EU) 2016/679 shall also apply during the periods referred in paragraph 3 of this Article.</u>			
Article 23					
201	Article 23 Registration in relation to a decision under Article 65(1), point (a), of Regulation (EU) 2016/679	Article 23 <i>deleted</i>	Article 23 Registration in relation to a decision under Article 65(1), point (a), of Regulation (EU) 2016/679		
Article 23, first paragraph					
202	The Chair of the Board shall register the referral of a subject-matter to dispute resolution under Article 65(1), point (a), of Regulation (EU) 2016/679 no later than one week after having received all of the following documents:	<i>deleted</i>	1. The Chair of the Board shall register the referral of a subject-matter to dispute resolution under Article 65(1), point (a), of Regulation (EU) 2016/679 no later than one week after having received all of the following documents:		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			referred to in Article 22, paragraph 2 and 2a, and the retained relevant and reasoned objections.		
Article 23, first paragraph, point (a)					
203	(a) the draft decision or revised draft decision subject to the relevant and reasoned objections;	<i>deleted</i>	<i>deleted</i>		
Article 23, first paragraph, point (b)					
204	(b) a summary of the relevant facts;	<i>deleted</i>	<i>deleted</i>		
Article 23, first paragraph, point (c)					
205	(c) view made in writing by the parties under investigation, as the case may be, pursuant to Articles 14 and 17;	<i>deleted</i>	<i>deleted</i>		
Article 23, first paragraph, point (d)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
206	(d) views made in writing by complainants, as the case may be, pursuant to Articles 11, 12 and 15;	<i>deleted</i>	<i>deleted</i>		
Article 23, first paragraph, point (e)					
207	(e) the retained relevant and reasoned objections;	<i>deleted</i>	<i>deleted</i>		
Article 23, first paragraph, point (f)					
208	(f) the reasons on the basis of which the lead supervisory authority did not follow the retained relevant and reasoned objections.	<i>deleted</i>	<i>deleted</i>		
Article 23, 1. a					
208a			2. As soon as the file is registered by the Chair of the Board, it shall be provided to the members of the Board.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 24					
209	Article 24 Statement of reasons prior to adoption of decision under Article 65(1), point (a), of Regulation (EU) 2016/679	Article 24 <i>deleted</i>	Article 24 Statement of reasons prior to adoption of decision under Article 65(1), point (a), of Regulation (EU) 2016/679		
Article 24(1)					
210	1. Prior to adopting the binding decision pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679, the Chair of the Board shall, through the lead supervisory authority, provide the parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, with a statement of reasons explaining the reasoning the	<i>deleted</i>	1. Prior to adopting the binding decision pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679, the Chair of where the Board shall, through intends to adopt a decision requiring the lead supervisory authority to amend its draft decision or revised draft decision, it shall assess whether the adoption of such decision relies on elements on		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	Board intends to adopt in its decision. Where the Board intends to adopt a binding decision requiring the lead supervisory authority to amend its draft decision or revised draft decision, the Board shall decide whether such statement of reasons should be accompanied by the retained relevant and reasoned objections on the basis of which the Board intends to adopt its decision.		which, provide the parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, have been provided with an opportunity to express their views with a statement of reasons explaining the reasoning the Board intends to adopt in its decision. which, provide the parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, have been provided with an opportunity to express their views with a statement of reasons explaining the reasoning the Board intends to adopt in its decision. Where the Board intends to adopt a binding decision requiring the lead supervisory authority to amend its draft decision or revised draft decision, the Board shall decide whether such statement of reasons should be accompanied by the retained relevant and reasoned objections on the basis of which the Board		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			intends to adopt its decision.		
Article 24(1a)					
210a			1bis. Where the Board considers that the parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, have not been provided with an opportunity to express their views on the elements referred to in paragraph 1, the Board shall provide the parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, with a statement of reasons		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			explaining the reasoning the Board intends to adopt in its decision.		
Article 24(1b)					
210b			1ter. The Board shall assess and decide whether such statement of reasons should be accompanied by the retained relevant and reasoned objections on the basis of which the Board intends to adopt its decision.		
Article 24(2)					
211	2. The parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, shall have one week from receipt of the statement of reasons	<i>deleted</i>	2. The Board shall set a time limit for the parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, shall have one week from receipt of the statement of		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	referred to in paragraph 1 to make their views known.		reasons referred to in paragraph 1 to make their views known.		
Article 24(3)					
212	3. The deadline in paragraph 2 shall be extended by one week where the Board extends the period for adoption of the binding decision in accordance with Article 65(2) of Regulation (EU) 2016/679.	<i>deleted</i>	<i>deleted</i>		
Article 24(4)					
213	4. The period for adoption of the binding decision of the Board provided for in Article 65(2) of Regulation (EU) 2016/679 shall not run during the periods provided for in paragraphs 2 and 3.	<i>deleted</i>	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 25					
214	Article 25 Procedure in relation to decision under Article 65(1), point (b), of Regulation (EU) 2016/679	Article 25 <i>deleted</i>	Article 25 Procedure in relation to decision under Article 65(1), point (b), of Regulation (EU) 2016/679		
Article 25(1)					
215	1. When referring a subject-matter to the Board under Article 65(1), point (b), of Regulation 2016/679, the supervisory authority referring the subject-matter regarding the competence for the main establishment shall provide the Board with all of the following documents:	<i>deleted</i>	1. When referring a subject-matter to the Board under Article 65(1), point (b), of Regulation 2016/679, the supervisory authority referring the subject-matter regarding the competence for the main establishment shall provide the Board with all of the following documents:		
Article 25(1), point (a)					
216	(a) a summary of the relevant facts;	<i>deleted</i>	(a) a summary of the relevant facts, inlcuding		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			regarding the processing at stake;		
Article 25(1), point (b)					
217	(b) the assessment of these facts as far as the conditions of Article 56(1) of Regulation (EU) 2016/679 are concerned;	<i>deleted</i>	(b) the assessment of these facts as far as the conditions of Article 56(1) of Regulation (EU) 2016/679 are concerned, in particular the assessment as to whether the processing is to be considered as a cross-border processing and as to where the main establishment of the controller or processor is located;		
Article 25(1), point (c)					
218	(c) views made by the controller or processor whose main establishment is the subject of the referral;	<i>deleted</i>	(c) views made by the controller or processor whose main establishment is the subject of the referral;		

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Article 25(1), point (d)					
219	(d) the views of other supervisory authorities concerned by the referral;	<i>deleted</i>	(d) the views of other supervisory authorities concerned by the referral;		
Article 25(1), point (e)					
220	(e) any other document or information the referring supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.	<i>deleted</i>	(e) any other document or information the referring supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.		
Article 25(1a)					
220a			1a. Where appropriate, the Board may request further documents from the lead supervisory authority.		
Article 25(2)					
221	2. The Chair of the Board shall register the	<i>deleted</i>	2. The Chair of the Board shall register the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	referral no later than one week after having received the documents referred to in paragraph 1.		referral no later than one week after having received the documents referred to in paragraph 1 paragraphs 1 and 1a.		
Article 25(2a)					
221a			3. As soon as the file is registered by the Chair of the Board, it shall be provided to the members of the Board.		
Article 25(2b)					
221b			4. Where a decision is adopted by the Board under Article 65 (1) (b) of Regulation 2016/679, in accordance with Article 65(6) of Regulation 2016/679, the competent supervisory authority designated by the Board shall acknowledge receipt		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			of the binding decision and of its competence within one month as foreseen under Article 65(6) of Regulation 2016/679.		
Article 26					
222	Article 26 Procedure in relation to decision under Article 65(1), point (c), of Regulation (EU) 2016/679	Article 26 Procedure in relation to decision under Article 65(1), point (c), of Regulation (EU) 2016/679	Article 26 Procedure in relation to decision under Article 65(1), point (c), of Regulation (EU) 2016/679	Article 26 Procedure in relation to decision under Article 65(1), point (c), of Regulation (EU) 2016/679 Text Origin: Commission Proposal	
Article 26(1)					
223	1. When referring a subject-matter to the Board under Article 65(1), point (c), of Regulation	1. When referring a subject-matter to the Board under Article 65(1), point (c), of Regulation	1. When referring a subject-matter to the Board under Article 65(1), point (c), of Regulation	1. When referring a subject-matter to the Board under Article 65(1), point (c), of Regulation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	2016/679, the supervisory authority referring the subject-matter or the Commission shall provide the Board with all of the following documents:	2016/679, the supervisory authority referring the subject-matter or the Commission shall provide the Board with all of the following documents:	2016/679, the supervisory authority referring the subject-matter or the Commission shall provide the Board with all of the following documents:	2016/679, the supervisory authority referring the subject-matter or the Commission shall provide the Board with all of the following documents: Text Origin: Commission Proposal	
Article 26(1), point (a)					
224	(a) a summary of the relevant facts;	(a) a summary of the relevant facts;	(a) a summary of the relevant facts;	(a) a summary of the relevant facts; Text Origin: Commission Proposal	
Article 26(1), point (b)					
225	(b) the opinion, as the case may be, issued by the Board pursuant to Article	(b) the opinion, as the case may be, issued by the Board pursuant to Article	(b) the opinion, as the case may be, issued by the Board pursuant to Article	(b) the opinion, as the case may be, issued by the Board pursuant to Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	64 of Regulation (EU) 2016/679;	64 of Regulation (EU) 2016/679;	64 of Regulation (EU) 2016/679;	64 of Regulation (EU) 2016/679; Text Origin: Commission Proposal	
Article 26(1), point (ba)					
225a			(ba) the decision, as the case may be, adopted by the competent supervisory authority following the opinion issued by the Board pursuant to Article 64 of Regulation (EU) 2016/679		
Article 26(1), point (c)					
226	(c) the views of the supervisory authority referring the subject-matter or the Commission as to whether, as the case may	(c) the views of the supervisory authority referring the subject-matter or the Commission as to whether, as the case may	(c) the views of the supervisory authority referring the subject-matter or the Commission as to whether, as the case may		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	be, a supervisory authority was required to communicate the draft decision to the Board pursuant to Article 64(1) of Regulation (EU) 2016/679, or a supervisory authority did not follow an opinion of the Board issued pursuant to Article 64 of Regulation (EU) 2016/679.	be, a supervisory authority was required to communicate the draft decision to the Board pursuant to Article 64(1) of Regulation (EU) 2016/679, or a supervisory authority did not follow an opinion of the Board issued pursuant to Article 64 of Regulation (EU) 2016/679, <u>including an explanation of which points were not followed and a reference to the relevant part of the adopted decision.</u>	be, a supervisory authority was required to communicate the draft decision to the Board pursuant to Article 64(1) of Regulation (EU) 2016/679, or a supervisory authority did not follow an opinion of the Board issued pursuant to Article 64 of Regulation (EU) 2016/679.		
Article 26, paragraph 1a (new)					
226a		<u>1a The Chair of the Board shall inform all supervisory authorities of the referral made to the Board under paragraph 1,</u>	1a. Where appropriate, the Board may request further documents from the lead supervisory authority.		

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		<u>so as to allow the supervisory authorities to make their views known.</u>			
Article 26(2), first subparagraph					
227	2. The Chair of the Board shall request the following documents:	2. The Chair of the Board shall request the following documents:	2. The Chair of The Board shall request the following documents:		
Article 26(2), first subparagraph, point (a)					
228	(a) the views of the supervisory authority alleged to have breached the requirement to communicate a draft decision to the Board or to have failed to follow an opinion of the Board;	(a) the views of the supervisory authority alleged to have breached the requirement to communicate a draft decision to the Board or to have failed to follow an opinion of the Board;	(a) the views of the supervisory authority alleged to have breached the requirement to communicate a draft decision to the Board or to have failed to follow an opinion of the Board;	(a) the views of the supervisory authority alleged to have breached the requirement to communicate a draft decision to the Board or to have failed to follow an opinion of the Board; Text Origin: Commission Proposal	
Article 26(2), first subparagraph, point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
229	(b) any other document or information the supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.	(b) any other document or information the supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.	(b) any other document or information the supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.	(b) any other document or information the supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter. Text Origin: Commission Proposal	
Article 26(2), second subparagraph					
230	If any supervisory authority declares a need to submit its views on the referred subject-matter, it shall submit those views within two weeks of the referral referred to in paragraph 1.	If any supervisory authority declares a need to submit its views on the referred subject-matter, it shall submit those views within two weeks of the referral referred to in paragraph 1.	If any supervisory authority declares a need to submit its views on the referred subject-matter, it shall submit those views within two weeks of the referral referred to in paragraph 1.	If any supervisory authority declares a need to submit its views on the referred subject-matter, it shall submit those views within two weeks of the referral referred to in paragraph 1.	

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				Text Origin: Commission Proposal	
Article 26(3)					
231	3. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1 and 2.	3. The Chair of the Board shall register the referral no later than one week after having received <u>all of</u> the documents referred to in paragraphs 1 and 2.	3. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1, 1a and 2.		
Article 26(3a)					
231a			4. As soon as the file is registered by the Chair of the Board, it shall be provided to the members of the Board.		
Article 26a					
231b		<u>Article 26a</u> <u>Procedural determinations</u> <u>by the Board</u>			

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Article 26a(1)					
231c		<u>1. Pursuant to Article 66 of Regulation (EU) 2016/679, a supervisory authority may request from the Board to take an urgent binding decision in the form of a procedural determination on any procedural dispute arising between supervisory authorities in cases foreseen by this Regulation.</u>			
Article 26a(2)					
231d		<u>2. Where the lead supervisory authority is of the view that it cannot possibly comply with a deadline pursuant to Article 4(1b) or Article 5a(3), especially because of</u>			

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		<u>the need for exceptionally complex factual investigations, it shall request from the Board an urgent binding decision pursuant to paragraph 1, regarding an extension of the deadline of up to nine more months. The supervisory authority shall demonstrate that despite its compliance with Article 2c(1), the extension sought is inevitable.</u>			
Article 26a(3)					
231e		<u>3. Requests under paragraph 1 and 2 shall at least contain:</u>			
Article 26a(3), point (a)					
231f		<u>(a) the facts relied upon and any evidence</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>available to the authority or party;</u>			
Article 26a(3), point (b)					
231g		<u>(b) the legal grounds for the request;</u>			
Article 26a(3), point (c)					
231h		<u>(c) the determination pursuant to paragraph 1 or the deadline extension pursuant to paragraph 2 that the authority or party requests from the Board;</u>			
Article 26a(4)					
231i		<u>4. Within two weeks, the Board shall determine the matter based on the information before it or it shall reject the application. Determinations are binding on the supervisory authorities.</u>			

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Article 26b					
231j		<u>Article 26b</u> <u>Right to an effective judicial remedy against a supervisory authority</u>			
Article 26b(1)					
231k		<u>1. Without prejudice to existing remedies under Article 78 of Regulation (EU) 2016/679 and any other administrative or non-judicial remedy, each party to the procedure shall have the right to an effective judicial remedy:</u>			
Article 26b(1), point (a)					
231l		<u>(a) where the supervisory authority with which the complaint has been lodged does not use its powers to ensure that</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>another supervisory authority progresses the procedure;</u>			
Article 26b(1), point (b)					
231m		<u>(b) where a lead supervisory authority does not comply with deadlines as provided for in Regulation (EU) 2016/679 and this Regulation; or</u>			
Article 26b(1), point (c)					
231n		<u>(c) where a supervisory authority does not comply with a binding decision of the Board.</u>			
Article 26b(2)					
231o		<u>2. Any party to the procedure or a not-for-profit body under Article 80 of Regulation (EU) 2016/679 may bring an</u>			

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		<u>action under paragraph 1, point (c) if it considers that the rights of a data subject under Regulation (EU) 2016/679 have been infringed as a result of the processing.</u>			
Article 26b(3)					
231p		<u>3. Where a court or tribunal exercising the review pursuant to paragraph 1 finds that a supervisory authority has not fulfilled its duties, it shall have the power to order that supervisory authority to take the necessary action.</u>			
Chapter VI					
232	Chapter VI Urgency procedure	Chapter VI Urgency procedure	Chapter VI Urgency procedure	Chapter VI Urgency procedure	

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				Text Origin: Commission Proposal	
Article 27					
233	Article 27 Urgent opinions under Article 66(2) of Regulation (EU) 2016/679	Article 27 Urgent opinions under Article 66(2) of Regulation (EU) 2016/679	Article 27 Urgent opinions under Article 66(2) of Regulation (EU) 2016/679	Article 27 Urgent opinions under Article 66(2) of Regulation (EU) 2016/679 Text Origin: Commission Proposal	
Article 27(1)					
234	1. A request for an urgent opinion of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three weeks prior to the expiry of provisional	1. A request for an urgent opinion of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three weeks prior to the expiry of provisional	1. A request for an urgent opinion of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three four weeks prior to the expiry of provisional		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	measures adopted under Article 66(1) of Regulation (EU) 2016/679 and shall contain all of the following items:	measures adopted under Article 66(1) of Regulation (EU) 2016/679 and shall contain all of the following items:	measures adopted under Article 66(1) of Regulation (EU) 2016/679 and shall contain all of the following items:		
Article 27(1), point (a)					
235	(a) a summary of the relevant facts;	(a) a summary of the relevant facts, <u>including evidence of an infringement of Regulation EU 2016/679</u> ;	(a) a summary of the relevant facts;		
Article 27(1), point (b)					
236	(b) a description of the provisional measure adopted on its own territory, its duration and the reasons for adopting it, including the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;	(b) a description of the provisional measure adopted on its own <u>the territory of the Member State of the supervisory authority requesting the opinion</u> , its duration and the reasons for adopting it, including the justification of the urgent need to act in	(b) a description of the provisional measure adopted on its own territory, its duration and the reasons for adopting it, including the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		order to protect the rights and freedoms of data subjects;			
Article 27(1), point (c)					
237	(c) a justification of the urgent need for final measures to be adopted on the territory of the Member State of the requesting supervisory authority, including an explanation of the exceptional nature of circumstances requiring the adoption of the measures concerned.	(c) a justification of the urgent need for final measures to be adopted on the territory of the Member State of the requesting supervisory authority, including an explanation of the exceptional nature of circumstances requiring the adoption of the measures concerned.	(c) a justification of the urgent need for final measures to be adopted on the territory of the Member State of the requesting supervisory authority, including an explanation of the exceptional nature of circumstances requiring the adoption of the measures concerned.		
Article 27(1), point (ca)					
237a		<u>(ca) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 27(1a)					
237b			1a. Where appropriate, the Board may request further documents from the lead supervisory authority.		
Article 27(1b)					
237c			1bis. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1 and 1a.		
Article 27(1c)					
237d			1ter. As soon as the file is registered by the Chair of the Board, it shall be provided to the members of the Board.		
Article 27(2)					

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238	2. The urgent opinion of the Board shall be addressed to the supervisory authority that submitted the request. It shall be similar to an opinion within the meaning of Article 64(1) of Regulation (EU) 2016/679 and enable the requesting authority to maintain or amend its provisional measure in line with the obligations of Article 64(7) of Regulation (EU) 2016/679.	2. The urgent opinion of the Board shall be addressed to the <u>all</u> supervisory authority that submitted the request <u>authorities</u> . It shall be similar to an opinion within the meaning of Article 64(1) of Regulation (EU) 2016/679 and enable the requesting authority <u>authorities</u> to maintain or amend its provisional measure in line with the obligations of Article 64(7) of Regulation (EU) 2016/679.	deleted		
Article 28					
239	Article 28 Urgent decisions under Article 66(2) of Regulation (EU) 2016/679	Article 28 Urgent <u>binding</u> decisions under Article 66(2) of Regulation (EU) 2016/679	Article 28 Urgent binding decisions under Article 66(2) of Regulation (EU) 2016/679		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 28(1)					
240	1. A request for an urgent decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three weeks prior to the expiry of provisional measures adopted under Articles 61(8), 62(7) or 66(1) of Regulation (EU) 2016/679. That request shall contain all of the following items:	1. A request for an urgent <u>binding</u> decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three weeks prior to the expiry <u>after the adoption</u> of provisional measures adopted under Articles 61(8), 62(7) or 66(1) of Regulation (EU) 2016/679. That request shall contain all of the following items:	1. A request for an urgent binding decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three four weeks prior to the expiry of provisional measures adopted under Articles 61(8), 62(7) or 66(1) of Regulation (EU) 2016/679. That request shall contain all of the following items:		
Article 28(1), point (a)					
241	(a) a summary of the relevant facts;	(a) a summary of the relevant facts, <u>including evidence of an infringement of Regulation EU 2016/679</u> ;	(a) a summary of the relevant facts;		
Article 28(1), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
242	(b) the provisional measure adopted on the territory of the Member State of the supervisory authority requesting the decision, its duration and the reasons for adopting the provisional measures, in particular the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;	(b) the provisional measure adopted on the territory of the Member State of the supervisory authority requesting the decision, its duration and the reasons for adopting the <u>provisional measures</u> ^{it} , in particular the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;	(b) the provisional measure adopted on the territory of the Member State of the supervisory authority requesting the decision, its duration and the reasons for adopting the provisional measures, in particular the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;		
Article 28(1), point (c)					
243	(c) information on any investigatory measures taken on its own territory and replies received from the local establishment of the parties under investigation or any other information in the	(c) information on any investigatory measures taken on its own territory and replies received from the local establishment of the parties under investigation or any other information in the	(c) information on any investigatory measures taken on its own territory and replies received from the local establishment of the parties under investigation or any other information in the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	possession of the requesting supervisory authority;	possession of the requesting supervisory authority;	possession of the requesting supervisory authority;		
Article 28(1), point (d)					
244	(d) a justification of the urgent need for final measures to be adopted on the territory of the requesting supervisory authority, bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to respond to a request under Article 61(3) or 62(2) of Regulation (EU) 2016/679;	(d) a justification of the urgent need for final measures to be adopted on the territory of the requesting supervisory authority , bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to <u>provide the information requested under Article 61(5) of Regulation (EU) 2016/679 or failed to</u> respond to a request under <u>pursuant to</u> Article 61(3) <u>61(8)</u> or 62(2) of Regulation (EU) 2016/679;	(d) a justification of the urgent need for final measures to be adopted on the territory of the requesting supervisory authority , bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to respond to a request under Article 61(3) <u>61(5)</u> or 62(2) of Regulation (EU) 2016/679;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 28(1), point (e)					
245	(e) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority;	(e) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority;	(e) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority;	(e) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority; Text Origin: Commission Proposal	
Article 28(1), point (f)					
246	(f) where applicable, the views of the local establishment of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.	(f) where applicable <u>available</u> , the views of the local establishment of parties. In <u>case the requesting authority is not the lead supervisory authority, the requesting authority shall grant the right to be heard to</u> the parties under investigation against which	(f) where applicable, the views of the local establishment of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.			
Article 28(1a)					
246a			1a. Where appropriate, the Board may request further documents from the lead supervisory authority.		
Article 28(1b)					
246b			1bis. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1 and 1a. As soon as the file is registered by the Chair of the Board, it shall be provided to the members of the Board		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 28(1c)					
246c			1ter. Prior to the adoption of the urgent binding decision pursuant to Article 66(2) of Regulation (EU) 2016/679, the Board shall assess whether the adoption of such decision relies on elements on which the parties under investigation have not been provided with an opportunity to express their views and, where necessary, provide the parties under investigation or the complainant, as the case may be, with an opportunity to make their views known.		
Article 28(2)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
247	2. The urgent decision referred to in paragraph 1 shall be addressed to the supervisory authority that submitted the request and shall enable the requesting authority to maintain or amend its provisional measure.	2. The urgent <u>binding</u> decision referred to in paragraph 1 shall be addressed to the <u>lead</u> supervisory authority that submitted the request <u>and all the supervisory authorities concerned</u> and shall enable the requesting authority to maintain or amend its provisional measure <u>specify the supervisory authorities that would need to adopt final measures, if applicable, in light of the urgent opinion or decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679.</u>	deleted		
Article 28(3)					
248	3. Where the Board adopts an urgent binding	3. Where the Board adopts an urgent binding	3. Where the Board adopts an urgent binding		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	decision indicating that final measures should be adopted, the supervisory authority to which the decision is addressed shall adopt such measures prior to the expiry of the provisional measures adopted under Article 66(1) of Regulation (EU) 2016/679.	decision indicating that final measures should be adopted, the supervisory authority <u>or authorities</u> to which the decision is addressed shall adopt such measures prior to the expiry of the provisional measures adopted under Article 66(1) of Regulation (EU) 2016/679.	decision indicating that final measures should be adopted, the supervisory authority to which the decision is addressed shall adopt such measures prior to the expiry of the provisional measures adopted under Article 66(1) of Regulation (EU) 2016/679.		
Article 28(4)					
249	4. The supervisory authority that submitted the request referred to in paragraph 1 shall notify its decision on the final measures to the establishment of the controller or processor on the territory of its Member State and inform the Board.	4. The ¹ supervisory authority that submitted the request referred to in paragraph 1 <u>is responsible to adopt final measures</u> shall notify its decision on the final measures to the establishment of the controller or processor on the territory of its Member	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	Where the lead supervisory authority is not the requesting authority, the requesting authority shall inform the lead supervisory authority of the final measure.	State <u>parties under investigation</u> and inform the Board. Where the lead supervisory authority is not the requesting authority, the requesting authority shall inform the <u>parties under investigation against which the provisional measures were adopted about the Board's decision and the final measures adopted by the</u> lead supervisory authority. <u>The complaint-receiving supervisory authority shall inform the complainant about the Board's decision and</u> of the final measure <u>measures adopted by the lead supervisory authority.</u>			
Article 28(5)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
250	5. Where the urgent binding decision indicates that final measures do not urgently need to be adopted, the lead and supervisory authorities concerned shall follow the procedure in Article 60 of Regulation (EU) 2016/679.	5. Where the urgent binding decision indicates that final measures do not urgently need to be adopted, the lead and supervisory authorities concerned shall follow the procedure in Article 60 of Regulation (EU) 2016/679.	5. Where the urgent binding decision indicates that final measures do not urgently need to be adopted, the lead and supervisory authorities concerned shall follow the procedure in Article 60 of Regulation (EU) 2016/679.-	5. Where the urgent binding decision indicates that final measures do not urgently need to be adopted, the lead and supervisory authorities concerned shall follow the procedure in Article 60 of Regulation (EU) 2016/679. Text Origin: Commission Proposal	
Article 28a					
250a		<u>Article 28a</u> <u>Remedies against procedural determinations</u>	Article 28bis (new) Urgent decisions under Article 66(3) of Regulation (EU) 2016/679		
Article 28a(1)					
250b		<u>Remedies against procedural determinations</u>	1. A request for an binding urgent decision of		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u>by a supervisory authority under national law shall only be brought together with the remedy against the final material decision.</u> <u>Deadlines for remedies against procedural determinations under applicable national law are prolonged for the duration of the procedure before the supervisory authority.</u>	the Board pursuant to Article 66(3) of Regulation (EU) 2016/679 shall contain all of the following items:		
Article 28a(1), point (a)					
250c			(a) a summary of the relevant facts;		
Article 28a(1), point (b)					
250d			(b) the justification of the urgent need to take appropriate measures in order to protect the rights and freedoms of data subjects, bearing in mind		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			the exceptional nature of circumstances requiring the adoption of such measures, in particular elements which the competent authority should have taken into account in order to protect the rights and freedoms of data subjects;		
Article 28a(1), point (c)					
250e			(c) where relevant and available, information on any investigatory measures taken by the requesting supervisory authority on its own territory and replies received from the local establishment of the parties under investigation or any other		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			information in the possession of the requesting supervisory authority;		
Article 28a(1), point (d)					
250f			(d) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority.		
Article 28a(2)					
250g			2. Where appropriate, the Board may request further documents from the supervisory authority concerned or the lead supervisory authority.		
Article 28a(3)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
250h			3. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1 and 2. As soon as the file is registered by the Chair of the Board, it shall be provided to the members of the Board.		
Article 28a(4)					
250i			4. Prior to the adoption of the urgent binding decision pursuant to Article 66(3) of Regulation (EU) 2016/679, the Board shall assess whether the adoption of such decision relies on elements on which the parties under		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			investigation have not been provided with an opportunity to express their views and, where necessary, provide the parties under investigation or the complainant, as the case may be, with an opportunity to make their views known.		
Article 28a(2)					
250j			5. Where the Board adopts an urgent binding decision indicating that appropriate measures should be adopted, the supervisory authority to which the decision is addressed shall adopt such measures as soon as possible and within a		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
			maximum of one month as provided under Article 65(6) of Regulation 2016/679.		
Chapter VII					
250k		<u>Chapter VII</u> <u>General and final provisions</u>			
Article 28b					
250l		<u>Article 28b</u> <u>Enforcement Statistics</u>			
Article 28b(1)					
250m		<u>Supervisory authorities shall report the following numbers in their activity report under Article 59 of Regulation (EU) 2016/679:</u>			
Article 28b(1), point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
250n		<u>(a) the number of ex officio investigations initiated by the supervisory authority;</u>			
Article 28b(1), point (b)					
250o		<u>(b) the number of ex officio investigations initiated by other supervisory authorities;</u>			
Article 28b(1), point (c)					
250p		<u>(c) the number of complaints received, including the number that were rejected, dismissed, withdrawn, partly upheld, fully upheld or otherwise closed;</u>			
Article 28b(1), point (d)					
250q		<u>(d) the number of legally binding decisions currently on appeal;</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 28b(1), point (e)					
250r		<u>(e) the number and average duration of open and decided procedures under (a) to (d) to date;</u>			
Article 28b(1), point (f)					
250s		<u>(f) the number of each type of measure taken in accordance with Article 58(2) of Regulation (EU) 2016/679 or applicable national law;</u>			
Article 28b(1), point (g)					
250t		<u>(g) the number and the amount of fines issued and collected under Article 83 and 84 of Regulation (EU) 2016/679 or relevant national law; and</u>			
Article 28b(1), point (h)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
250u		<u>(h) the annual budget and the number of staff, by training, tasks and organizational units.</u>			
Article 28b(2)					
250v		<u>2. Supervisory authorities shall publish the activity report for the past year without undue delay, but no later than by 30 June.</u>			
Article 28b(3)					
250w		<u>3. The Board shall make the information of all supervisory authorities in paragraph 1 available to the public no later than 31 July of each year for the previous year.</u>			
Chapter VII					
251	Chapter VII	Chapter VII	Chapter VII		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	General and final provisions	<i>deleted</i> <i>Heading "Chapter VII General and final provisions" is placed before Article 28 b - see line 250k.</i>	General and final provisions		
Article 29					
252	Article 29 Beginning of time periods and definition of working day	Article 29 <i>deleted</i>	Article 29 <i>deleted</i>		
Article 29(1)					
253	1. Time-limits provided for in or fixed by the supervisory authorities pursuant to Regulation (EU) 2016/679 shall be calculated in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council ¹ .	<i>deleted</i>	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	1. Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).				
Article 29(2)					
254	2. Time periods shall begin on the working day following the event to which the relevant provision of Regulation (EU) 2016/679 or this Regulation refers.	<i>deleted</i>	<i>deleted</i>		
Article 29a					
254a			Article 29bis Commission report		
Article 29a, first paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
254b			The Commission, as part of its report on the evaluation and review of the Regulation (EU) 2016/679 under Article 97 Regulation (EU) 2016/679 , shall also report on the application and functioning of this regulation.		
Article 30					
255	Article 30 Transitional provisions	Article 30 Transitional provisions	Article 30 Transitional provisions	Article 30 Transitional provisions Text Origin: Commission Proposal	
Article 30, first paragraph					
256	Chapters III and IV shall apply to ex officio investigations opened after	Chapters III and IV , II and III shall apply to ex officio investigations opened after	Chapters III and IV shall apply to ex officio ex officio investigations opened after		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
	the entry into force of this Regulation and to complaint-based investigations where the complaint was lodged after the entry into force of this Regulation.	the entry into force of this Regulation and to complaint-based investigations where the complaint was lodged after the entry into force of this Regulation.	18 months after the date of the entry into force of this Regulation and to complaint-based investigations where the complaint was lodged after 18 months after the date of the entry into force of this Regulation.		
Article 30, second paragraph					
257	Chapter V shall apply to all cases submitted to dispute resolution under Article 65 of Regulation (EU) 2016/679 after the entry into force of this Regulation.	Chapter V <u>Chapters V and VI</u> shall apply to all cases submitted to dispute resolution under Article 65 <u>and urgency procedure under Article 66(2) and (3)</u> of Regulation (EU) 2016/679 after the entry into force of this Regulation.	Chapter V shall apply to all cases submitted to dispute resolution under Article 65 of Regulation (EU) 2016/679 after 18 months after the date of the entry into force of this Regulation. .		
Article 30, second paragraph a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
257a		<u>Until ... [six months from the date of application of this Regulation], the lead supervisory authority shall, upon request, provide all documents in its own file to other supervisory authorities by other electronic means.</u>			
Article 30a					
257b		<u>Article 30a</u> <u>Evaluation and review</u>			
Article 30a, first paragraph					
257c		<u>The Commission shall evaluate and review this Regulation as part of its reports to the European Parliament and to the Council under Article 97 of Regulation (EU) 2016/679.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Article 31					
258	Article 31 Entry into force	Article 31 Entry into force <u>and application</u>	Article 31 Entry into force and application		
Article 31, first paragraph					
259	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	<u>1.</u> 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 Official Journal of the European Union.	<u>1.</u> This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: EP Mandate	
Article 31, first paragraph a					
259a		<u>1a. It shall apply from ... [one year from the date of entry into force of this Regulation].</u> <u>However, Article 2b(1), point(c), Article 2b(3), last</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
		<u><i>sentence, Article 2c(2), last sentence, and (5), Article 2d(3) and (6), Articles 8(1) and 18(1), point (a) shall apply from ... [six months from the date of application of this Regulation].</i></u>			
Article 31, second paragraph					
260	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.	2. This Regulation shall be binding in its entirety and directly applicable in all Member States apply from 18 months after its date of entry into force.		
Article 31, second paragraph a					
260a			This Regulation shall be binding in its entirety and directly applicable in all Member States.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
Formula					
261	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal	
Formula					
262	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal	
Formula					
263	The President	The President	The President	The President Text Origin: Commission Proposal	
Formula					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	JHA Counsellors discussion
264	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal	
Formula					
265	The President	The President	The President	The President Text Origin: Commission Proposal	
Annex					
266	Annex	Annex	<i>deleted</i>		
Annex, Table 1					
267	<i>Table 1</i>	<i>Table 1</i>	<i>deleted</i>		

Commission Proposal Table 1

Complaint submitted on the basis of Article 3 ¹
Part A: Mandatory information
1. Identification of person or entity filing the complaint Where the complainant is a natural person, submit a form of identification.² Where the complaint is submitted by a body referred to in Article 80 of Regulation (EU) 2016/679, submit proof that the body has been properly constituted in accordance with the law of a Member State. Where the complaint is submitted on the basis of Article 80(1) of Regulation 2016/679, proof that the body lodging the complaint is acting on the basis of the mandate of a data subject.
2. Contact details³ Where the complaint is submitted electronically, email address. Where the complaint is submitted by post, postal address. Telephone number.
3. Entity whose processing of your personal data infringes Regulation (EU) 2016/679 Provide all information in your possession to facilitate the identification of the entity which is the subject of your complaint.
4. Subject of complaint Please set out the facts from which, in your opinion, there is or was processing of your personal data which infringes Regulation (EU) 2016/679 (the GDPR). Indicate in particular the context in which your personal data were processed.
Part B: Supplementary information
If possible, indicate the provisions of Regulation (EU) 2016/679 (the GDPR) which you consider have been breached by the entity processing your personal data. Please specify whether you have contacted the entity mentioned in point 3 of Part A prior to your complaint and outline the result of any such actions. If possible, please attach any relevant correspondence between you and the entity. Please specify whether you have started other administrative and/or judicial proceedings regarding the subject matter of your complaint. If so, please provide an explanation of the status, and, where relevant, outcome of such actions. Submit all documentation in your possession relating to the facts set out in the complaint (for example, copy of the documents attesting the

relationship with the data controller (e.g. invoices, contracts); copy of any marketing messages or e-mails; pictures, photographs or screenshots; expert reports; witness reports; inspection reports).
Part C: Declaration and signature
Please confirm that the information given in this form is given entirely in good faith. Date and signature.

-
1. The complaint should be completed and submitted electronically or completed and submitted to the supervisory authority by post.
 2. For example, passport, driving licence, national ID.
 3. In the case a complaint is submitted by a body referred to in Article 80 of Regulation (EU) 2016/679, all of the information in point 2 should be provided.

EP Mandate Table 1

Complaint submitted on the basis of Article 3 ¹
Part A: Mandatory information
1. Identification of person or entity filing the complaint Where the complainant is a natural person, submit a form of identification.² Where the complaint is submitted by a body, <u>organisation or association</u> referred to in Article 80 of Regulation (EU) 2016/679, submit proof that the body, <u>organisation or association</u> has been properly constituted in accordance with the law of a Member State. Where the complaint is submitted on the basis of Article 80(1) of Regulation 2016/679, proof that the body, <u>organisation or association</u> lodging the complaint is acting on the basis of the mandate of a data subject.
2. <u>Contact details</u>² <u>The name, address and any other available</u> contact details3³ <u>of the complainant, including,</u> where the complaint is submitted electronically, email address. Where the complaint is submitted by post, postal address. Telephone number.
3. Entity whose processing of your personal data infringes Regulation (EU) 2016/679 Provide all information in your possession to facilitate the identification of the entity which is the subject of your complaint, <u>including the name, address and any other contact details of that entity</u>.
4. Subject of complaint Please set out the facts from which, in your opinion, there is or was processing of your personal data which infringes Regulation (EU) 2016/679 (the GDPR). Indicate in particular the context in which your personal data were processed.
Part B: Supplementary information
If possible, indicate the provisions of Regulation (EU) 2016/679 (the GDPR) which you consider have been breached by the entity processing your personal data. Please specify whether you have contacted the entity mentioned in point 3 of Part A prior to your complaint and outline the result of any such actions. If possible, please attach any relevant correspondence between you and the entity. Please specify whether you have started other administrative and/or judicial proceedings regarding the subject matter of your complaint. If so, please provide an explanation of the status, and, where relevant, outcome of such actions. Submit all documentation in your possession relating to the facts set out in the complaint (for example, copy of the documents attesting the

relationship with the data controller (e.g. invoices, contracts); copy of any marketing messages or e-mails; pictures, photographs or screenshots; expert reports; witness reports; inspection reports).

Part C: Declaration and signature

Please confirm that the information given in this form is given entirely in good faith. Date and signature.

1. The complaint should be completed and submitted electronically or completed and submitted to the supervisory authority by post.

2. ~~For example, passport, driving licence, national ID~~ In the case a complaint is submitted by a body referred to in Article 80 of Regulation (EU) 2016/679, all of the information in point 2 should be provided.

~~3. In the case a complaint is submitted by a body referred to in Article 80 of Regulation (EU) 2016/679, all of the information in point 2 should be provided.~~