



Council of the  
European Union

Brussels, 20 November 2015  
(OR. en)

14319/15

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**Interinstitutional File:  
2012/0011 (COD)**

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**LIMITE**

**DATAPROTECT 205  
JAI 892  
MI 732  
DIGIT 94  
DAPIX 213  
FREMP 267  
COMIX 605  
CODEC 1550**

**NOTE**

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| From:           | Presidency  |
| To:             | Permanent Representatives Committee   |
| No. prev. doc.: | 13633/15, 13606/15, 13395/15, 13394/15 and 12733/1/15 REV 1   |
| Subject:        | Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) [First reading]<br><ul style="list-style-type: none"><li>- Presidency debriefing on the outcome of the trilogue</li><li>- Preparation for trilogue - Chapters I, VI, VII, VIII, IX, X and XI</li></ul> |

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

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

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| <p>(2) The processing of personal data is designed to serve man; the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p> | <p>(2) The processing of personal data is designed to serve man; the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p> | <p>(2) The <del>processing of personal data is designed to serve man;</del> the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p> | <p><i>Presidency suggestion</i></p> <p>(2) The principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p> |
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| <p>(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p> | <p>(3) Directive 95/46/EC of the European Parliament and of the Council<sup>1</sup> of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p> <p><sup>1</sup> <i>Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).</i></p> | <p>(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p> | <p><i>Presidency suggestion</i></p> <p>(3) Directive 95/46/EC of the European Parliament and of the Council seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p> |
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|  |  | <p><b><i>(3a) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(3a) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</p> |
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| <p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors across the Union increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p> | <p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors across the Union increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p> | <p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between <del>economic and social</del>, public and private actors, <b><i>including individuals and undertakings</i></b> across the Union <b><i>has</i></b> increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p> | <p><i>Presidency suggestion</i></p> <p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between public and private actors, including individuals and undertakings across the Union has increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p> |
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| <p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and requires to further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring an high level of the protection of personal data.</p> | <p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and requires to further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring an high level of the protection of personal data.</p> | <p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and <del>requires to</del> <b>should</b> further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.</p> | <p><i>Presidency suggestion</i></p> <p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and should further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.</p> |
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| <p>(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to create the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p> | <p>(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to create the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p> | <p>(6) These developments require <del>building</del> a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance <del>to of create</del> <b>creating</b> the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p> | <p><i>Presidency suggestion</i></p> <p>(6) These developments require a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance of creating the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p> |
|   |   | <p><b><i>(6a) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for the coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of the Regulation in their respective national law.</i></b></p>   | <p><i>Presidency suggestion</i></p> <p>(6a) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for the coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of the Regulation in their respective national law.</p>   |



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| <p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p> | <p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p> | <p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p> |
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| <p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union.</p> | <p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union.</p> | <p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data <b><i>within the Union</i></b>, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. <b><i>Regarding the processing of personal data for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. In conjunction with the general and horizontal law on data protection implementing</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data within the Union, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. Regarding the processing of personal data for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. In conjunction with the general and horizontal law on data protection implementing Directive</p> |
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|  |  | <p><b><i>Directive 95/46/EC Member States have several sector specific laws in areas that need more specific provisions. This Regulation also provides a margin of manoeuvre for Member States to specify its rules. Within this margin of manoeuvre sector-specific laws that Member States have issued implementing Directive 95/46/EC should be able to be upheld.</i></b></p>                                | <p>95/46/EC Member States have several sector specific laws in areas that need more specific provisions. This Regulation also provides a margin of manoeuvre for Member States to specify its rules. Within this margin of manoeuvre sector-specific laws that Member States have issued implementing Directive 95/46/EC should be able to be upheld.</p>  |
| <p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p> | <p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p> | <p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p> |

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

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| <p>States. To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.</p> | <p>States. To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC<sup>1</sup> of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.</p> <p><sup>1</sup> <i>Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</i></p> | <p>States. <b><i>The proper functioning of the internal market requires that the free movement of personal data within the Union should not be restricted or prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.</i></b></p> <p>To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.</p> | <p>States as well as effective co-operation by the supervisory authorities of different Member States. The proper functioning of the internal market requires that the free movement of personal data within the Union should not be restricted or prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.</p> <p>To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC.</p> |
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| <p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural persons.</p> | <p><del>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural persons.</del></p> | <p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. <del>This should also apply where the name of the legal person contains the names of one or more natural persons.</del></p> | <p><i>Presidency suggestion</i></p> <p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person.</p> |
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| <p>(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.</p> | <p><del>(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.</del></p> | <p>(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.</p> |
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| <p>(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.</p> | <p>(14) This Regulation does not This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, <del>nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union</del> <b><i>of the European Parliament and of the Council<sup>1</sup> should be brought in line with this Regulation and applied in accordance with this Regulation.</i></b></p> <p>_____</p> <p><sup>1</sup> <b><i>Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data</i></b> (OJ L 8, 12.1.2001, p. 1).</p> | <p>(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, <b><i>such as activities concerning national security</i></b>, nor does it cover the processing of personal data by the <del>Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.</del></p> | <p><i>Presidency suggestion</i></p> <p>(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, such as activities concerning national security, nor does it cover the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.</p> |
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|  |  | <p><i>(14a) Regulation (EC) No 45/2001 applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation.</i></p> | <p><i>Presidency suggestion</i></p> <p>(14a) Regulation (EC) No 45/2001 applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation and applied in the light of this Regulation.</p> |
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|  | <i>Amendment 2</i>   |  |   |
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| <p>(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal or domestic, such as correspondence and the holding of addresses, and without any gainful interest and thus without any connection with a professional or commercial activity. The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</p> | <p>(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal, <b><i>family-related</i></b>, or domestic, such as correspondence and the holding of addresses <b><i>or a private sale</i></b>; and <del>without any gainful interest and thus</del> without any connection with a professional or commercial activity. <del>The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</del> <b><i>However, this Regulation should apply to controllers and processors which provide the means for processing personal data for such personal or domestic activities.</i></b></p> | <p>(15) This Regulation should not apply to processing of personal data by a natural person <b><i>in the course of a household activity</i></b>, <del>such as</del> <del>correspondence and the holding of</del> addresses, and without any gainful interest and thus without any a connection with a professional or commercial activity. <b><i>Personal and household activities include social networking and on-line activity undertaken within the context of such personal and household activities. However, this Regulation</i></b> <del>The exemption should also not apply</del> to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(15) This Regulation should not apply to processing of personal data by a natural person in the course of a personal or household activity and thus without a connection with a professional or commercial activity. Personal and household activities could include social networking and on-line activity undertaken within the context of such personal and household activities. However, this Regulation should apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</p> |

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| <p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY).</p> | <p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive <del>XX/YYYY</del><i>(Directive 2014/.../EU of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal</i></p> | <p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences <del>or the execution of criminal penalties</del> <i>or the safeguarding against and the prevention of threats to public security</i>, and the free movement of such data, is subject of a specific legal instrument at Union level.</p> <p>Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY).</p> <p><i>Member States may entrust competent authorities within the meaning of Directive XX/YYYY with other tasks which are not necessarily carried out for the</i></p> | <p><i>Presidency suggestion</i></p> <p>(16) The protection of individuals with regard to the processing of personal data [by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the safeguarding against and the prevention of threats to public security, and the free movement of such data] is subject of a specific legal instrument at Union level.</p> <p>Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY).</p> <p>Member States may entrust competent authorities within the meaning of Directive XX/YYYY with other tasks which are not</p> |
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|  | <p><i>penalties, and the free movement of such data).</i></p> | <p><i>purposes of the prevention, investigation, detection or prosecution of criminal offences or the safeguarding against and prevention of threats to public security, so that the processing of personal data for those other purposes, in so far as it is within the scope of Union law, fall within the scope of this Regulation.</i></p> <p><i>With regard to the processing of personal data by those competent authorities for purposes falling within scope of the General Data Protection Regulation, Member States may maintain or introduce more specific provisions to adapt the application of the rules of the General Data Protection Regulation. Such provisions may determine more precisely specific requirements for processing of personal data by those competent authorities for those other purposes, taking into account the constitutional, organisational and administrative structure of the respective Member State.</i></p> <p><i>When processing of personal data by private bodies falls within the scope of this Regulation, this</i></p> | <p>necessarily carried out for [the purposes of the prevention, investigation, detection or prosecution of criminal offences or the safeguarding against and prevention of threats to public security], so that the processing of personal data for those other purposes, in so far as it is within the scope of Union law, fall within the scope of this Regulation.</p> <p>With regard to the processing of personal data by those competent authorities for purposes falling within scope of the General Data Protection Regulation, Member States may maintain or introduce more specific provisions to adapt the application of the rules of the General Data Protection Regulation. Such provisions may determine more precisely specific requirements for processing of personal data by those competent authorities for those other purposes, taking into account the constitutional, organisational and administrative structure of the respective Member State.</p> <p>When processing of personal data by private bodies falls within the</p> |
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|  |  | <p><i>Regulation should provide for the possibility for Member States under specific conditions to restrict by law certain obligations and rights when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests including public security and the prevention, investigation, detection and prosecution of criminal offences. This is relevant for instance in the framework of anti-money laundering or the activities of forensic laboratories.</i></p> | <p>scope of this Regulation, this Regulation should provide for the possibility for Member States under specific conditions to restrict by law certain obligations and rights when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests including public security and [the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security]. This is relevant for instance in the framework of anti-money laundering or the activities of forensic laboratories.</p> |
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|  |  | <p><b><i>(16a) While this Regulation applies also to the activities of courts and other judicial authorities, Union or Member State law could specify the processing operations and processing procedures in relation to the processing of personal data by courts and other judicial authorities. The competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of the judiciary in the performance of its judicial tasks, including its decision-making. Supervision of such data processing operations may be entrusted to specific bodies within the judicial system of the Member State, which should in particular control compliance with the rules of this Regulation, promote the awareness of the judiciary of their obligations under this Regulation and deal with complaints in relation to such processing.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(16a) While this Regulation applies also to the activities of courts and other judicial authorities, Union or Member State law could specify the processing operations and processing procedures in relation to the processing of personal data by courts and other judicial authorities. The competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of the judiciary in the performance of its judicial tasks, including its decision-making. Supervision of such data processing operations may be entrusted to specific bodies within the judicial system of the Member State, which should in particular control compliance with the rules of this Regulation, promote the awareness of the judiciary of their obligations under this Regulation and deal with complaints in relation to such processing.</p> |
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| <p>(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.</p> | <p>(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC <b>of the European Parliament and of the Council<sup>1</sup></b>, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.</p> <p><sup>1</sup> <i>Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).</i></p> | <p>(17) <b><i>Directive 2000/31/EC does not apply to questions relating to information society services covered by this Regulation. That Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between Member States. Its application should not be affected by this Regulation.</i></b> This Regulation should <b><i>therefore</i></b> be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC of the European Parliament and of the Council, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive. That Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between Member States.</p> |
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| <p>(18) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation.</p> | <p>(18) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. <i>Personal data in documents held by a public authority or public body may be disclosed by that authority or body in accordance with Union or Member State law regarding public access to official documents, which reconciles the right to data protection with the right of public access to official documents and constitutes a fair balance of the various interests involved.</i></p> | <p><i>(18) deleted</i></p> |  |
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| <p>(23) The principles of protection should apply to any information concerning an identified or identifiable person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual. The principles of data protection should not apply to data rendered anonymous in such a way that the data subject is no longer identifiable.</p> | <p>(23) The principles of <b>data</b> protection should apply to any information concerning an identified or identifiable <b>natural</b> person. To determine whether a person is identifiable, account should be taken of all the means <del>likely</del> reasonably <b>likely</b> to be used either by the controller or by any other person to identify <b>or single out</b> the individual <b>directly or indirectly. To ascertain whether means are reasonably likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development.</b> The principles of data protection should <b>therefore</b> not apply to <b>anonymous</b> data <del>rendered anonymous in such a way that the data subject is no longer identifiable, which is</del> <b>information that does not relate to an identified or identifiable natural person. This Regulation does therefore not concern the processing of such anonymous</b></p> | <p>(23) The principles of <i>data</i> protection should apply to any information concerning an identified or identifiable <i>natural</i> person. <i>Data including pseudonymised data, which could be attributed to a natural person by the use of additional information, should be considered as information on an identifiable natural person.</i> To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual <i>directly or indirectly. To ascertain whether means are reasonable likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development.</i> The principles of data protection should <i>therefore</i> not apply to <i>anonymous information, that is information which does not relate to an identified or identifiable natural person or to</i></p> | <p><i>Presidency suggestion</i></p> <p>(23) The principles of data protection should apply to any information concerning an identified or identifiable natural person. Data including pseudonymised data, which could be attributed to a natural person by the use of additional information, should be considered as information on an identifiable natural person. To determine whether a person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by any other person to identify the individual directly or indirectly. To ascertain whether means are reasonable likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development. The principles of data protection should therefore not apply to anonymous information,</p> |
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|  | <p><b>data, including for statistical and research purposes.</b></p> | <p>data rendered anonymous in such a way that the data subject is <i>not or</i> no longer identifiable. <i>This Regulation does therefore not concern the processing of such anonymous information, including for statistical and research purposes.</i></p> | <p>that is information which does not relate to an identified or identifiable natural person or to data rendered anonymous in such a way that the data subject is not or no longer identifiable. This Regulation does therefore not concern the processing of such anonymous information, including for statistical and research purposes.</p> |
|  |  | <p><i>(23aa) The principles of data protection should not apply to data of deceased persons. The national law of a Member State may provide for rules regarding the processing of data of deceased persons.</i></p>  | <p><i>Tentative agreement in trilogue</i></p> <p>(23aa) This Regulation should not apply to data of deceased persons. The national law of a Member State may provide for rules regarding the processing of data of deceased persons.</p>   |

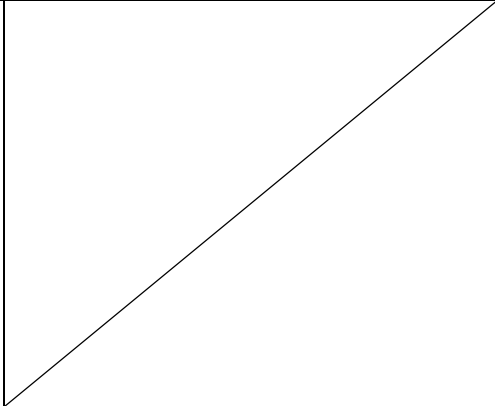
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| <p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers, location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.</p> | <p><del>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers and</del> <b><i>This Regulation should be applicable to processing involving identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers and Radio Frequency Identification tags, unless those identifiers do not relate to an identified or identifiable natural person.</i></b> <del>This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers, location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.</del></p> | <p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, <b><i>when</i></b> combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. <del>It follows that</del> <b><i>Identification numbers, location data, online identifiers or other specific factors as such need should not necessarily be considered as personal data in all circumstances if they do not identify an individual or make an individual identifiable.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses, cookie identifiers or Radio Frequency Identification tags. This may leave traces which, when combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them.</p> <p>Identification numbers, location data, online identifiers or other specific factors as such should not be considered as personal data if they do not identify an individual or make an individual identifiable.</p> |
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|  |  |  | <p><i>Presidency suggestion</i></p> <p>(24c) Public authorities to whom data are disclosed in compliance with a legal obligation for the exercise of their official mission, such as tax and customs authorities, financial investigation units, independent administrative authorities, or financial market authorities, responsible for the regulation and supervision of securities markets, may not be regarded as recipients if they receive data which are necessary to carry out a particular inquiry in the general interest, in accordance with Union or Member State law. The requests for disclosure sent by the public authorities should always be written, reasoned and occasional and should never concern the entirety of a filing system or lead to the interconnection of filing systems. The processing of these data by those public authorities should be in compliance with the applicable data protection rules according to the purposes of the processing.</p> |
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|  |  | <p><i>(25aa) It is often not possible to fully identify the purpose of data processing for scientific purposes at the time of data collection. Therefore data subjects can give their consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data subjects should have the opportunity to give their consent only to certain areas of research or parts of research projects to the extent allowed by the intended purpose and provided that this does not involve disproportionate efforts in view of the protective purpose.</i></p> | <p><i>Presidency suggestion</i></p> <p>(25aa) It is often not possible to fully identify the purpose of data processing for scientific purposes at the time of data collection. Therefore data subjects can give their consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data subjects should have the opportunity to give their consent only to certain areas of research or parts of research projects to the extent allowed by the intended purpose and provided that this does not involve disproportionate efforts in view of the protective purpose.</p> |
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| <p>(27) The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes, conditions and means of processing through stable arrangements. This criterion should not depend whether the processing of personal data is actually carried out at that location; the presence and use of technical means and technologies for processing personal data or processing activities do not, in themselves, constitute such main establishment and are therefore no determining criteria for a main establishment. The main establishment of the processor should be the place of its central administration in the Union.</p> | <p>(27) The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes, conditions and means of processing through stable arrangements. This criterion should not depend whether the processing of personal data is actually carried out at that location; the presence and use of technical means and technologies for processing personal data or processing activities do not, in themselves, constitute such main establishment and are therefore no determining criteria for a main establishment. The main establishment of the processor should be the place of its central administration in the Union.</p> | <p>(27) The main establishment of a controller in the Union should be <b><i>the place of its central administration in the Union, unless determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes, conditions and means of processing of personal data are taken in another establishment of the controller in the Union. In this case the latter should be considered as the main establishment.</i></b> through stable arrangements. <b><i>The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes and means of processing through stable arrangements.</i></b> This criterion should not depend <b><i>on</i></b> whether the processing of personal data is actually carried out at that location; the presence and use of technical means and technologies for processing personal data or</p> | <p><i>Presidency suggestion</i></p> <p>(27) The main establishment of a controller in the Union should be the place of its central administration in the Union, unless the decisions the purposes and means of processing of personal data are taken in another establishment of the controller in the Union. In this case the latter should be considered as the main establishment. The main establishment of a controller in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities determining the main decisions as to the purposes and means of processing through stable arrangements. This criterion should not depend on whether the processing of personal data is actually carried out at that location; the presence and use of technical means and technologies for processing personal data or processing activities do not, in themselves, constitute such main establishment and are therefore not determining criteria for a main</p> |
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|  |  | <p>processing activities do not, in themselves, constitute such main establishment and are therefore not determining criteria for a main establishment.</p> <p>The main establishment of the processor should be the place of its central administration in the Union <b><i>and, if it has no central administration in the Union, the place where the main processing activities take place in the Union. In cases involving both the controller and the processor, the competent lead supervisory authority should remain the supervisory authority of the Member State where the controller has its main establishment but the supervisory authority of the processor should be considered as a concerned supervisory authority and participate to the cooperation procedure provided for by this Regulation. In any case, the supervisory authorities of the Member State or Member States where the processor has one or more establishments should not be considered as concerned supervisory authorities when the draft decision concerns only the</i></b></p> | <p>establishment.</p> <p>The main establishment of the processor should be the place of its central administration in the Union and, if it has no central administration in the Union, the place where the main processing activities take place in the Union. In cases involving both the controller and the processor, the competent lead supervisory authority should remain the supervisory authority of the Member State where the controller has its main establishment but the supervisory authority of the processor should be considered as a concerned supervisory authority and participate to the cooperation procedure provided for by this Regulation. In any case, the supervisory authorities of the Member State or Member States where the processor has one or more establishments should not be considered as concerned supervisory authorities when the draft decision concerns only the controller.</p> <p>Where the processing is carried out by a group of undertakings, the main establishment of the</p> |
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|  |  | <p><i>controller.</i><br/> <i>Where the processing is carried out by a group of undertakings, the main establishment of the controlling undertaking should be considered as the main establishment of the group of undertakings, except where the purposes and means of processing are determined by another undertaking.</i></p> | <p>controlling undertaking should be considered as the main establishment of the group of undertakings, except where the purposes and means of processing are determined by another undertaking.</p> |
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|  | <i>Amendment 10</i> |  |   |
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|  |                     | <p><i>(31a) Wherever this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant the constitutional order of the Member State concerned, however such legal basis or legislative measure should be clear and precise and its application foreseeable for those subject to it as required by the case law of the Court of Justice of the European Union and the European Court of Human Rights.</i><br/> <del><i>(31a) Wherever this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant the constitutional order of the Member State concerned, however such legal basis or legislative measure should be clear and precise and its application foreseeable for those subject to it as required by the case law of the Court of Justice of the European Union and the European Court of Human Rights.</i></del></p> | <p><i>Presidency suggestion</i></p> <p>(31a) Wherever this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant the constitutional order of the Member State concerned, however such legal basis or legislative measure should be clear and precise and its application foreseeable for those subject to it as required by the case law of the Court of Justice of the European Union and the European Court of Human Rights.</p> |

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|  |  | <p><i>(35a) This Regulation provides for general rules on data protection and that in specific cases Member States are also empowered to lay down national rules on data protection. The Regulation does therefore not exclude Member State law that defines the circumstances of specific processing situations, including determining more precisely the conditions under which processing of personal data is lawful. National law may also provide for special processing conditions for specific sectors and for the processing of special categories of data.</i></p> | <p><i>Presidency suggestion</i></p> <p>(35a) This Regulation provides for general rules on data protection and that in specific cases Member States are also empowered to lay down national rules on data protection. The Regulation does therefore not exclude Member State law that defines the circumstances of specific processing situations, including determining more precisely the conditions under which processing of personal data is lawful. National law may also provide for special processing conditions for specific sectors and for the processing of special categories of data.</p> |
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| <p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. It is also for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.</p> | <p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. <b><i>This should include also collective agreements that could be recognised under national law as having general validity.</i></b> It is also for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.</p> | <p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in <b><i>the national law of a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms.</i></b> It is <b><i>should be</i></b> also for Union or national law to determine <b><i>the purpose of processing.</i></b> <del>whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.</del> <b><i>Furthermore, this basis could specify the general conditions of the Regulation governing the lawfulness of data processing, determine specifications for determining the controller, the type of data which</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a basis in Union law, or in the national law of a Member State. No specific law is necessary for each individual processing. A general law as a basis for several processing operations based on a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority may be sufficient. It should be also for Union or national law to determine the purpose of processing. Furthermore, this basis could specify the general conditions of the Regulation governing the lawfulness of data processing, determine specifications for determining the controller, the type of data which are subject to the</p> |
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|  |  | <p><i>are subject to the processing, the data subjects concerned, the entities to which the data may be disclosed, the purpose limitations, the storage period and other measures to ensure lawful and fair processing.</i></p> <p><i>It should also be for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public authority or another natural or legal person governed by public law, or by private law such as a professional association, where grounds of public interest so justify including for health purposes, such as public health and social protection and the management of health care services.</i></p> | <p>processing, the data subjects concerned, the entities to which the data may be disclosed, the purpose limitations, the storage period and other measures to ensure lawful and fair processing.</p> <p>It should also be for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public authority or another natural or legal person governed by public law, or by private law such as a professional association, where grounds of public interest so justify including for health purposes, such as public health and social protection and the management of health care services.</p> |
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| <p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, or the protection of the data subject or the rights and freedoms of others.</p> <p>Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and</p> | <p>(59) Restrictions on specific principles and on the rights of information, <del>access</del>, rectification and erasure or on the right <b>of access and to obtain</b> data portability, the right to object, <del>measures based on</del> profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other <b>specific and well-defined</b> public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, or the protection of the data subject or the rights and freedoms of others.</p> <p>Those restrictions should be in compliance with requirements set</p> | <p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, <b>the keeping of public registers kept for reasons of general public interest, further processing of archived personal data to provide specific information related to the political behaviour under former totalitarian state regimes</b> or the</p> | <p><i>Presidency suggestion</i></p> <p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, decisions based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, [the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security,] or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of</p> |
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| <p>by the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>protection of the data subject or the rights and freedoms of others, <b><i>including social protection public health and humanitarian purposes, such as the performance of a task incumbent upon the International Red Cross and Red Crescent Movement.</i></b> Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> | <p>general public interest, further processing of archived personal data to provide specific information related to the political behaviour under former totalitarian state regimes or the protection of the data subject or the rights and freedoms of others, including social protection, public health and humanitarian purposes, such as the performance of a task incumbent upon the International Red Cross and Red Crescent Movement. Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p> |
|  |   | <p><b><i>(59a) Nothing in this Regulation should derogate from the privilege of non-disclosure of confidential information of the International Committee of the Red Cross under international law, which shall be applicable in judicial and administrative proceedings.</i></b></p>  | <p><i>Presidency suggestion</i></p> <p>(59a) Nothing in this Regulation should derogate from the privilege of non-disclosure of confidential information of the International Committee of the Red Cross under international law, which shall be applicable in judicial and administrative proceedings.</p>   |

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

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| <p>(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.</p> | <p>(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.</p> | <p>(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(93) Where a Member State establishes several supervisory authorities, it should establish by law mechanisms for ensuring the effective participation of those supervisory authorities in the consistency mechanism. That Member State should in particular designate the supervisory authority which functions as a single contact point for the effective participation of those authorities in the mechanism, to ensure swift and smooth co-operation with other supervisory authorities, the European Data Protection Board and the Commission.</p> |
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|  | <i>Amendment 65</i>  |  |  |
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| (94) Each supervisory authority should be provided with the adequate financial and human resources, premises and infrastructure, which is necessary for the effective performance of their tasks, including for the tasks related to mutual assistance and co-operation with other supervisory authorities throughout the Union. | (94) Each supervisory authority should be provided with the adequate financial and human resources, <b><i>paying particular attention to ensuring adequate technical and legal skills of staff,</i></b> premises and infrastructure, which is necessary for the effective performance of their tasks, including for the tasks related to mutual assistance and co-operation with other supervisory authorities throughout the Union. <b><i>Each supervisory authority should have a separate annual budget, which may be part of the overall state or national budget, and be accountable to the national parliament for reasons of budgetary control.</i></b> | (94) Each supervisory authority should be provided with the <del>adequate</del> financial and human resources, premises and infrastructure, which <del>is</del> <b><i>are</i></b> necessary for the effective performance of their tasks, including for the tasks related to mutual assistance and co-operation with other supervisory authorities throughout the Union. <b><i>Each supervisory authority should have a separate annual budget, which may be part of the overall state or national budget.</i></b> | <i>Tentative agreement in trilogue</i><br><br>(94) Each supervisory authority should be provided with the financial and human resources, premises and infrastructure, which are necessary for the effective performance of their tasks, including for the tasks related to mutual assistance and co-operation with other supervisory authorities throughout the Union. Each supervisory authority should have a separate, public annual budget, which may be part of the overall state or national budget. |

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

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|  |  | <p><b><i>(95a) Each supervisory authority should be competent on the territory of its own Member State to exercise the powers and to perform the tasks conferred on it in accordance with this Regulation. This should cover in particular the processing in the context of the activities of an establishment of the controller or processor on the territory of its own Member State, the processing of personal data carried out by public authorities or private bodies acting in the public interest, processing affecting data subjects on its territory or processing carried out by a controller or processor not established in the European Union when targeting data subjects residing in its territory. This should include dealing with complaints lodged by a data subject, conducting investigations on the application of the Regulation, promoting public awareness of the risks, rules, safeguards and rights in relation to the processing of personal data.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(95a) Each supervisory authority should be competent on the territory of its own Member State to exercise the powers and to perform the tasks conferred on it in accordance with this Regulation. This should cover in particular the processing in the context of the activities of an establishment of the controller or processor on the territory of its own Member State, the processing of personal data carried out by public authorities or private bodies acting in the public interest, processing affecting data subjects on its territory or processing carried out by a controller or processor not established in the European Union when targeting data subjects residing in its territory. This should include dealing with complaints lodged by a data subject, conducting investigations on the application of the Regulation, promoting public awareness of the risks, rules, safeguards and rights in relation to the processing of personal data.</p> |
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| <p>(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, the supervisory authorities should cooperate with each other and the Commission.</p> | <p>(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, the supervisory authorities should cooperate with each other and the Commission.</p> | <p>(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, <i>this Regulation should oblige and empower</i> the supervisory authorities <del>should</del> <i>to</i> cooperate with each other and the Commission, <i>without the need for any agreement between Member States on the provision of mutual assistance or on such cooperation.</i></p> | <p><i>Presidency suggestion</i></p> <p>(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, this Regulation should oblige and empower the supervisory authorities to cooperate with each other and the Commission, without the need for any agreement between Member States on the provision of mutual assistance or on such cooperation.</p> |
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|   | <i>Amendment 67</i>   |   |   |
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| <p>(97) Where the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union takes place in more than one Member State, one single supervisory authority should be competent for monitoring the activities of the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors.</p> | <p>(97) Where the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union takes place in more than one Member State, one single supervisory authority should be <del>competent for monitoring the activities of</del> <b><i>act as the single contact point and the lead authority responsible for supervising</i></b> the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors.</p> | <p>(97) Where the processing of personal data <b><i>takes place</i></b> in the context of the activities of an establishment of a controller or a processor in the Union <b><i>and the controller or processor is established</i></b> <del>takes place</del> in more than one Member State, <b><i>or where processing taking place in the context of the activities of a one single supervisory authority should be competent for monitoring the activities of the controller or processor throughout the Union and taking the related decisions, in order to increase the consistent application, provide legal certainty and reduce administrative burden for such controllers and processors</i></b> <b><i>establishment of a controller or processor in the Union substantially affects or is likely to substantially affect data subjects in more than one Member State, the supervisory authority for the main establishment of the controller or processor or for the single establishment of the controller or processor should act as lead authority. It should cooperate with the other</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(97) Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union and the controller or processor is established in more than one Member State, or where processing taking place in the context of the activities of a single establishment of a controller or processor in the Union substantially affects or is likely to substantially affect data subjects in more than one Member State, the supervisory authority for the main establishment of the controller or processor or for the single establishment of the controller or processor should act as lead authority. It should cooperate with the other authorities that are concerned, because the controller or processor has an establishment on the territory of their Member State, because data subjects residing on their territory are substantially affected, or because a complaint has been lodged with them. Also where a data subject not residing in</p> |

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|  |  | <p><i>authorities that are concerned, because the controller or processor has an establishment on the territory of their Member State, because data subjects residing on their territory are substantially affected, or because a complaint has been lodged with them. Also where a data subject not residing in that Member State has lodged a complaint, the supervisory authority to which such complaint has been lodged should also be a concerned supervisory authority. Within its tasks to issue guidelines on any question covering the application of this Regulation, the European Data Protection Board may issue guidelines in particular on the criteria to be taken into account in order to ascertain whether the processing in question substantially affects data subjects in more than one Member State and on what constitutes a relevant and reasoned objection.</i></p> | <p>that Member State has lodged a complaint, the supervisory authority to which such complaint has been lodged should also be a concerned supervisory authority. Within its tasks to issue guidelines on any question covering the application of this Regulation, the European Data Protection Board may issue guidelines in particular on the criteria to be taken into account in order to ascertain whether the processing in question substantially affects data subjects in more than one Member State and on what constitutes a relevant and reasoned objection.</p> |
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|  |  | <p><b><i>(97a) The lead authority should be competent to adopt binding decisions regarding measures applying the powers conferred on it in accordance with the provisions of this Regulation. In its capacity as lead authority, the supervisory authority should closely involve and coordinate the concerned supervisory authorities in the decision-making process. In cases where the decisions is to reject the complaint by the data subject in whole or in part that decision should be adopted by the supervisory authority at which the complaint has been lodged.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(97a) The lead authority should be competent to adopt binding decisions regarding measures applying the powers conferred on it in accordance with the provisions of this Regulation. In its capacity as lead authority, the supervisory authority should closely involve and coordinate the concerned supervisory authorities in the decision-making process. In cases where the decisions is to reject the complaint by the data subject in whole or in part that decision should be adopted by the supervisory authority at which the complaint has been lodged.</p> |
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|  |  | <p><b><i>(97b) The decision should be agreed jointly by the lead supervisory authority and the concerned supervisory authorities and should be directed towards the main or single establishment of the controller or processor and be binding on the controller and processor. The controller or processor should take the necessary measures to ensure the compliance with this Regulation and the implementation of the decision notified by the lead supervisory authority to the main establishment of the controller or processor as regards the processing activities in the Union.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(97b) The decision should be agreed jointly by the lead supervisory authority and the concerned supervisory authorities and should be directed towards the main or single establishment of the controller or processor and be binding on the controller and processor. The controller or processor should take the necessary measures to ensure the compliance with this Regulation and the implementation of the decision notified by the lead supervisory authority to the main establishment of the controller or processor as regards the processing activities in the Union.</p> |
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|  |  | <p><i>(97c) Each supervisory authority not acting as lead supervisory authority should be competent to deal with local cases where the controller or processor is established in more than one Member State, but the subject matter of the specific processing concerns only processing carried out in a single Member State and involving only data subjects in that single Member State, for example,</i></p> | <p><i>Presidency suggestion</i></p> <p>(97c) Each supervisory authority not acting as lead supervisory authority should be competent to deal with local cases where the controller or processor is established in more than one Member State, but the subject matter of the specific processing concerns only processing carried out in a single Member State and involving only data subjects in that single Member State, for example, where the subject matter concerns the processing of employees data in the specific employment context</p> |
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|  |  | <p><i>where the subject matter concerns the processing of employees data in the specific employment context of a Member State. In such cases, the supervisory authority should inform the lead supervisory authority without delay on this matter. After being informed, the lead supervisory authority should decide, whether it will deal with the case within the one-stop-shop mechanism or whether the supervisory authority which informed it should deal with the case at local level. When deciding whether it will deal with the case, the lead supervisory authority should take into account, whether there is an establishment of the controller or processor in the Member State of the supervisory authority which informed it, in order to ensure effective enforcement of a decision vis-à-vis the controller or processor. Where the lead supervisory authority decides to deal with the case, the supervisory authority which informed it should have the possibility to submit a draft for a</i></p> | <p>of a Member State. In such cases, the supervisory authority should inform the lead supervisory authority without delay on this matter. After being informed, the lead supervisory authority should decide, whether it will deal with the case within the one-stop-shop mechanism or whether the supervisory authority which informed it should deal with the case at local level. When deciding whether it will deal with the case, the lead supervisory authority should take into account, whether there is an establishment of the controller or processor in the Member State of the supervisory authority which informed it, in order to ensure effective enforcement of a decision vis-à-vis the controller or processor. Where the lead supervisory authority decides to deal with the case, the supervisory authority which informed it should have the possibility to submit a draft for a decision, of which the lead supervisory authority should take utmost account when preparing its</p> |
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|  |  | <i>decision, of which the lead supervisory authority should take utmost account when preparing its draft decision in the one-stop-shop mechanism.</i>  | draft decision in the one-stop-shop mechanism.   |
|  | <b>Amendment 68</b>  |  |  |
| (98) The competent authority, providing such one-stop shop, should be the supervisory authority of the Member State in which the controller or processor has its main establishment. | (98) The <del>competent</del> <b>lead</b> authority, providing such one-stop shop, should be the supervisory authority of the Member State in which the controller or processor has its main establishment <b>or its representative. The European Data Protection Board may designate the lead authority through the consistency mechanism in certain cases at the request of a competent authority.</b> | (98) The <del>competent</del> <b>rules on the lead supervisory authority, providing such and the one-stop-shop mechanism, should not apply where the processing is carried out by public authorities or private bodies in the public interest. In such cases be the only supervisory authority competent to exercise the powers conferred to it in accordance with this Regulation should be the supervisory authority of the Member State where the public authority or private body is established</b> <del>in which the controller or processor has its main establishment.</del> | <i>Presidency suggestion</i><br><br>(98) The rules on the lead supervisory authority and the one-stop-shop mechanism, should not apply where the processing is carried out by public authorities or private bodies in the public interest. In such cases the only supervisory authority competent to exercise the powers conferred to it in accordance with this Regulation should be the supervisory authority of the Member State where the public authority or private body is established. |

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| <p>(99) While this Regulation applies also to the activities of national courts, the competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of judges in the performance of their judicial tasks. However, this exemption should be strictly limited to genuine judicial activities in court cases and not apply to other activities where judges might be involved in, in accordance with national law.</p> | <p>(99) While this Regulation applies also to the activities of national courts, the competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of judges in the performance of their judicial tasks. However, this exemption should be strictly limited to genuine judicial activities in court cases and not apply to other activities where judges might be involved in, in accordance with national law.</p> | <p><i>deleted</i></p> |  |
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| <p>(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same duties and effective powers, including powers of investigation, legally binding intervention, decisions and sanctions, particularly in cases of complaints from individuals, and to engage in legal proceedings. Investigative powers of supervisory authorities as regards access to premises should be exercised in conformity with Union law and national law. This concerns in particular the requirement to obtain a prior judicial authorisation.</p> | <p>(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same duties and effective powers, including powers of investigation, legally binding intervention, decisions and sanctions, particularly in cases of complaints from individuals, and to engage in legal proceedings. Investigative powers of supervisory authorities as regards access to premises should be exercised in conformity with Union law and national law. This concerns in particular the requirement to obtain a prior judicial authorisation.</p> | <p>(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same <del>duties</del> <b>tasks</b> and effective powers, including powers of investigation, <b>corrective powers</b> <del>legally binding intervention, decisions and sanctions, and</del> <b>authorisation and advisory powers</b>, particularly in cases of complaints from individuals, <b>and without prejudice to the powers of prosecutorial authorities under national law, to bring infringements of this Regulation to the attention of the judicial authorities</b> and/or engage in legal proceedings. <b>Such powers should also include the power to forbid the processing on which the authority is consulted. Member States may specify other tasks related to the protection of personal data under this Regulation. The powers of supervisory authorities should be exercised in conformity with appropriate procedural safeguards</b></p> | <p><i>Presidency suggestion</i></p> <p>(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same tasks and effective powers, including powers of investigation, corrective powers and sanctions, and authorisation and advisory powers, particularly in cases of complaints from individuals, and without prejudice to the powers of prosecutorial authorities under national law, to bring infringements of this Regulation to the attention of the judicial authorities and/or engage in legal proceedings. Such powers should also include the power to forbid the processing on which the authority is consulted. Member States may specify other tasks related to the protection of personal data under this Regulation. The powers of supervisory authorities should be exercised in conformity with appropriate procedural safeguards set out in Union law and national law, impartially, fairly and within a reasonable time.</p> |
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|  |  | <p><i>set out in Union law and national law, impartially, fairly and within a reasonable time. In particular each measure should be appropriate, necessary and proportionate in view of ensuring compliance with this Regulation, taking into account the circumstances of each individual case, respect the right of every person to be heard before any individual measure which would affect him or her adversely is taken and avoid superfluous costs and excessive inconveniences for the persons concerned.</i> Investigative powers of supervisory authorities as regards access to premises should be exercised in conformity <b>with specific requirements in national procedural law, such as with Union law and national law.</b> This concerns in particular the requirement to obtain a prior judicial authorisation. <b>Each legally</b></p> | <p>In particular each measure should be appropriate, necessary and proportionate in view of ensuring compliance with this Regulation, taking into account the circumstances of each individual case, respect the right of every person to be heard before any individual measure which would affect him or her adversely is taken and avoid superfluous costs and excessive inconveniences for the persons concerned. Investigatory powers as regards access to premises should be exercised in accordance with specific requirements in national procedural law, such as the requirement to obtain a prior judicial authorisation. Each legally binding measure of the supervisory authority should be in writing, be clear and unambiguous, indicate the supervisory authority which has issued the measure, the date of issue of the measure, bear the signature of the head, or a member of the supervisory authority authorised by him or her,</p> |
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|  |  | <p><i>binding measure of the supervisory authority should be in writing, be clear and unambiguous, indicate the supervisory authority which has issued the measure, the date of issue of the measure, bear the signature of the head, or a member of the supervisory authority authorised by him or her, give the reasons for the measure, and refer to the right of an effective remedy. This should not preclude additional requirements pursuant to national procedural law. The adoption of such legally binding decision implies that it may give rise to judicial review in the Member State of the supervisory authority that adopted the decision.</i></p> | <p>give the reasons for the measure, and refer to the right of an effective remedy.<br/>This should not preclude additional requirements pursuant to national procedural law. The adoption of such legally binding decision implies that it may give rise to judicial review in the Member State of the supervisory authority that adopted the decision.</p> |
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| <p>(101) Each supervisory authority should hear complaints lodged by any data subject and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject.</p> | <p style="text-align: center;"><i>Amendment 70</i></p> <p>(101) Each supervisory authority should hear complaints lodged by any data subject <i>or by associations acting in the public interest</i> and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject <i>or the association</i> of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject.</p> | <p>(101 &amp; 101a) Each <del>supervisory authority should hear to</del> <i>Where the complaints has been lodged is not the lead supervisory authority, the lead supervisory authority should closely co-operate with the supervisory authority to which the complaint has been lodged according to the provisions on co-operation and consistency laid down in this Regulation. In such cases, by any data subject and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case.</i></p> | <p><i>Presidency suggestion</i></p> <p>(101a) Where the supervisory authority to which the complaint has been lodged is not the lead supervisory authority, the lead supervisory authority should closely co-operate with the supervisory authority to which the complaint has been lodged according to the provisions on co-operation and consistency laid down in this Regulation. In such cases, the lead supervisory authority should, when taking measures intended to produce legal effects, including the imposition of administrative fines, take utmost account of the view of the supervisory authority to which the</p> |
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|  |  | <p><del>The</del><i>the lead</i> supervisory authority should, <i>when taking measures intended to produce legal effects, including the imposition of administrative fines, take utmost account of the view of the</i> <del>inform</del> <i>the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject</i> <i>to which the complaint has been lodged and which should remain competent to carry out any investigation on the territory of its own Member State in liaison with the competent supervisory authority.</i></p> | <p>complaint has been lodged and which should remain competent to carry out any investigation on the territory of its own Member State in liaison with the competent supervisory authority.</p> |
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|  |  | <p><b><i>(101b) The supervisory authority receiving a complaint or detecting or being informed otherwise of situations that entail possible infringements of the Regulation should seek an amicable settlement and, if this proves unsuccessful, exercise its full range of powers in cases where another supervisory authority should act as a lead supervisory authority for the processing activities of the controller or processor but the concrete subject matter of a complaint or the possible infringement concerns only processing activities of the controller or processor in the one Member State where the complaint has been lodged or the possible infringement detected and the matter does not substantially affect or is not likely to substantially affect data subjects in other Member States. This should include specific processing carried out in the territory of the Member State of the supervisory authority or with regard to data subjects on</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(101b) The supervisory authority receiving a complaint or detecting or being informed otherwise of situations that entail possible infringements of the Regulation should seek an amicable settlement and, if this proves unsuccessful, exercise its full range of powers in cases where another supervisory authority should act as a lead supervisory authority for the processing activities of the controller or processor but the concrete subject matter of a complaint or the possible infringement concerns only processing activities of the controller or processor in the one Member State where the complaint has been lodged or the possible infringement detected and the matter does not substantially affect or is not likely to substantially affect data subjects in other Member States. This should include specific processing carried out in the territory of the Member State of the supervisory authority or with regard to data subjects on</p> |
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|   |   | <i>the territory of that Member State; or to processing that is carried out in the context of an offer of goods or services specifically aimed at data subjects in the territory of the Member State of the supervisory authority; or that has to be assessed taking into account relevant legal obligations under national law.</i> | the territory of that Member State; or to processing that is carried out in the context of an offer of goods or services specifically aimed at data subjects in the territory of the Member State of the supervisory authority; or that has to be assessed taking into account relevant legal obligations under national law. |
| (102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as data subjects. | (102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as data subjects. | (102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as <del>data subjects</del> <b>individuals in particular in the educational context.</b>                 | <i>Presidency suggestion</i><br><br>(102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as individuals in particular in the educational context.      |

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

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| <p>(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities themselves and the Commission should be established. This mechanism should in particular apply where a supervisory authority intends to take a measure as regards processing operations that are related to the offering of goods or services to data subjects in several Member States, or to the monitoring such data subjects, or that might substantially affect the free flow of personal data. It should also apply where any supervisory authority or the Commission requests that the matter should be dealt with in the consistency mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.</p> | <p style="text-align: center;"><b><i>Amendment 71</i></b></p> <p>(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities themselves and the Commission should be established. This mechanism should in particular apply where a supervisory authority intends to take a measure as regards processing operations that are related to the offering of goods or services to data subjects in several Member States, or to the monitoring <i>of</i> such data subjects, or that might substantially affect the free flow of personal data. It should also apply where any supervisory authority or the Commission requests that the matter should be dealt with in the consistency mechanism. <b><i>Furthermore, the data subjects should have the right to obtain consistency, if they deem a measure by a Data Protection Authority of a Member State has not fulfilled this criterion.</i></b> This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.</p> | <p>(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities themselves and the Commission should be established. This mechanism should in particular apply where a supervisory authority intends to <del>take</del> <b><i>adopt</i></b> a measure <b><i>intended to produce legal effects</i></b> as regards processing operations <del>that are related to the offering of goods or services to data subjects in several Member States, , or to the monitoring such data subjects, or that might</del> <b><i>which</i></b> substantially affect <b><i>a significant number of data subjects in several Member States.</i></b> <del>the free flow of personal data.</del> It should also apply where any <b><i>concerned</i></b> supervisory authority or the Commission requests that <del>the</del> <b><i>such</i></b> matter should be dealt with in the consistency mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.</p> | <p style="text-align: center;"><i>Presidency suggestion</i></p> <p>(105) In order to ensure the consistent application of this Regulation throughout the Union, a consistency mechanism for co-operation between the supervisory authorities should be established. This mechanism should in particular apply where a supervisory authority intends to adopt a measure intended to produce legal effects as regards processing operations which substantially affect a significant number of data subjects in several Member States. It should also apply where any concerned supervisory authority or the Commission requests that such matter should be dealt with in the consistency mechanism. This mechanism should be without prejudice to any measures that the Commission may take in the exercise of its powers under the Treaties.</p> |
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| <p>(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a simple majority of its members so decides or if so requested by any supervisory authority or the Commission.</p> | <p>(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a simple majority of its members so decides or if so requested by any supervisory authority or the Commission.</p> | <p>(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a <del>simple</del> majority of its members so decides or if so requested by any <b>concerned</b> supervisory authority <b>concerned</b> or the Commission. <b><i>The European Data Protection Board should also be empowered to adopt legally binding decisions in case of disputes between supervisory authorities. For that purposes it should issue, in principle with a two-third majority of its members, legally binding decisions in clearly defined cases where there are conflicting views among supervisory authorities in particular in the cooperation mechanism between the lead supervisory authority and concerned supervisory authorities on the merits of the case, notably whether there is an infringement of this Regulation or not.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(106) In application of the consistency mechanism, the European Data Protection Board should, within a determined period of time, issue an opinion, if a majority of its members so decides or if so requested by any concerned supervisory authority concerned or the Commission. The European Data Protection Board should also be empowered to adopt legally binding decisions in case of disputes between supervisory authorities. For that purposes it should issue, in principle with a two-third majority of its members, legally binding decisions in clearly defined cases where there are conflicting views among supervisory authorities in particular in the cooperation mechanism between the lead supervisory authority and concerned supervisory authorities on the merits of the case, notably whether there is an infringement of this Regulation or not.</p> |
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|  | <i>Amendment 72</i>  |  |  |
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|  | <i>(106a) In order to ensure the consistent application of this Regulation, the European Data Protection Board may in individual cases adopt a decision which is binding on the competent supervisory authorities.</i> |  |  |

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



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

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|  | <i>controllers and other relevant stakeholders and experts.</i> | <i>international organisations, and promoting co-operation of the supervisory authorities throughout the Union. The European Data Protection Board should act independently when exercising its tasks.</i>  | Commission, in particular on the level of protection in third countries or international organisations, and promoting co-operation of the supervisory authorities throughout the Union. The European Data Protection Board should act independently when exercising its tasks.   |
|  |   | <b><i>(110a) The European Data Protection Board should be assisted by a secretariat provided by the secretariat of the European Data Protection Supervisor. The staff of the secretariat of the European Data Protection Supervisor involved in carrying out the tasks conferred on the European Data Protection Board by this Regulation should perform its tasks exclusively under the instructions of, and report to the Chair of the European Data Protection Board. Organisational separation of staff should concern all services needed for the independent functioning of the European Data Protection Board.</i></b> | <i>Presidency suggestion</i><br><br>(110a) The European Data Protection Board should be assisted by a secretariat provided by the European Data Protection Supervisor. The staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the European Data Protection Board by this Regulation should perform its tasks exclusively under the instructions of, and report to the Chair of the European Data Protection Board. |

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| <p>(111) Every data subject should have the right to lodge a complaint with a supervisory authority in any Member State and have the right to a judicial remedy if they consider that their rights under this Regulation are infringed or where the supervisory authority does not react on a complaint or does not act where such action is necessary to protect the rights of the data subject.</p> | <p>(111) <del>Every data</del> <b>Data</b> subject <b>subjects</b> should have the right to lodge a complaint with a supervisory authority in any Member State and have the right to <b>an effective</b> judicial remedy <b>in accordance with Article 47 of the Charter of Fundamental Rights</b> if they consider that their rights under this Regulation are infringed or where the supervisory authority does not react on a complaint or does not act where such action is necessary to protect the rights of the data subject.</p> | <p>(111) Every data subject should have the right to lodge a complaint with a supervisory authority, <b>in particular in the Member State of his or her habitual residence</b>, <del>in any Member State</del> and have the right to <b>an effective</b> judicial remedy <b>in accordance with Article 47 of the Charter of Fundamental Rights if the data subject</b> if they considers that <del>their</del> <b>his or her</b> rights under this Regulation are infringed or where the supervisory authority does not react on a complaint, <b>partially or wholly rejects or dismisses a complaint</b> or does not act where such action is necessary to protect the rights of the data subject. <b>The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject. In</b></p> | <p><i>Presidency suggestion</i></p> <p>(111) Every data subject should have the right to lodge a complaint with a single supervisory authority, in particular in the Member State of his or her habitual residence, and have the right to an effective judicial remedy in accordance with Article 47 of the Charter of Fundamental Rights if the data subject considers that his or her rights under this Regulation are infringed or where the supervisory authority does not act on a complaint, partially or wholly rejects or dismisses a complaint or does not act where such action is necessary to protect the rights of the data subject. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject. In order to facilitate</p> |
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|  |  | <i>order to facilitate the submission of complaints, each supervisory authority should take measures such as providing a complaint submission form which can be completed also electronically, without excluding other means of communication.</i>  | the submission of complaints, each supervisory authority should take measures such as providing a complaint submission form which can be completed also electronically, without excluding other means of communication.   |
|  | <b>Amendment 76</b>  |   |   |
| (112) Any body, organisation or association which aims to protect the rights and interests of data subjects in relation to the protection of their data and is constituted according to the law of a Member State should have the right to lodge a complaint with a supervisory authority or exercise the right to a judicial remedy on behalf of data | (112) Any body, organisation or association which aims to protect the rights and interests of data subjects in relation to the protection of their data <b>acts in the public interest</b> and is constituted according to the law of a Member State should have the right to lodge a complaint with a supervisory authority <b>on behalf of data subjects</b> | (112) <b>Where a data subject considers that his or her rights under this Regulation are infringed, he or she should have the right to mandate a</b> Any body, organisation or association which aims to protect the rights and interests of data subjects in relation to the protection of their data and is constituted according to the law of | <i>Presidency suggestion</i><br><br>(112) Where a data subject considers that his or her rights under this Regulation are infringed, he or she should have the right to mandate a body, organisation or association which is of non-profit making character, which aims to protect the rights and interests of data subjects in relation to the protection of their data and is constituted according to the law of |

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| <p>subjects, or to lodge, independently of a data subject's complaint, an own complaint where it considers that a personal data breach has occurred.</p> | <p><i>with their consent</i> or exercise the right to a judicial remedy <del>on behalf of</del> <i>if mandated by the</i> data subject <del>subject</del>, or to lodge, independently of a data subject's complaint, an own complaint where it considers that a <del>personal data</del> breach <i>of this Regulation</i> has occurred.</p> | <p>a Member State, <del>should have the right to</del> lodge a complaint <i>on his or her behalf</i> with a supervisory authority or exercise the right to a judicial remedy on behalf of data subjects. <i>Member States may provide that such a body, organisation or association should have the right,</i> <del>or to lodge,</del> independently of a data subject's <i>mandate, in such Member State a complaint, and/or have the right to an own effective judicial remedy</i> <del>complaint</del> where it <i>has reasons to</i> considers that <i>the rights of a data subject have been infringed as a result of the processing of a</i> <del>personal data breach has occurred</del> <i>which is not in compliance with this Regulation. This body, organisation or association may not be allowed to claim compensation on a data subject's behalf.</i></p> | <p>a Member State to lodge a complaint on his or her behalf with a supervisory authority, exercise the right to a judicial remedy on behalf of data subjects or exercise the right to receive compensation on behalf of data subjects if provided for in Member State law. Member States may provide that such a body, organisation or association should have the right to lodge, independently of a data subject's mandate, in such Member State a complaint, and/or have the right to an effective judicial remedy where it has reasons to considers that the rights of a data subject have been infringed as a result of the processing of personal data which is not in compliance with this Regulation. This body, organisation or association may not be allowed to claim compensation on a data subject's behalf.</p> |
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| <p>(113) Each natural or legal person should have the right to a judicial remedy against decisions of a supervisory authority concerning them. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established.</p> | <p>(113) Each natural or legal person should have the right to a judicial remedy against decisions of a supervisory authority concerning them. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established.</p> | <p>(113) <del>Each</del> <b>Any</b> natural or legal person <del>should have</del> <b>has</b> the right to <b><i>bring an action for annulment of decisions of the European Data Protection Board before the Court of Justice of the European Union (the “Court of Justice”) under the conditions provided for in Article 263 TFEU. As addressees of such decisions, the concerned supervisory authorities who wish to challenge them, have to bring action within two months of their notification to them, in accordance with Article 263 TFEU. Where decisions of the European Data Protection Board are of direct and individual concern to a controller, processor or the complainant, the latter may bring an action for annulment against those decisions and they should do so within two months of their publication on the website of the European Data Protection Board, in accordance with Article 263 TFEU. Without prejudice to this right under Article 263 TFEU, each natural or legal person should have an effective</i></b> judicial remedy <b><i>before the competent national court</i></b> against a decisions of a supervisory authority</p> | <p><i>Presidency suggestion</i></p> <p>(113) Any natural or legal person has the right to bring an action for annulment of decisions of the European Data Protection Board before the Court of Justice of the European Union (the “Court of Justice”) under the conditions provided for in Article 263 TFEU. As addressees of such decisions, the concerned supervisory authorities who wish to challenge them, have to bring action within two months of their notification to them, in accordance with Article 263 TFEU. Where decisions of the European Data Protection Board are of direct and individual concern to a controller, processor or the complainant, the latter may bring an action for annulment against those decisions and they should do so within two months of their publication on the website of the European Data Protection Board, in accordance with Article 263 TFEU. Without prejudice to this right under Article 263 TFEU, each natural or legal person should have an effective judicial remedy before the competent national court</p> |
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|  |  | <p><i>which produces legal effects concerning <del>them</del> this person.</i></p> <p><i>Such a decision concerns in particular the exercise of investigative, corrective and authorisation powers by the supervisory authority or the dismissal or rejection of complaints. However, this right does not encompass other measures of supervisory authorities which are not legally binding, such as opinions issued by or advice provided by the</i></p> | <p>against a decision of a supervisory authority which produces legal effects concerning this person.</p> <p>Such a decision concerns in particular the exercise of investigative, corrective and authorisation powers by the supervisory authority or the dismissal or rejection of complaints. However, this right does not encompass other measures of supervisory authorities which are not legally binding, such as opinions issued by or advice</p> |
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|  |  | <p><i>supervisory authority. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established and should be conducted in accordance with the national procedural law of that Member State. Those courts should exercise full jurisdiction which should include jurisdiction to examine all questions of fact and law relevant to the dispute before it. Where a complaint has been rejected or dismissed by a supervisory authority, the complainant may bring proceedings to the courts in the same Member State. In the context of judicial remedies relating to the application of this Regulation, national courts which consider a decision on the question necessary to enable them to give judgment, may, or in the case provided for in Article 267 TFEU, must, request the Court of Justice to give a preliminary ruling on the interpretation of Union law including this Regulation.</i></p> | <p>provided by the supervisory authority. Proceedings against a supervisory authority should be brought before the courts of the Member State, where the supervisory authority is established and should be conducted in accordance with the national procedural law of that Member State. Those courts should exercise full jurisdiction which should include jurisdiction to examine all questions of fact and law relevant to the dispute before it. Where a complaint has been rejected or dismissed by a supervisory authority, the complainant may bring proceedings to the courts in the same Member State. In the context of judicial remedies relating to the application of this Regulation, national courts which consider a decision on the question necessary to enable them to give judgment, may, or in the case provided for in Article 267 TFEU, must, request the Court of Justice to give a preliminary ruling on the interpretation of Union law including this Regulation.</p> |
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|  |  | <p><b><i>Furthermore, where a decision of a supervisory authority implementing a decision of the European Data Protection Board is challenged before a national court and the validity of the decision of the European Data Protection Board is at issue, that national court does not have the power to declare the European Data Protection Board's decision invalid but must refer the question of validity to the Court of Justice in accordance with Article 267 TFEU as interpreted by the Court of Justice in the Foto-frost case<sup>1</sup>, whenever it considers the decision invalid. However, a national court may not refer a question on the validity of the decision of the European Data Protection Board at the request of a natural or legal person which had the opportunity to bring an action for annulment of that decision, in particular if it was directly and individually concerned by that decision, but had not done so within the period laid down by Article 263 TFEU.</i></b></p> | <p>Furthermore, where a decision of a supervisory authority implementing a decision of the European Data Protection Board is challenged before a national court and the validity of the decision of the European Data Protection Board is at issue, that national court does not have the power to declare the European Data Protection Board's decision invalid but must refer the question of validity to the Court of Justice in accordance with Article 267 TFEU as interpreted by the Court of Justice in the Foto-frost case<sup>2</sup>, whenever it considers the decision invalid. However, a national court may not refer a question on the validity of the decision of the European Data Protection Board at the request of a natural or legal person which had the opportunity to bring an action for annulment of that decision, in particular if it was directly and individually concerned by that decision, but had not done so within the period laid down by Article 263 TFEU.</p> |
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<sup>1</sup> Case C-314/85

<sup>2</sup> Case C-314/85

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|  |  | <p><b><i>(113a) Where a court seized with a proceeding against a decision of a supervisory authority has reason to believe that proceedings concerning the same processing such as the same subject matter as regards processing of the same controller or processor activities or the same cause of action are brought before a competent court in another Member State, it should contact that court in order to confirm the existence of such related proceedings. If related proceedings are pending before a court in another Member State, any court other than the court first seized may stay its proceedings or may, on request of one of the parties, decline jurisdiction in favour of the court first seized if the latter has jurisdiction over the proceedings in question and its law permits the consolidation of such related proceedings. Proceedings are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(113a) Where a court seized with a proceeding against a decision of a supervisory authority has reason to believe that proceedings concerning the same processing such as the same subject matter as regards processing of the same controller or processor activities or the same cause of action are brought before a competent court in another Member State, it should contact that court in order to confirm the existence of such related proceedings. If related proceedings are pending before a court in another Member State, any court other than the court first seized may stay its proceedings or may, on request of one of the parties, decline jurisdiction in favour of the court first seized if the latter has jurisdiction over the proceedings in question and its law permits the consolidation of such related proceedings. Proceedings are deemed to be related where they are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings.</p> |
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|  | <i>Amendment 77</i>   |                |  |
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| (114) In order to strengthen the judicial protection of the data subject in situations where the competent supervisory authority is established in another Member State than the one where the data subject is residing, the data subject may request any body, organisation or association aiming to protect the rights and interests of data subjects in relation to the protection of their data to bring on the data subject's behalf proceedings against that supervisory authority to the competent court in the other Member State. | (114) In order to strengthen the judicial protection of the data subject in situations where the competent supervisory authority is established in another Member State than the one where the data subject is residing, the data subject may <del>request</del> <b>mandate</b> any body, organisation or association <del>aiming to protect the rights and interests of data subjects in relation to the protection of their data</del> <b>acting in the public interest</b> to bring <del>on the data subject's behalf</del> proceedings against that supervisory authority to the competent court in the other Member State. | <i>deleted</i> |  |

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

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

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

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|  |  | <p><i>accordance with this Regulation and national law specifying rules of this Regulation. Data subjects should receive full and effective compensation for the damage they have suffered. Where controllers or processors are involved in the same processing each controller or processor should be held liable for the entire damage. However, where they are joined to the same judicial proceedings, in accordance with national law, compensation may be apportioned according to the responsibility of each controller or processor for the damage caused by the processing, provided that full and effective compensation of the data subject who suffered the damage is ensured. Any controller or processor who has paid full compensation, may subsequently institute recourse proceedings against other controllers or processors involved in the same processing.</i></p> | <p>processing that is not in compliance with delegated and implementing acts adopted in accordance with this Regulation and national law specifying rules of this Regulation. Data subjects should receive full and effective compensation for the damage they have suffered. Where controllers or processors are involved in the same processing each controller or processor should be held liable for the entire damage. However, where they are joined to the same judicial proceedings, in accordance with national law, compensation may be apportioned according to the responsibility of each controller or processor for the damage caused by the processing, provided that full and effective compensation of the data subject who suffered the damage is ensured. Any controller or processor who has paid full compensation, may subsequently institute recourse proceedings against other controllers or processors involved in the same processing.</p> |
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|  |  | <p><b><i>(118a) Where specific rules on jurisdiction are contained in this Regulation, in particular as regards proceedings seeking a judicial remedy including compensation, against a controller or processor, general jurisdiction rules such as those of Regulation (EU) No 1215/2012 should not prejudice the application of such specific rules.</i></b></p>  | <p><i>Presidency suggestion</i></p> <p>(118a) Where specific rules on jurisdiction are contained in this Regulation, in particular as regards proceedings seeking a judicial remedy including compensation, against a controller or processor, general jurisdiction rules such as those of Regulation (EU) No 1215/2012 should not prejudice the application of such specific rules.</p>  |
|  |  | <p><b><i>(118b) In order to strengthen the enforcement of the rules of this Regulation, penalties and administrative fines may be imposed for any infringement of the Regulation, in addition to, or instead of appropriate measures imposed by the supervisory authority pursuant to this Regulation. In a case of a minor infringement or if the fine likely to be imposed would constitute a disproportionate burden to a natural person, a reprimand may be issued instead of a fine. Due regard should however be given to the nature, gravity and duration of</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(118b) In order to strengthen the enforcement of the rules of this Regulation, penalties and administrative fines may be imposed for any infringement of the Regulation, in addition to, or instead of appropriate measures imposed by the supervisory authority pursuant to this Regulation. In a case of a minor infringement or if the fine likely to be imposed would constitute a disproportionate burden to a natural person, a reprimand may be issued instead of a fine. Due regard should</p> |

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|  |  | <p><i>the infringement, the intentional character of the infringement, actions taken to mitigate the damage suffered, degree of responsibility or any relevant previous infringements, the manner in which the infringement became known to the supervisory authority, compliance with measures ordered against the controller or processor, adherence to a code of conduct and any other aggravating or mitigating factor. The imposition of penalties and administrative fines should be subject to adequate procedural safeguards in conformity with general principles of Union law and the Charter of Fundamental Rights, including effective judicial protection and due process. Where the national law of a Member State does not provide for administrative fines, such Member State may abstain from providing administrative fines for infringements of this Regulation that are already subject to criminal sanctions in their national law ensuring that these criminal sanctions are effective, proportionate and dissuasive, taking into account the level of administrative fines provided for in</i></p> | <p>however be given to the nature, gravity and duration of the infringement, the intentional character of the infringement, actions taken to mitigate the damage suffered, degree of responsibility or any relevant previous infringements, the manner in which the infringement became known to the supervisory authority, compliance with measures ordered against the controller or processor, adherence to a code of conduct and any other aggravating or mitigating factor. The imposition of penalties and administrative fines should be subject to adequate procedural safeguards in conformity with general principles of Union law and the Charter of Fundamental Rights, including effective judicial protection and due process.</p> |
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|  |   | <i>this Regulation.</i>  |  |
|  | <b><i>Amendment 81</i></b>  |  |  |
| <p>(119) Penalties should be imposed to any person, whether governed by private or public law, who fails to comply with this Regulation. Member States should ensure that the penalties should be effective, proportionate and dissuasive and should take all measures to implement the penalties.</p> | <p>(119) Penalties should be imposed to any person, whether governed by private or public law, who fails to comply with this Regulation. Member States should ensure that the penalties should be effective, proportionate and dissuasive and should take all measures to implement the penalties. <b><i>The rules on penalties should be subject to appropriate procedural safeguards in conformity with the general principles of Union law and the Charter of Fundamental Rights, including those concerning the right to an effective judicial remedy, due process and the principle of ne bis in idem.</i></b></p> | <p>(119) <b><i>Member States may lay down the rules on criminal sanctions for infringements of this Regulation, including for infringements of national rules adopted pursuant to and within the limits of Penalties</i></b> <del>should be imposed to any person, whether governed by private or public law, who fails to comply with this Regulation.</del> <b><i>These criminal sanctions may also allow for the deprivation of the profits obtained through infringements of this Regulation. However, the imposition of criminal sanctions for infringements of such national rules and of administrative</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(119) Member States may lay down the rules on criminal sanctions for infringements of this Regulation, including for infringements of national rules adopted pursuant to and within the limits of this Regulation. These criminal sanctions may also allow for the deprivation of the profits obtained through infringements of this Regulation. However, the imposition of criminal sanctions for infringements of such national rules and of administrative</p> |

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|  |  | <p><i>sanctions</i> Member States should ensure that the penalties should be effective, proportionate and dissuasive and should take all measures to implement the penalties <i>not lead to the breach of the principle of ne bis in idem, as interpreted by the Court of Justice.</i></p> | <p>sanctions not lead to the breach of the principle of ne bis in idem, as interpreted by the Court of Justice.</p> |
|  | <i>Amendment 82</i>  |  |   |
|  | <p><i>(119a) In applying penalties, Member States should show full respect for appropriate procedural safeguards, including the right to an effective judicial remedy, due process, and the principle of ne bis in idem.</i></p> |  |   |

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| <p>(120) In order to strengthen and harmonise administrative sanctions against infringements of this Regulation, each supervisory authority should have the power to sanction administrative offences. This Regulation should indicate these offences and the upper limit for the related administrative fines, which should be fixed in each individual case proportionate to the specific situation, with due regard in particular to the nature, gravity and duration of the breach. The consistency mechanism may also be used to cover divergences in the application of administrative sanctions.</p> | <p>(120) In order to strengthen and harmonise administrative sanctions against infringements of this Regulation, each supervisory authority should have the power to sanction administrative offences. This Regulation should indicate these offences and the upper limit for the related administrative fines, which should be fixed in each individual case proportionate to the specific situation, with due regard in particular to the nature, gravity and duration of the breach. The consistency mechanism may also be used to cover divergences in the application of administrative sanctions.</p> | <p>(120) In order to strengthen and harmonise administrative <del>sanctions</del> <b>penalties</b> against infringements of this Regulation, each supervisory authority should have the power to <del>impose</del> <del>sanction</del> administrative <del>offences</del> <b>fin</b>es. This Regulation should indicate these offences and, the upper limit <b>and criteria</b> for <b>fixing</b> the related administrative fines, which should be <del>fixed</del> <b>determined by the competent supervisory authority</b> in each individual case, <b>taking into account all relevant circumstances of</b> <del>proportionate to the specific situation, with due regard in particular to the nature, gravity and duration of the breach</del> <b>and of its consequences and the measures taken to ensure compliance with the obligations under the Regulation and to prevent or mitigate the consequences of the infringement. Where the fines are imposed on persons that are not a commercial undertaking, the supervisory authority should take account of the general level of income in the Member State in considering the appropriate amount of fine.</b> The consistency</p> | <p>(120) In order to strengthen and harmonise administrative penalties against infringements of this Regulation, each supervisory authority should have the power to impose administrative fines. This Regulation should indicate offences the upper limit and criteria for fixing the related administrative fines, which should be determined by the competent supervisory authority in each individual case, taking account all relevant circumstances of the specific situation, with due regard in particular to the nature, gravity and duration of the breach and of its consequences and the measures taken to ensure compliance with the obligations under the Regulation and to prevent or mitigate the consequences of the infringement. Where the fines are imposed on persons that are not a commercial undertaking, the supervisory authority should take account of the general level of income in the Member State in considering the appropriate amount of fine. The consistency mechanism may also be used to promote a consistent application of administrative fines.</p> |
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|  |  | <p>mechanism may also be used to <del>cover</del> <b><i>promote a consistent</i></b> <del>divergences in the application of administrative sanctions</del> <b><i>finest. It should be for the Member States to determine whether and to which extent public authorities should be subject to administrative fines. Imposing an administrative fine or giving a warning does not affect the application of other powers of the supervisory authorities or of other sanctions under the Regulation.</i></b></p> | <p>It should be for the Member States to determine whether and to which extent public authorities should be subject to administrative fines. Imposing an administrative fine or giving a warning does not affect the application of other powers of the supervisory authorities or of other sanctions under the Regulation.</p>  |
|  |  |   | <p><i>Presidency suggestion</i></p> <p>(120a) (new) The legal systems of Denmark and Estonia do not allow for administrative fines as set out in this Regulation. The rules on administrative fines may be applied in such a manner that in Denmark, the fine is imposed by competent national courts as a criminal sanction and in Estonia, the fine is imposed by the supervisory authority in the framework of a misdemeanor procedure, provided that such an application of the rules in those Member States has an equivalent effect to administrative fines imposed by supervisory</p> |

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

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| <p>(121) The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption from the requirements of certain provisions of this Regulation in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities</p> | <p><del>(121) The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption</del><br/> <b>Whenever necessary, exemptions or derogations</b> from the requirements of certain provisions of this Regulation <b>for the processing of personal data should be provided for</b> in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on</p> | <p>(121) <b>Member States law should reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with the right to the protection of personal data pursuant to this Regulation.</b> The processing of personal data solely for journalistic purposes, or for the purposes of <b>academic</b>, artistic or literary expression should <b>be subject to</b> <del>qualify for exemption from the requirements of certain provisions of this Regulation in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union.</del> <b>derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data, with the right to freedom of expression and information, as guaranteed by Article 11 of the Charter of Fundamental Rights of the European Union.</b> This should apply</p> | <p><i>Presidency suggestion</i></p> <p>(121) Member States law should reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with the right to the protection of personal data pursuant to this Regulation. The processing of personal data solely for journalistic purposes, or for the purposes of academic, artistic or literary expression should be subject to derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data, with the right to freedom of expression and information, as guaranteed by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of</p> |
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| <p>and on co-operation and consistency. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as ‘journalistic’ for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these activities is the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. They should not be limited to media undertakings and may be undertaken for profit-making or for non-profit making purposes.</p> | <p>controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities, <del>and</del> on co-operation and consistency <b>and on specific data processing situations</b>. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, <del>such as journalism, broadly. Therefore, Member States should classify activities as "journalistic" for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these</del> <b>to cover all</b> activities is <b>which aim at</b> the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them, <b>also taking into account technological development</b>. They should not be limited to media</p> | <p>in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities and on co-operation and consistency. <b>In case these exemptions or derogations differ from one Member State to another, the national law of the Member State to which the controller is subject should apply.</b> <del>This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic</del></p> | <p>balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities, on co-operation and consistency and on specific data processing situations. In case these exemptions or derogations differ from one Member State to another, the national law of the Member State to which the controller is subject should apply. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly.</p> |
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|  | <p>undertakings and may be undertaken for profit-making or for non-profit making purposes.</p> | <p>society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as 'journalistic' for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these activities is the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. They should not be limited to media undertakings and may be undertaken for profit making or for non-profit making purposes.<i>In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly.</i></p> |  |
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|  |  | <p><b>(121a) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. Public access to official documents may be considered as a public interest. Personal data in documents held by a public authority or a public body should be able to be publicly disclosed by this authority or body if the disclosure is provided for by Union law or Member State law to which the public authority or public body is subject. Such laws should reconcile public access to official documents and the reuse of public sector information with the right to the protection of personal data and may therefore provide for the necessary derogations from the rules of this regulation. The reference to public authorities and bodies should in this context include all authorities or other bodies covered by Member State law on public access to documents. Directive 2003/98/EC of the European Parliament and of the Council of 17 November</b></p> | <p><i>Presidency suggestion</i></p> <p>(121a) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. Public access to official documents may be considered as a public interest. Personal data in documents held by a public authority or a public body should be able to be publicly disclosed by this authority or body if the disclosure is provided for by Union law or Member State law to which the public authority or public body is subject. Such laws should reconcile public access to official documents and the reuse of public sector information with the right to the protection of personal data and may therefore provide for the necessary reconciliation with the right to the protection of personal data pursuant to this Regulation. The reference to public authorities and bodies should in this context include all authorities or other bodies covered by Member State law on public access to documents. Directive 2003/98/EC of the European Parliament and of the</p> |
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|  |  | <p><b>2003 on the re-use of public sector information leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law, and in particular does not alter the obligations and rights set out in this Regulation. In particular, that Directive should not apply to documents access to which is excluded or restricted by virtue of the access regimes on the grounds of protection of personal data, and parts of documents accessible by virtue of those regimes which contain personal data the re-use of which has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data.</b></p> | <p>Council of 17 November 2003 on the re-use of public sector information leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law, and in particular does not alter the obligations and rights set out in this Regulation. In particular, that Directive should not apply to documents access to which is excluded or restricted by virtue of the access regimes on the grounds of protection of personal data, and parts of documents accessible by virtue of those regimes which contain personal data the re-use of which has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data.</p> |
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| <p>(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may often be justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border healthcare. Therefore this Regulation should provide for harmonised conditions for the processing of personal data concerning health, subject to specific and suitable safeguards so as to protect the fundamental rights and the personal data of individuals. This includes the right for individuals to have access to their personal data concerning their health, for example the data in their medical records containing such information as diagnosis, examination results, assessments by treating physicians and any treatment or interventions provided.</p> | <p><del>(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may often be justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border healthcare. Therefore this Regulation should provide for harmonised conditions for the processing of personal data concerning health, subject to specific and suitable safeguards so as to protect the fundamental rights and the personal data of individuals. This includes the right for individuals to have access to their personal data concerning their health, for example the data in their medical records containing such information as diagnosis, examination results, assessments by treating physicians and any treatment or interventions provided.</del></p> | <p><i>deleted</i></p> |  |
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|  | <p><i>(122a) A professional who processes personal data concerning health should receive, if possible, anonymised or pseudonymised data, leaving the knowledge of the identity only to the <del>General</del> general Practitioner practitioner or to the Specialist specialist who has requested such data processing.</i></p>   |                       |  |
| <p>(123) The processing of personal data concerning health may be necessary for reasons of public interest in the areas of public health, without consent of the data subject. In that context, ‘public health’ should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work, meaning all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as well as</p> | <p>(123) The processing of personal data concerning health may be necessary for reasons of public interest in the areas of public health, without consent of the data subject. In that context, ‘public health’ should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council<sup>1</sup> of <del>16 December 2008 on Community statistics on public health and health and safety at work</del>, meaning all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as</p> | <p><i>deleted</i></p> |  |

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

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| <p>(124) The general principles on the protection of individuals with regard to the processing of personal data should also be applicable to the employment context. Therefore, in order to regulate the processing of employees' personal data in the employment context, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for the processing of personal data in the employment sector.</p> | <p>(124) The general principles on the protection of individuals with regard to the processing of personal data should also be applicable to the employment <b>and the social security</b> context. <del>Therefore, in order</del> <b>Member States should be able</b> to regulate the processing of employees' personal data in the employment <b>and the processing of personal data in the social security</b> context <b>in accordance with the rules and minimum standards set out in</b>, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for. <b>Where a statutory basis is provided in the Member State in question for the regulation of employment matters by agreement between employee representatives and the management of the undertaking or the controlling undertaking of a group of undertakings (collective agreement) or under</b></p> | <p><del>(124) The general principles on the protection of individuals with regard to the processing of personal data should also be applicable to the employment context. Therefore, in order to regulate the processing of employees' personal data in the employment context, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for the processing of personal data in the employment sector.</del> <b>National law or collective agreements (including 'works agreements') may provide for specific rules on the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in</b></p> | <p><i>Presidency suggestion</i></p> <p>(124) National law or collective agreements (including 'works agreements') may provide for specific rules on the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.</p> |
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|  | <p><i>Directive 2009/38/EC of the European Parliament and of the Council<sup>1</sup>, the processing of personal data in <del>the</del><sup>an</sup> employment-sector <del>context</del> may also be regulated by such an agreement.</i></p> <hr/> <p><i><sup>1</sup> Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (OJ L 122, 16.5.2009, p. 28).</i></p> | <p><b>the workplace , health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.</b></p> |  |
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| <p>(125) The processing of personal data for the purposes of historical, statistical or scientific research should, in order to be lawful, also respect other relevant legislation such as on clinical trials.</p> | <p>(125) The processing of personal data for the purposes of historical, statistical or scientific research should, in order to be lawful, also respect other relevant legislation such as on clinical trials.</p> | <p>(125) The processing of personal data for the purposes of historical, statistical or scientific <del>research</del> <b><i>purposes and for archiving purposes in the public interest</i></b> should, <b><i>in addition to the general principles and specific rules of this Regulation, in particular as regards the conditions for</i></b> <del>in order to be lawful</del> <b><i>processing</i></b>, also <b><i>comply with</i></b> respect to other relevant legislation such as on clinical trials. <b><i>The further processing of personal data for historical, statistical and scientific purposes and for archiving purposes in the public interest should not be considered incompatible with the purposes for which the data are initially collected and may be processed for those purposes for a longer period than necessary for that initial purpose. Member States should be authorised to provide, under specific conditions and in the presence of appropriate safeguards for data subjects, specifications and derogations to the information requirements and the rights to access, rectification, erasure, to be forgotten, restriction of processing</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(125) The processing of personal data for the purposes of historical, statistical or scientific purposes and for archiving purposes in the public interest should, in addition to the general principles and specific rules of this Regulation, in particular as regards the conditions for lawful processing, also comply with respect to other relevant legislation such as on clinical trials. The further processing of personal data for historical, statistical and scientific purposes and for archiving purposes in the public interest should not be considered incompatible with the purposes for which the data are initially collected and may be processed for those purposes for a longer period than necessary for that initial purpose. Member States should provide for appropriate safeguard to the processing of personal data for historical, statistical and scientific purposes and for archiving purposes in the public interest. Member States should be authorised to provide, under specific conditions and in the</p> |
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|  |  | <p><b><i>and on the right to data portability and the right to object when processing personal data for historical, statistical or scientific purposes and for archiving purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.</i></b></p> | <p>presence of appropriate safeguards for data subjects, specifications and derogations to the information requirements, rectification, erasure, to be forgotten, restriction of processing and on the right to data portability and the right to object when processing personal data for historical, statistical or scientific purposes and for archiving purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.</p> |
|  | <p><b><i>(125a) Personal data may also be processed subsequently by archive services whose main or mandatory task is to collect, conserve, provide information about, exploit and disseminate archives in the public interest. Member State legislation should reconcile the right to the protection of personal data with</i></b></p> |   |  |

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

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

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|  |  | <p><i>bodies that hold records of public interest should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for general public interest. Member States should also be authorised to provide that personal data may be further processed for archiving purposes, for example with a view to providing specific information related to the political behaviour under former totalitarian state regimes.</i></p> | <p>general public interest. Member States should also be authorised to provide that personal data may be further processed for archiving purposes, for example with a view to providing specific information related to the political behaviour under former totalitarian state regimes, genocide, crimes against humanity, in particular the Holocaust, or war crimes.</p> |
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| <p>(126) Scientific research for the purposes of this Regulation should include fundamental research, applied research, and privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area.</p> | <p>(126) Scientific research for the purposes of this Regulation should include fundamental research, applied research, and privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area. <b><i>The processing of personal data for historical, statistical and scientific research purposes should not result in personal data being processed for other purposes, unless with the consent of the data subject or on the basis of Union or Member State law.</i></b></p> | <p>(126) <b><i>Where personal data are processed for scientific research for the purposes, of this Regulation should also apply to that processing. For the purposes of this Regulation, processing of personal data for scientific purposes should include fundamental research, applied research, and privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area. Scientific purposes should also include studies conducted in the public interest in the area of public health. To meet the specificities of processing personal data for scientific purposes specific conditions should apply in particular as regards the publication or otherwise disclosure of personal data in the context of scientific purposes. If the result of scientific research in particular in the health context gives reason for further measures in the interest of the data subject, the general rules of this Regulation should apply in view of those measures.</i></b></p> | <p><i>Presidency suggested</i></p> <p>(126) Where personal data are processed for scientific purposes, this Regulation should also apply to that processing. For the purposes of this Regulation, processing of personal data for scientific purposes should include fundamental research, applied research, privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area. Scientific purposes should also include studies conducted in the public interest in the area of public health. To meet the specificities of processing personal data for scientific purposes specific conditions should apply in particular as regards the publication or otherwise disclosure of personal data in the context of scientific purposes. If the result of scientific research in particular in the health context gives reason for further measures in the interest of the data subject, the general rules of this Regulation should apply in view of</p> |
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|  |  |  | those measures.   |
|  |  | <i>(126a) Where personal data are processed for historical purposes, this Regulation should also apply to that processing. This should also include historical research and research for genealogical purposes, bearing in mind that this Regulation should not apply to deceased persons.</i> | <i>Presidency suggestion</i><br><br>(126a) Where personal data are processed for historical purposes, this Regulation should also apply to that processing. This should also include historical research and research for genealogical purposes, bearing in mind that this Regulation should not apply to deceased persons. |
|  |  | <i>(126b) For the purpose of consenting to the participation in scientific research activities in clinical trials the relevant provisions of Regulation (EU) No. 536/2014 of the European Parliament and of the Council should apply.</i>  | <i>Presidency suggestion</i><br><br>(126b) For the purpose of consenting to the participation in scientific research activities in clinical trials the relevant provisions of Regulation (EU) No. 536/2014 of the European Parliament and of the Council should apply.  |



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|  |  | <p><i>(126c) Where personal data are processed for statistical purposes, this Regulation should apply to that processing. Union law or Member State law should, within the limits of this Regulation, determine statistical content, control of access, specifications for the processing of personal data for statistical purposes and appropriate measures to safeguard the rights and freedoms of the data subject and for guaranteeing statistical confidentiality.</i></p>    | <p><i>Presidency suggestion</i></p> <p>(126c) Where personal data are processed for statistical purposes, this Regulation should apply to that processing. Union law or Member State law should, within the limits of this Regulation, determine statistical content, control of access, specifications for the processing of personal data for statistical purposes and appropriate measures to safeguard the rights and freedoms of the data subject and for guaranteeing statistical confidentiality.</p>    |
|  |  | <p><i>(126d) The confidential information which the Union and national statistical authorities collect for the production of official European and official national statistics should be protected. European statistics should be developed, produced and disseminated in conformity with the statistical principles as set out in Article 338(2) of the Treaty of the Functioning of the European Union, while national statistics should also comply with national law.</i></p> | <p><i>Presidency suggestion</i></p> <p>(126d) The confidential information which the Union and national statistical authorities collect for the production of official European and official national statistics should be protected. European statistics should be developed, produced and disseminated in conformity with the statistical principles as set out in Article 338(2) of the Treaty of the Functioning of the European Union, while national statistics should also comply with national law.</p> |

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|  |  | <p><b>Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities provides further specifications on statistical confidentiality for European statistics.</b></p> | <p>Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities provides further specifications on statistical confidentiality for European statistics.</p> |
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| <p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy.</p> | <p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy.</p> | <p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy. <b><i>This is without prejudice to existing Member State obligations to adopt professional secrecy where required by Union law.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access to personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy. This is without prejudice to existing Member State obligations to adopt professional secrecy where required by Union law.</p> |
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| <p>(128) This Regulation respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.</p> | <p>(128) This Regulation respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, <del>comprehensive</del> <b>adequate</b> rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation <b>and recognised as compliant</b>. <del>Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.</del></p> | <p>(128) This Regulation respects and does not prejudice the status under <del>existing constitutional national</del> law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. <del>As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.</del></p> | <p><i>Presidency suggestion</i></p> <p>(128) This Regulation respects and does not prejudice the status under existing constitutional law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union.</p> |
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| <p>(129) In order to fulfil the objectives of this Regulation, namely to protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data and to ensure the free movement of personal data within the Union, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. In particular, delegated acts should be adopted in respect of lawfulness of processing; specifying the criteria and conditions in relation to the consent of a child; processing of special categories of data; specifying the criteria and conditions for manifestly excessive requests and fees for exercising the rights of the data subject; criteria and requirements for the information to</p> | <p>(129) In order to fulfil the objectives of this Regulation, namely to protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data and to ensure the free movement of personal data within the Union, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. In particular, delegated acts should be adopted in respect of lawfulness of processing; specifying the criteria and conditions in relation to the consent of a child; processing of special categories of data; specifying the criteria and conditions for manifestly excessive requests and fees for exercising the rights of the data subject; criteria and requirements for the information to</p> | <p>(129) In order to fulfil the objectives of this Regulation, namely to protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data and to ensure the free movement of personal data within the Union, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. In particular, delegated acts should be adopted in respect of criteria and requirements for certification mechanisms; It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p> | <p><i>Presidency suggestion</i></p> <p>(129) In order to fulfil the objectives of this Regulation, namely to protect the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data and to ensure the free movement of personal data within the Union, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. In particular, delegated acts should be adopted in respect of criteria and requirements for certification mechanisms. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a</p> |
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| <p>the data subject and in relation to the right of access; the right to be forgotten and to erasure; measures based on profiling; criteria and requirements in relation to the responsibility of the controller and to data protection by design and by default; a processor; criteria and requirements for the documentation and the security of processing; criteria and requirements for establishing a personal data breach and for its notification to the supervisory authority, and on the circumstances where a personal data breach is likely to adversely affect the data subject; the criteria and conditions for processing operations requiring a data protection impact assessment; the criteria and requirements for determining a high degree of specific risks which require prior consultation; designation and tasks of the data protection officer; codes of conduct; criteria and</p> | <p>the data subject and in relation to the right of access conditions of icon-based mode for provision of information; the right to be forgotten and to erasure; measures based on profiling; criteria and requirements in relation to the responsibility of the controller and to data protection by design and by default; a processor; criteria and requirements for the documentation and the security of processing; criteria and requirements for establishing a personal data breach and for its notification to the supervisory authority, and on the circumstances where a personal data breach is likely to adversely affect the data subject; the criteria and conditions for processing operations requiring a data protection impact assessment; the criteria and requirements for determining a high degree of specific risks which require prior</p> |  | <p>simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p> |
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| <p>requirements for certification mechanisms; criteria and requirements for transfers by way of binding corporate rules; transfer derogations; administrative sanctions; processing for health purposes; processing in the employment context and processing for historical, statistical and scientific research purposes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p> | <p>consultation; designation and tasks of the data protection officer; declaring that codes of conduct are in line with this Regulation; criteria and requirements for certification mechanisms; the adequate level of protection afforded by a third country or an international organisation; criteria and requirements for transfers by way of binding corporate rules; transfer derogations; administrative sanctions; processing for health purposes; and processing in the employment context and processing for historical, statistical and scientific research purposes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, in particular with the European Data Protection Board. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</p> |  |  |
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| <p>(130) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission for: specifying standard forms in relation to the processing of personal data of a child; standard procedures and forms for exercising the rights of data subjects; standard forms for the information to the data subject; standard forms and procedures in relation to the right of access; the right to data portability; standard forms in relation to the responsibility of the controller to data protection by design and by default and to the documentation; specific requirements for the security of processing; the standard format and the procedures for the notification of a personal data breach to the supervisory authority and the communication of a personal data breach to the data subject; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards</p> | <p>(130) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission for: specifying standard forms for specific methods to obtain verifiable consent in relation to the processing of personal data of a child; standard procedures and forms for exercising the rights of the communication to the data subjects on the exercise of their rights; standard forms for the information to the data subject; standard forms and procedures in relation to the right of access including for communicating the personal data to the data subject; the right to data portability; standard forms in relation to the responsibility of the controller to data protection by design and by default and to the documentation to be kept by the controller and the processor; specific requirements for the security of processing; the standard format and the procedures form for the notification of a personal data breach to the</p> | <p>(130) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission for: standard contractual clauses between controllers and processors and between processors, codes of conduct; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; adopt standard data protection clauses; formats and procedures for the exchange of information between controllers, processors and supervisory authorities for binding corporate rules; mutual assistance; the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general</p> | <p><i>Presidency suggestion</i></p> <p>(130) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission when provided for by this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of</p> |
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| <p>and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>45</sup>. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.</p> | <p>supervisory authority and the communication of a personal data breach to the data subject for documenting a personal data breach; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism and information to the supervisory authority. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the</p> | <p>principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>3</sup>. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.</p> | <p>the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>4</sup>. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.</p> |
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<sup>3</sup> *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.*

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

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|  | <p>Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.</p> <hr/> <p>1 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p> |  |  |
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| <p>(131)The examination procedure should be used for the adoption of specifying standard forms in relation to the consent of a child; standard procedures and forms for exercising the rights of data subjects; standard forms for the information to the data subject; standard forms and procedures in relation to the right of access;, the right to data portability; standard forms in relation to the responsibility of the controller to data protection by design and by default and to the documentation; specific requirements for the security of processing; the standard format and the procedures for the notification of a personal data breach to the supervisory authority and the communication of a personal data breach to the data subject; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification;</p> | <p>(131) The examination procedure should be used for the adoption of specifying standard forms in relation to the: for specific methods to obtain verifiable consent in relation to the processing of personal data of a child; standard procedures and forms for exercising the the communication to the data subjects on the exercise of their rights of data subjects; standard forms for the information to the data subject; standard forms and procedures in relation to the right of access including for communicating the personal data to the data subject; the right to data portability; standard forms in relation to the responsibility of documentation to be kept by the controller to data protection by design and by default and to the documentation and the processor; specific requirements for the security of processing; the standard format and the procedures for the notification of a personal data</p> | <p>(131) The examination procedure should be used for the adoption of implementing acts on standard contractual clauses between controllers and processors and between processors; codes of conduct; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; adopt standard protection clauses; formats and procedures for the exchange of information by electronic means between controllers, processors and supervisory authorities for binding corporate rules; mutual assistance; the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board given that those acts are of general scope.</p> | <p><i>Presidency suggestion</i></p> <p>(131) The examination procedure should be used for the adoption of implementing acts on standard contractual clauses between controllers and processors and between processors; codes of conduct; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; adopt standard protection clauses; formats and procedures for the exchange of information by electronic means between controllers, processors and supervisory authorities for binding corporate rules; mutual assistance; the arrangements for the exchange of information by electronic means between supervisory authorities, and between supervisory authorities and the European Data Protection Board given that those acts are of general scope.</p> |
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| <p>the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism, given that those acts are of general scope.</p> | <p>breach to the supervisory authority and the communication of for documenting a personal data breach to the data subject; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism, and information to the supervisory authority, given that those acts are of general scope.</p> |  |  |
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| <p>(132) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to a third country or a territory or a processing sector within that third country or an international organisation which does not ensure an adequate level of protection and relating to matters communicated by supervisory authorities under the consistency mechanism, imperative grounds of urgency so require.</p> | <p><i>deleted</i></p> | <p>(132) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to a third country or a territory or a processing sector within that third country or an international organisation which does not ensure an adequate level of protection and relating to matters communicated by supervisory authorities under the consistency mechanism, imperative grounds of urgency so require.</p> | <p><i>Presidency suggestion</i></p> <p>(132) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to a third country or a territory or a processing sector within that third country or an international organisation which does not ensure an adequate level of protection and relating to matters communicated by supervisory authorities under the consistency mechanism, imperative grounds of urgency so require.</p> |
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| <p>(133) Since the objectives of this Regulation, namely to ensure an equivalent level of protection of individuals and the free flow of data throughout the Union, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p> | <p>(133) Since the objectives of this Regulation, namely to ensure an equivalent level of protection of individuals and the free flow of data throughout the Union, cannot be sufficiently achieved by the Member States <del>and</del> <b>but</b> can <del>therefore</del> <b>rather</b>, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p> | <p>(133) Since the objectives of this Regulation, namely to ensure an equivalent level of protection of individuals and the free flow of data throughout the Union, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p> | <p><i>Presidency suggestion</i></p> <p>(133) Since the objectives of this Regulation, namely to ensure an equivalent level of protection of individuals and the free flow of data throughout the Union, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p> |
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|  | <i>– Amendment 95</i>  |  |  |
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| <p>(134) Directive 95/46/EC should be repealed by this Regulation. However, Commission decisions adopted and authorisations by supervisory authorities based on Directive 95/46/EC should remain in force.</p> | <p>– (134) Directive 95/46/EC should be repealed by this Regulation. However, Commission decisions adopted and authorisations by supervisory authorities based on Directive 95/46/EC should remain in force. <b><i>Commission decisions and authorisations by supervisory authorities relating to transfers of personal data to third countries pursuant to Article 41(8) should remain in force for a transition period of five years after the entry into force of this Regulation unless amended, replaced or repealed by the Commission before the end of this period.</i></b></p> | <p>(134) Directive 95/46/EC should be repealed by this Regulation. <b><i>Processing already under way on the date of the entry into force of this Regulation should be brought into conformity with this Regulation within the period of two years after which this Regulation enters into force.</i></b> However, <del>Commission decisions adopted and authorisations by supervisory authorities based on</del> <b><i>where such processing is in compliance with Directive 95/46/EC, the requirements of this Regulation concerning the carrying out of data protection impact assessments and the prior consultation of the supervisory authority should not apply to the processing operations already under way prior to the entry into force of this Regulation, given that these requirements, by their very nature, are to be met prior to the processing. Where such processing is in compliance with Directive 95/46/EC, it is also not necessary for the data subject to give his or her consent again so as to allow the controller to continue such processing after the data of application of this Regulation.</i></b></p> | <p><i>Presidency suggestion</i></p> <p>(134) Directive 95/46/EC should be repealed by this Regulation. Processing already under way on the date of application of this Regulation should be brought into conformity with this Regulation within the period of two years after which this Regulation enters into force. However, where such processing is in compliance with Directive 95/46/EC, the requirements of this Regulation concerning the carrying out of data protection impact assessments and the prior consultation of the supervisory authority should not apply to the processing operations already under way prior to the entry into force of this Regulation, given that these requirements, by their very nature, are to be met prior to the processing. Where such processing is in compliance with Directive 95/46/EC, it is also not necessary for the data subject to give his or her consent again so as to allow the controller to continue such processing after the</p> |

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



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|  | <i>31.07.2002, P.37)</i> |  |  |
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| <p>(136) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen acquis to the extent that it applies to the processing of personal data by authorities involved in the implementation of that acquis, as provided for by the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis<sup>46</sup>.</p> <p><sup>46</sup> OJ L 176, 10.7.1999, p. 36.</p> | <p>(136) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> to the extent that it applies to the processing of personal data by authorities involved in the implementation of that <i>acquis</i>, <i>within the meaning of</i> <del>as provided for by</del> the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the <i>latters'</i> association of <del>those two</del> States with the implementation, application and development of the Schengen acquis<sup>1</sup>.</p> <p><sup>1</sup> OJ L 176, 10.7.1999, p. 36.</p> | <p><i>deleted</i></p> |  |
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| <p>(137) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> to the extent that it applies to the processing of personal data by authorities involved in the implementation of that <i>acquis</i>, as provided for by the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen <i>acquis</i><sup>47</sup>.</p> <p><sup>47</sup> OJ L 53, 27.2.2008, p. 52</p> | <p>(137) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> to the extent that it applies to the processing of personal data by authorities involved in the implementation of that <i>acquis</i>, <b><i>within the meaning of</i></b> <del>as provided for by</del> the Agreement between the European Union, the European Community and the Swiss Confederation <del>concerning on the association of the Swiss Confederation's</del> <b><i>association</i></b> with the implementation, application and development of the Schengen <i>acquis</i><sup>1</sup>.</p> <p><sup>1</sup> OJ L 53, 27.2.2008, p. 52</p> | <p><i>deleted</i></p> |  |
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| <p>(138) As regards Liechtenstein, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> to the extent that it applies to the processing of personal data by authorities involved in the implementation of that <i>acquis</i>, as provided for by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i><sup>48</sup>.</p> <p><sup>48</sup> OJ L 160 of 18.6.2011, p. 19</p> | <p>(138) As regards Liechtenstein, this Regulation constitutes a development of provisions of the Schengen <i>acquis</i> to the extent that it applies to the processing of personal data by authorities involved in the implementation of that <i>acquis</i>, <b><i>within the meaning of</i></b> <del>as provided for by</del> the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i><sup>1</sup>.</p> <p><sup>1</sup> OJ L 160 of 18.6.2011, p. 19</p> | <p><i>deleted</i></p> |  |
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| <p>(139) In view of the fact that, as underlined by the Court of Justice of the European Union, the right to the protection of personal data is not an absolute right, but must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality, this Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</p> | <p>(139) In view of the fact that, as underlined by the Court of Justice of the European Union, the right to the protection of personal data is not an absolute right, but must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality, this Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</p> | <p><i>deleted</i></p> |  |
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| <b>CHAPTER I<br/>GENERAL<br/>PROVISIONS</b>   | <b>CHAPTER I<br/>GENERAL<br/>PROVISIONS</b>   | <b>CHAPTER I<br/>GENERAL<br/>PROVISIONS</b>   | <b>CHAPTER I<br/>GENERAL<br/>PROVISIONS</b>   |
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| <i>Article 1</i>  | <del><i>Article 1</i></del>   | <i>Article 1</i>  | <i>Article 1</i>  |
| <i>Subject matter and objectives</i>  | <del><i>Subject matter and objectives</i></del>   | <i>Subject matter and objectives</i>  | <i>Subject matter and objectives</i>  |
| 1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data. | <del>1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data</del> | 1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data. | <i>Tentative agreement in trilogue</i><br>1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data. |
| 2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.                                 | <del>2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.</del>                                | 2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.                                 | <i>Tentative agreement in trilogue</i><br>2. This Regulation protects fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.                                     |

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

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



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

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

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

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|  | <i>be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, unique identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social or gender identity of that person;</i> |  |  |
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| <p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction;</p> | <p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction;</p> | <p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, <b>restriction</b>, erasure or destruction;</p> | <p><i>Tentative agreement in trilogue</i></p> <p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;</p>   |
| <p>(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;</p>  | <p>(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;</p>  | <p>(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed, <b>whether a third party or not; however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;</b></p>   | <p><i>Presidency suggestion:</i></p> <p>(7) 'recipient' means a natural or legal person, public authority, agency or any other body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive data in the framework of a particular inquiry in accordance with national law shall not be regarded as recipients; the processing of these data by those public authorities shall be in compliance with the applicable data protection rules according to the</p> |

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|  |  |  | purposes of the processing. |
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| <p>(13) 'main establishment' means as regards the controller, the place of its establishment in the Union where the main decisions as to the purposes, conditions and means of the processing of personal data are taken; if no decisions as to the purposes, conditions and means of the processing of personal data are taken in the Union, the main establishment is the place where the main processing activities in the context of the activities of an establishment of a controller in the Union take place. As regards the processor, 'main establishment' means the place of its central administration in the Union;</p> | <p>(13) 'main establishment' means as regards the controller, the place of its establishment <i>of the undertaking or group of undertakings</i> in the Union, <i>whether controller or processor</i>, where the main decisions as to the purposes, conditions and means of the processing of personal data are taken.; if no decisions as to the purposes, conditions and means of the processing of personal data are taken in the Union, the main establishment is the place where the main processing activities in the context of the activities of an establishment of a controller in the Union take place. As regards the processor, 'main establishment' means the place of its central administration in the Union <i>The following objective criteria may be considered among others: the location of the controller or processor's headquarters; the location of the entity within a group of undertakings which is best placed in terms of</i></p> | <p>(13) 'main establishment' means - as regards <del>the</del> <i>a controller with establishments in more than one Member State</i>, the place of its establishment <i>central administration</i> in the Union <del>where</del> <i>unless the main decisions as to</i> <del>on</del> the purposes, conditions and means of the processing of personal data are taken <i>in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in this case the decisions shall be considered as the main establishment.</i> If no decisions as to the purposes, conditions and means of the processing of personal data are taken in the Union, the main establishment is the place where the main processing activities in the context of the activities of an establishment of a controller in the Union take place.<br/>- As as regards <del>the</del> <i>a processor with establishments in more than;</i></p> | <p>(13) 'main establishment' means (a) as regards a controller with establishments in more than one Member State, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in this case the establishment having taken such decisions shall be considered as the main establishment;. (b) as regards a processor with establishments in more than one Member State, the place of its central administration in the Union, and, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take</p> |
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|   | <i>management functions and administrative responsibilities to deal with and enforce the rules as set out in this Regulation; the location where effective and real management activities are exercised determining the data processing through stable arrangements;</i> | <i>one Member State, 'main establishment' means the place of its central administration in the Union, and, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under this Regulation</i> | place to the extent that the processor is subject to specific obligations under this Regulation;                                  |
| (19) 'supervisory authority' means a public authority which is established by a Member State in accordance with Article 46. | <del>(19) 'supervisory authority' means a public authority which is established by a Member State in accordance with Article 46.</del>   | (19) 'supervisory authority' means an <b>independent</b> public authority which is established by a Member State <del>in accordance with</del> <b>pursuant to</b> Article 46.   | (19) 'supervisory authority' means an independent public authority which is established by a Member State pursuant to Article 46. |

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|  |  | <p><b><i>(19a) 'concerned supervisory authority' means a supervisory authority which is concerned by the processing, because:</i></b></p> <p><b><i>a) the controller or processor is established on the territory of the Member State of that supervisory authority;</i></b></p> <p><b><i>b) data subjects residing in this Member State are substantially affected or likely to be substantially affected by the processing; or</i></b></p> <p><b><i>c) the underlying complaint has been lodged to that supervisory authority.</i></b></p> | <p><i>Tentative agreement in trilogue</i></p> <p>19a) 'supervisory authority concerned' means a supervisory authority which is concerned by the processing, because:</p> <p>a) the controller or processor is established on the territory of the Member State of that supervisory authority;</p> <p>b) data subjects residing in this Member State are substantially affected or likely to be substantially affected by the processing; or</p> <p>c) a complaint has been lodged to that supervisory authority.</p> |
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|  |  | <p><i>(19b) “transnational processing of personal data” means either:</i></p> <p><i>(a) processing which takes place in the context of the activities of establishments in more than one Member State of a controller or a processor in the Union and the controller or processor is established in more than one Member State;</i></p> <p><i>or</i></p> <p><i>(b) processing which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.</i></p> | <p><i>Tentative agreement in trilogue</i></p> <p>(19b) ‘cross-border processing of personal data’ means either:</p> <p>(a) processing which takes place in the context of the activities of establishments in more than one Member State of a controller or a processor in the Union and the controller or processor is established in more than one Member State; or</p> <p>(b) processing which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.</p> |
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|  |  | <p><i>(19c) “relevant and reasoned objection” means :<br/>an objection as to whether there is an infringement of this Regulation or not, or, as the case may be, whether the envisaged action in relation to the controller or processor is in conformity with the Regulation. The objection shall clearly demonstrate the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and where applicable, the free flow of personal data.</i></p> | <p><i>Tentative agreement in trilogue</i></p> <p>(19c) ‘relevant and reasoned objection’ means :<br/>an objection as to whether there is an infringement of this Regulation or not, or, as the case may be, whether the envisaged action in relation to the controller or processor is in conformity with the Regulation. The objection shall clearly demonstrate the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and where applicable, the free flow of personal data within the Union.</p> |
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| <i>Article 6</i>   | <del><i>Article 6</i></del>   | <i>Article 6</i>   | <i>Article 6</i>   |
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| <i>Lawfulness of processing</i>  | <del><i>Lawfulness of processing</i></del>  | <i>Lawfulness of processing</i>  | <i>Lawfulness of processing</i>  |
|  | <i>Amendment 100</i>  |  |  |
|  |   |  | <p><i>Presidency suggestion</i></p> <p>2a. (new) Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to Article 6(1)(c) and (e) by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in Chapter IX.</p> |
| 3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in: | <del>3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in:</del> | 3. The basis <del>of</del> <b>for</b> the processing referred to in points (c) and (e) of paragraph 1 must be <del>provided for</del> <b>established in accordance with:</b> | <p><i>Tentative agreement in trilogue</i></p> <p>3. The basis for the processing referred to in point (c) and (e) of paragraph 1 must be laid down by:</p>   |
| (a) Union law, or  | <del>(a) Union law, or</del>  | (a) Union law, or  | <p><i>Tentative agreement in trilogue</i></p> <p>(a) Union law, or</p>   |
| (b) the law of the Member State to which the controller is subject.                                      | <del>(b) the law of the Member State to which the controller is subject.</del>                                      | (b) <b>national</b> the-law of the Member State to which the controller is subject.  | <p><i>Tentative agreement in trilogue</i></p> <p>(b) Member State law to which the controller is subject.</p>  |

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|  |  | <p><i>The purpose of the processing shall be determined in this legal basis or as regards the processing referred to in point (e) of paragraph 1, be necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. This legal basis may contain specific provisions to adapt the application of rules of this Regulation, inter alia the general conditions governing the lawfulness of data processing by the controller, the type of data which are subject to the processing, the data subjects concerned; the entities to, and the purposes for which the data may be disclosed; the purpose limitation; storage periods and processing operations and processing procedures, including measures to ensure lawful and fair processing, including for other specific processing situations as provided for in Chapter IX.</i></p> | <p><i>Tentative agreement in trilogue</i></p> <p>The purpose of the processing shall be determined in this legal basis or as regards the processing referred to in point (e) of paragraph 1, be necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. This legal basis may contain specific provisions to adapt the application of rules of this Regulation, inter alia the general conditions governing the lawfulness of data processing by the controller, the type of data which are subject to the processing, the data subjects concerned; the entities to, and the purposes for which the data may be disclosed; the purpose limitation; storage periods and processing operations and processing procedures, including measures to ensure lawful and fair processing, including for other specific processing situations as provided for in Chapter IX.</p> |
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| SECTION 5<br>RESTRICTIONS  | <del>SECTION 5<br/>RESTRICTIONS</del>   | SECTION 5<br>RESTRICTIONS   | SECTION 5<br>RESTRICTIONS  |
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| <i>Article 21</i>  | <del><i>Article 21</i></del>  | <i>Article 21</i>   | <i>Article 21</i>  |
| <i>Restrictions</i>  | <del><i>Restrictions</i></del>  | <i>Restrictions</i>   | <i>Restrictions</i>  |
|  | <i>Amendment 116</i>  |   |  |
| 1. Union or Member State law may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11 to 20 and Article 32, when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard: | <del>1. Union or Member State law may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11 to 20<sup>19</sup> and Article 32, when such a restriction constitutes <i>meets a clearly defined objective of public interest, respects the essence of the right to protection of personal data, is proportionate to the legitimate aim pursued and respects the fundamental rights and interests of the data subject and is</i> a necessary and proportionate measure in a democratic society to safeguard:</del> | 1. Union or Member State law <i>to which the data controller or processor is subject</i> may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of <del>Article 5 and</del> Articles 11-12 to 20 and Article 32, <i>as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 20</i> , when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard: | <i>Tentative agreement in trilogue</i><br>1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 20 and Article 32, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 20, when such a restriction respects the essence of the right to protection of personal data and constitutes a necessary and proportionate measure in a democratic society to safeguard: |
|  |   | <i>(aa) national security;</i>  | <i>Tentative agreement in trilogue</i><br><i>(aa) national security;</i>   |
|  |   | <i>(ab) defence;</i>  | <i>Tentative agreement in trilogue</i><br><i>(ab) defence;</i>   |

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



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

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|  | <p><i>(b) the determination of the controller;</i></p> <p><i>(c) the specific purposes and means of processing;</i></p> <p><i>(d) the safeguards to prevent abuse or unlawful access or transfer;</i></p> <p><i>(e) the right of data subjects to be informed about the restriction.</i></p> | <p><i>controller or categories of controllers, the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing and the risks for the rights and freedoms of data subjects.</i></p> | <ul style="list-style-type: none"> <li>- the categories of personal data,</li> <li>- the scope of the restrictions introduced,</li> <li>- the safeguards to prevent abuse or unlawful access or transfer;</li> <li>- the specification of the controller or categories of controllers,</li> <li>- the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing and</li> <li>- the risks for the rights and freedoms of data subjects;</li> <li>- the right for data subjects to have a general indication about the restriction, unless this may be prejudicial to the purpose of the restriction.</li> </ul> |
|  | <p><i>2a. Legislative measures referred to in paragraph 1 shall neither permit nor oblige private controllers to retain data additional to those strictly necessary for the original purpose.</i></p>  |   |   |



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

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

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| <p>3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p>3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p>3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p><i>Tentative Agreement in trilogue</i></p> <p>3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to this Chapter, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> |
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| <i>Article 47</i>   | <del><i>Article 47</i></del>  | <i>Article 47</i>   | <i>Article 47</i>   |
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| <i>Independence</i>   | <del><i>Independence</i></del>  | <i>Independence</i>   | <i>Independence</i>   |
|   | <i>Amendment 145</i>  |   |   |
| 1. The supervisory authority shall act with complete independence in exercising the duties and powers entrusted to it.  | 1. The supervisory authority shall act with complete independence in exercising the duties and powers entrusted to it, <b><i>notwithstanding co-operative and consistency arrangements related to Chapter VII of this Regulation.</i></b> | 1. <del>The</del> <b><i>Each</i></b> supervisory authority shall act with complete independence in <b><i>performing the duties and</i></b> exercising the <del>duties</del> and powers entrusted to it <b><i>in accordance with this Regulation.</i></b>  | <i>Tentative agreement in trilogue</i><br><br>1. Each supervisory authority shall act with complete independence in performing the tasks and exercising the powers entrusted to it in accordance with this Regulation.  |
| 2. The members of the supervisory authority shall, in the performance of their duties, neither seek nor take instructions from anybody.   | 2. The members of the supervisory authority shall, in the performance of their duties, neither seek nor take instructions from anybody.   | 2. The <b><i>member or</i></b> members of <del>the</del> <b><i>each</i></b> supervisory authority shall, in the performance of their duties <b><i>and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect and</i></b> neither seek nor take instructions from anybody. | <i>Tentative agreement in trilogue</i><br><br>2. The member or members of each supervisory authority shall, in the performance of their tasks and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect and neither seek nor take instructions from anybody. |
| 3. Members of the supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not. | 3. Members of the supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not.                           | <i>deleted</i>  | <i>Tentative agreement in trilogue</i><br><br>3. Members of the supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not.   |

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



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

| <i>Article 48</i>   | <del><i>Article 48</i></del>  | <i>Article 48</i>  | <i>Article 48</i>  |
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| <i>General conditions for the members of the supervisory authority</i>  | <del><i>General conditions for the members of the supervisory authority</i></del>   | <i>General conditions for the members of the supervisory authority</i>   | <i>General conditions for the members of the supervisory authority</i>   |
| <p>1. Member States shall provide that the members of the supervisory authority must be appointed either by the parliament or the government of the Member State concerned.</p>   | <del>1. Member States shall provide that the members of the supervisory authority must be appointed either by the parliament or the government of the Member State concerned.</del>   | <p>1. Member States shall provide that the <b>member or</b> members of the <b>each</b> supervisory authority must be appointed <del>either</del> by the parliament <b>and/or</b> the government or <b>head of State of</b> the Member State concerned <b>or by an independent body entrusted by Member State law with the appointment by means of a transparent procedure.</b></p> | <p><i>Presidency suggestion</i></p> <p>1. Member States shall provide that each member of a supervisory authority must be appointed by means of a transparent procedure either:</p> <ul style="list-style-type: none"> <li>- by the parliament; or</li> <li>- the government; or</li> <li>- the head of State of the Member State concerned; or</li> <li>- by an independent body entrusted by Member State law with the appointment.</li> </ul> |
| <p>2. The members shall be chosen from persons whose independence is beyond doubt and whose experience and skills required to perform their duties notably in the area of protection of personal data are demonstrated.</p> | <del>2. The members shall be chosen from persons whose independence is beyond doubt and whose experience and skills required to perform their duties notably in the area of protection of personal data are demonstrated.</del> | <p>2. The <b>member or</b> members shall <b>have the qualifications,</b> <del>be chosen from persons whose independence is beyond doubt and whose</del> experience and skills required to perform their duties <del>notably in the area of protection of personal data are demonstrated</del> <b>and exercise their powers.</b></p>  | <p><i>Tentative agreement in trilogue</i></p> <p>2. The member or members shall have the qualifications, experience and skills, in particular in the area of protection of personal data, required to perform their duties and exercise their powers.</p>  |

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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| <p>6. Where requests are manifestly excessive, in particular due to their repetitive character, the supervisory authority may charge a fee or not take the action requested by the data subject. The supervisory authority shall bear the burden of proving the manifestly excessive character of the request.</p> | <p>6. Where requests are manifestly excessive, in particular due to their repetitive character, the supervisory authority may charge a <i>reasonable</i> fee or not take the action requested by the data subject. <i>Such a fee shall not exceed the costs of taking the action requested.</i> The supervisory authority shall bear the burden of proving the manifestly excessive character of the request.</p> | <p>6. Where requests are manifestly <i>unfounded or</i> excessive, in particular <del>due to</del> <i>because of</i> their repetitive character, the supervisory authority may <del>charge a fee or not take the action requested by the data subject</del> <i>refuse to act on the request.</i> The supervisory authority shall bear the burden of <del>proving</del> <i>demonstrating</i> the manifestly <i>unfounded or</i> excessive character of the request.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>6. Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, the supervisory authority may charge a reasonable fee based on administrative costs, or refuse to act on the request. The supervisory authority shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.</p> |
| <p style="text-align: center;"><i>Article 53</i><br/><i>Powers</i></p>   | <p style="text-align: center;"><del><i>Article 53</i><br/><i>Powers</i></del></p>   | <p style="text-align: center;"><i>Article 53</i><br/><i>Powers</i></p>   | <p style="text-align: center;"><i>Article 53</i><br/><i>Powers</i></p>  |
| <p>1. Each supervisory authority shall have the power:</p>   | <p>1. Each supervisory authority shall, <i>in line with this Regulation</i>, have the power:</p>  | <p>1. Each <i>Member State shall provide by law that its</i> supervisory authority shall have <i>at least the following investigative</i> powers:</p>  | <p><i>Presidency suggestion</i></p> <p>1. Each supervisory authority shall have at least the following investigative powers:</p>  |

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

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

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



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

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

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

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

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

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

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



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

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|  | <p><i>2. The lead <del>supervisory</del> authority shall take appropriate measures for the supervision of the processing activities of the controller or processor for which it is responsible only after consulting all other competent supervisory authorities within the meaning of paragraph 1 of Article 51(1) in an endeavour to reach a consensus. For that purpose it shall in particular submit any relevant information and consult the other authorities before it adopts a measure intended to produce legal effects vis-à-vis a controller or a processor within the meaning of <del>paragraph 1</del> of Article 51(1). The lead authority shall take the utmost account of the opinions of the authorities involved. The lead authority shall be the sole authority empowered to decide on measures intended to produce legal effects as regards the processing activities of the controller or processor for which it is responsible</i></p> |  |  |
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|  | <b><i>3. The European Data Protection Board shall, at the request of a competent supervisory authority, issue an opinion on the identification of the lead authority responsible for a controller or processor, in cases where:</i></b> |  |  |
|  | <b><i>(a) it is unclear from the facts of the case where the main establishment of the controller or processor is located; or</i></b>   |  |  |
|  | <b><i>(b) the competent authorities do not agree on which supervisory authority shall act as lead authority; or</i></b>   |  |  |
|  | <b><i>(c) the controller is not established in the Union, and residents of different Member States are affected by processing operations within the scope of this Regulation.</i></b>   |  |  |
|  | <b><i>3a. Where the controller exercises also activities as a processor, the supervisory authority of the main establishment of the controller shall act as lead authority for the supervision of processing activities.</i></b>        |  |  |
|  | <b><i>4. The European Data Protection Board may decide on the identification of the lead authority.</i></b>   |  |  |

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

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

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

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

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|  |  | <p>4b. By derogation from paragraph 4a, where a complaint is dismissed or rejected, the supervisory authority to which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.</p>  | <p><i>Tentative Agreement in trilogue</i></p> <p>4b. By derogation from paragraph 4a, where a complaint is dismissed or rejected, the supervisory authority to which the complaint was lodged shall adopt the decision and notify it to the complainant and shall inform the controller thereof.</p>  |
|  |  | <p>4bb. Where the lead supervisory authority and the concerned supervisory authorities are in agreement to dismiss or reject parts of a complaint and to act on other parts of that complaint, a separate decision shall be adopted for each of those parts of the matter. The lead supervisory authority shall adopt the decision for the part concerning actions in relation to the controller and notify it to the main establishment or single establishment of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the supervisory authority of the complainant shall adopt the decision for the part concerning dismissal or rejection of that</p> | <p><i>Tentative Agreement in trilogue</i></p> <p>4bb. Where the lead supervisory authority and the concerned supervisory authorities are in agreement to dismiss or reject parts of a complaint and to act on other parts of that complaint, a separate decision shall be adopted for each of those parts of the matter. The lead supervisory authority shall adopt the decision for the part concerning actions in relation to the controller and notify it to the main establishment or single establishment of the controller or processor on the territory of its Member State and shall inform the complainant thereof, while the supervisory authority of the complainant shall adopt the</p> |



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

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|  |  | <p>5. The lead supervisory authority and the other concerned supervisory authorities shall supply the information required under this Article to each other by electronic means, using a standardised format.</p> | <p><i>Tentative Agreement in trilogue</i></p> <p>5. The lead supervisory authority and the other concerned supervisory authorities shall supply the information required under this Article to each other by electronic means, using a standardised format.</p> |
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| <i>Article 55</i>  | <i>Article 55</i>  | <i>Article 55</i>   | <i>Article 55</i>  |
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| <i>Mutual assistance</i>   | <i>Mutual assistance</i>   | <i>Mutual assistance</i>  | <i>Mutual assistance</i>   |
|  | <i>Amendment 159</i>   |   |  |
| <p>1. Supervisory authorities shall provide each other relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and prompt information on the opening of cases and ensuing developments where data subjects in several Member States are likely to be affected by processing operations.</p> | <p>1. Supervisory authorities shall provide each other relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior <del>authorisations and consultations,</del> inspections <b>and investigations</b> and prompt information on the opening of cases and ensuing developments <b>where the controller or processor has establishments in several Member States or</b> where data subjects in several Member States are likely to be affected by processing operations. <b>The lead authority as defined in Article 54a shall ensure the coordination with involved supervisory authorities and shall act as the single contact point for the controller or processor.</b></p> | <p>1. Supervisory authorities shall provide each other <b>with</b> relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and <del>prompt information on the opening of cases and ensuing developments</del> where data subjects in several Member States are likely to be affected by processing operations <b>investigations.</b></p> | <p><i>Tentative agreement in trilogue</i></p> <p>1. Supervisory authorities shall provide each other with relevant information and mutual assistance in order to implement and apply this Regulation in a consistent manner, and shall put in place measures for effective co-operation with one another. Mutual assistance shall cover, in particular, information requests and supervisory measures, such as requests to carry out prior authorisations and consultations, inspections and investigations.</p> |
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| <p>2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the course of an investigation or enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.</p> | <p>2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the course of an investigation or enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.</p> | <p>2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without <b>undue</b> delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the <del>course</del> <b>conduct</b> of an investigation or enforcement measures to bring about the cessation or prohibition of processing operations contrary to this Regulation.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>2. Each supervisory authority shall take all appropriate measures required to reply to the request of another supervisory authority without undue delay and no later than one month after having received the request. Such measures may include, in particular, the transmission of relevant information on the conduct of an investigation.</p> |
| <p>3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only in respect of the matter for which it was requested.</p>  | <p>3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only in respect of the matter for which it was requested.</p>  | <p>3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only <del>in respect of the matter</del> <b>for the purpose</b> for which it was requested.</p>   | <p><i>Tentative agreement in trilogue</i></p> <p>3. The request for assistance shall contain all the necessary information, including the purpose of the request and reasons for the request. Information exchanged shall be used only for the purpose for which it was requested.</p>   |

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

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

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

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



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

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

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

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

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

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| <p>6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5. This period shall not exceed three months. The supervisory authority shall, without delay, communicate those measures, with full reasons, to the European Data Protection Board and to the Commission and shall submit the matter in the mechanism referred to in Article 57.</p> | <p>6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5. This period shall not exceed three months. The supervisory authority shall, without delay, communicate those measures, with full reasons, to the European Data Protection Board and to the Commission and shall submit the matter in the mechanism referred to in Article 57.</p> | <p>6. The supervisory authority shall specify the period of validity of a provisional measure referred to in paragraph 5 <i>which</i>. This period shall not exceed three months. The supervisory authority shall, without delay, communicate <del>those</del> <i>such a</i> measures, <i>together</i> with full <del>its</del> reasons <i>for adopting it</i>, to the European Data Protection Board and to the Commission and shall submit the matter in the <i>in accordance with the consistency</i> mechanism referred to in Article 57.</p> |  |
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| <b>SECTION 2<br/>CONSISTENCY</b>   | <del><b>SECTION 2<br/>CONSISTENCY</b></del>   | <b>SECTION 2<br/>CONSISTENCY</b>  | <b>SECTION 2<br/>CONSISTENCY</b>  |
|--|---|---|---|
| <i>Article 57</i>  | <del><i>Article 57</i></del>  | <i>Article 57</i>   | <i>Article 57</i>   |
| <i>Consistency mechanism</i>   | <del><i>Consistency mechanism</i></del>   | <i>Consistency mechanism</i>  | <i>Consistency mechanism</i>  |
|  | <i>Amendment 165</i>  |   |   |
| For the purposes set out in Article 46(1), the supervisory authorities shall co-operate with each other and the Commission through the consistency mechanism as set out in this section. | For the purposes set out in Article 46(1), the supervisory authorities shall co-operate with each other and the Commission through the consistency mechanism <del>as set out</del> <b><i>both on matters of general application and in individual cases in accordance with the provisions of</i></b> in this section. | <b><i>1.</i></b> For the purposes set out in Article 46(1a), the supervisory authorities shall co-operate with each other <del>and the Commission</del> through the consistency mechanism as set out in this section.   | <i>Tentative agreement in trilogue</i><br><br>1. In order to contribute to the consistent application of this Regulation throughout the Union, the supervisory authorities shall co-operate with each other and, where relevant, with the Commission, through the consistency mechanism as set out in this section. |
|  |   | <b><i>2. The European Data Protection Board shall issue an opinion whenever a competent supervisory authority intends to adopt any of the measures below. To that end, the competent supervisory authority shall communicate the draft decision to the European Data Protection Board, when it:</i></b> | <i>See Article 58</i>   |



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|  |  | <del>(a)</del><br><del>(b)</del><br><i>(c) aims at adopting a list of the processing operations subject to the requirement for a data protection impact assessment pursuant to Article 33(2a); or</i> | <i>See Article 58</i> |
|  |  | <i>(ca) concerns a matter pursuant to Article 38(2b) whether a draft code of conduct or an amendment or extension to a code of conduct is in compliance with this Regulation; or</i>                  | <i>See Article 58</i> |
|  |  | <i>(cb) aims at approving the criteria for accreditation of a body pursuant to paragraph 3 of Article 38a or a certification body pursuant to paragraph 3 of Article 39a;</i>                         | <i>See Article 58</i> |
|  |  | <i>(d) aims at determining standard data protection clauses referred to in point (c) of Article 42(2); or</i>   | <i>See Article 58</i> |
|  |  | <i>(e) aims to authorising contractual clauses referred to in point (d) of Article 42(2); or</i>  | <i>See Article 58</i> |

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

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

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

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

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

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

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



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

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

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| <p>7. The European Data Protection Board shall issue an opinion on the matter, if the European Data Protection Board so decides by simple majority of its members or any supervisory authority or the Commission so requests within one week after the relevant information has been provided according to paragraph 5. The opinion shall be adopted within one month by simple majority of the members of the European Data Protection Board. The chair of the European Data Protection Board shall inform, without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 1 and 3, the Commission and the supervisory authority competent under Article 51 of the opinion and make it public.</p> | <p>7. The European Data Protection Board shall <del>issue</del> <b>may decide by simple majority whether to adopt</b> an opinion on the <del>any</del> matter, <del>if the European Data Protection Board so decides by simple majority of its members or any supervisory authority or the Commission so requests within one week after the relevant information has been provided according to paragraph 5.</del> <b>The opinion shall be adopted within one month by simple majority of the members of the European Data Protection Board.</b> The chair of the European Data Protection Board shall inform, without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 1 and 3, the Commission and the supervisory authority competent under Article 51 of the opinion and make it public. <b>submitted under paragraphs 3 and 4 taking into account :</b></p> | <p><b>7. In the cases referred to in paragraphs 2 and 4 of Article 57,</b> <del>the European Data Protection Board shall issue an opinion on the same matter., if the European Data Protection Board so decides by simple majority of its members or any supervisory authority or the Commission so requests within one week after the relevant information has been provided according to paragraph 5.</del> <b>This</b> opinion shall be adopted within one month by simple majority of the members of the European Data Protection Board. The chair of the European Data Protection Board shall inform, without undue delay, the supervisory authority referred to, as the case may be, in paragraphs 1 and 3, the Commission and the supervisory authority competent under Article 51 of the opinion and make it public. <b>This period may be extended by a further month, taking into account the complexity</b></p> |  |
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|  |  | <i>of the subject matter. Regarding the draft decision circulated to the members of the Board in accordance with paragraph 6 of Article 57, a member which has not objected within the period indicated by the Chair, shall be deemed to be in agreement with the draft decision.</i> |  |
|  | <i>(a) whether the matter presents elements of novelty, taking account of legal or factual developments, in particular in information technology and in the light of the state of progress in the information society; and</i> |   |  |
|  | <i>(b) whether the European Data Protection Board has already issued an opinion on the same matter.</i>  |   |  |
|  |  | <i>7a. Within the period referred to in paragraph 7 the competent supervisory authority shall not adopt its draft decision in accordance with paragraph 2 of Article 57.</i>  | <i>Tentative Agreement in trilogue</i><br><br><i>7a. Within the period referred to in paragraph 3 the competent supervisory authority shall not adopt its draft decision referred to in paragraph 1.</i> |

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

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

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

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



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

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

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

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|  |  |  | <p><i>Tentative Agreement in trilogue</i></p> <p>d) Where a competent supervisory authority does not request the opinion of the European Data Protection Board in the cases mentioned in paragraph 1 of Article 58, or does not follow the opinion of the European Data Protection Board issued under Article 58. In that case, any concerned supervisory authority or the Commission may communicate the matter to the European Data Protection Board.</p> |
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|  |  | <p><b><i>2. The decision referred to in paragraph 1 shall be adopted within one month from the referral of the subject-matter by a two-third majority of the members of the Board. This period may be extended by a further month on account of the complexity of the subject-matter.</i></b></p> | <p><i>Tentative Agreement in trilogue</i></p> <p>2. The decision referred to in paragraph 1 shall be adopted within one month from the referral of the subject-matter by a two-third majority of the members of the Board. This period may be extended by a further month on account of the complexity of the subject-matter.</p> <p>The decision referred to in paragraph 1 shall be reasoned and addressed to the lead supervisory authority and all the concerned supervisory authorities and binding on them.</p> |
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|  |  | <b><i>3. In case the Board has been unable to adopt a decision within the periods referred to in paragraph 2, it shall adopt its decision within two weeks following the expiration of the second month referred to in paragraph 2 by a simple majority of the members of the Board. In case the members of the Board are split, the decision shall be adopted by the vote of its Chair.</i></b> | <i>Tentative Agreement in trilogue</i><br><br>3. In case the Board has been unable to adopt a decision within the periods referred to in paragraph 2, it shall adopt its decision within two weeks following the expiration of the second month referred to in paragraph 2 by a simple majority of the members of the Board. In case the members of the Board are split, the decision shall be adopted by the vote of its Chair. |
|  |  | <b><i>4. The concerned supervisory authorities shall not adopt a decision on the subject matter submitted to the Board under paragraph 1 during the periods referred to in paragraphs 2 and 3.</i></b>   | <i>Tentative Agreement in trilogue</i><br><br>4. The concerned supervisory authorities shall not adopt a decision on the subject matter submitted to the Board under paragraph 1 during the periods referred to in paragraphs 2 and 3.   |
|  |  | <b><i>5. (...)</i></b>   |  |

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

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|  |  | <p><b><i>European Data Protection Board of the date when its final decision is notified respectively to the controller or the processor and the data subject. The final decision of the concerned supervisory authorities shall be adopted under the terms of Article 54a, paragraph 4a, 4b and 4bb. The final decision shall refer to the decision referred to in paragraph 1 and shall specify that the decision referred to in paragraph 1 will be published on the website of the European Data Protection Board in accordance with paragraph 6. The final decision shall attach the decision referred to in paragraph 1.</i></b></p> | <p>the supervisory authority to which the complaint has been lodged, shall inform the European Data Protection Board of the date when its final decision is notified respectively to the controller or the processor and the data subject. The final decision of the concerned supervisory authorities shall be adopted under the terms of Article 54a, paragraph 4a, 4b and 4bb. The final decision shall refer to the decision referred to in paragraph 1 and shall specify that the decision referred to in paragraph 1 will be published on the website of the European Data Protection Board in accordance with paragraph 6. The final decision shall attach the decision referred to in paragraph 1.</p> |
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|   | <i>Amendment 168</i>             |                                  |                                  |
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| <i>Article 59</i>   | <i>Article 59</i>                | <i>Article 59</i>                | <i>Article 59</i>                |
| <i>Opinion by the Commission</i>  | <i>Opinion by the Commission</i> | <i>Opinion by the Commission</i> | <i>Opinion by the Commission</i> |
| 1. Within ten weeks after a matter has been raised under Article 58, or at the latest within six weeks in the case of Article 61, the Commission may adopt, in order to ensure correct and consistent application of this Regulation, an opinion in relation to matters raised pursuant to Articles 58 or 61. | <i>deleted</i>                   | <i>deleted</i>                   |                                  |
| 2. Where the Commission has adopted an opinion in accordance with paragraph 1, the supervisory authority concerned shall take utmost account of the Commission's opinion and inform the Commission and the European Data Protection Board whether it intends to maintain or amend its draft measure.          | <i>deleted</i>                   | <i>deleted</i>                   |                                  |
| 3. During the period referred to in paragraph 1, the draft measure shall not be adopted by the supervisory authority.   | <i>deleted</i>                   | <i>deleted</i>                   |                                  |

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| 4. Where the supervisory authority concerned intends not to follow the opinion of the Commission, it shall inform the Commission and the European Data Protection Board thereof within the period referred to in paragraph 1 and provide a justification. In this case the draft measure shall not be adopted for one further month. | <i>deleted</i> | <i>deleted</i> |  |
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|  | <i>Amendment 169</i> |                                      |                                      |
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| <i>Article 60</i>  | <i>deleted</i>       | <i>Article 60</i>                    | <i>Article 60</i>                    |
| <i>Suspension of a draft measure</i>   | <i>deleted</i>       | <i>Suspension of a draft measure</i> | <i>Suspension of a draft measure</i> |
| 1. Within one month after the communication referred to in Article 59(4), and where the Commission has serious doubts as to whether the draft measure would ensure the correct application of this Regulation or would otherwise result in its inconsistent application, the Commission may adopt a reasoned decision requiring the supervisory authority to suspend the adoption of the draft measure, taking into account the opinion issued by the European Data Protection Board pursuant to Article 58(7) or Article 61(2), where it appears necessary in order to: | <i>deleted</i>       | <i>deleted</i>                       |                                      |
| (a) reconcile the diverging positions of the supervisory authority and the European Data Protection Board, if this still appears to be possible; or  | <i>deleted</i>       | <i>deleted</i>                       |                                      |

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

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

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

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| <p>2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion of the European Data Protection Board, giving reasons for requesting such opinion, including for the urgency of final measures.</p>                            | <p>2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion of the European Data Protection Board, giving reasons for requesting such opinion, including for the urgency of final measures.</p>                            | <p>2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion <b>or an urgent binding decision from</b> of the European Data Protection Board, giving reasons for requesting such opinion, <del>including for the urgency of final measures</del> <b>or decision.</b></p>   | <p><i>Tentative Agreement in trilogue</i></p> <p>2. Where a supervisory authority has taken a measure pursuant to paragraph 1 and considers that final measures need urgently be adopted, it may request an urgent opinion or an urgent binding decision from the European Data Protection Board, giving reasons for requesting such opinion-or decision.</p>  |
| <p>3. Any supervisory authority may request an urgent opinion where the competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests of data subjects, giving reasons for requesting such opinion, including for the urgent need to act.</p> | <p>3. Any supervisory authority may request an urgent opinion where the competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the interests of data subjects, giving reasons for requesting such opinion, including for the urgent need to act.</p> | <p>3. Any supervisory authority may request an urgent opinion <b>or an urgent binding decision, as the case may be, from the European Data Protection Board</b> where <del>the</del><b>a</b> competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the <del>interests</del><b>rights and freedoms</b> of data subjects, giving reasons for requesting such opinion <b>or decision</b>, including for the urgent need to act.</p> | <p><i>Tentative Agreement in trilogue</i></p> <p>3. Any supervisory authority may request an urgent opinion or an urgent binding decision, as the case may be, from the European Data Protection Board where a competent supervisory authority has not taken an appropriate measure in a situation where there is an urgent need to act, in order to protect the rights and freedoms of data subjects, giving reasons for requesting such opinion or decision, including for the urgent need to act.</p> |

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



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

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

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

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

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

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

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|  |  |  | <p><i>Presidency suggestion</i></p> <p>5(new). In cases related to Article 58a, the European Data Protection Supervisor shall have voting rights only on decisions which concerns principles and rules applicable to the Union institutions, bodies, offices, and agencies which are identical to those of this Regulation.</p> |
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| <i>Article 65</i>  | <i>Article 65</i>   | <i>Article 65</i>  | <i>Article 65</i>  |
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| <i>Independence</i>  | <i>Independence</i>   | <i>Independence</i>  | <i>Independence</i>  |
| 1. The European Data Protection Board shall act independently when exercising its tasks pursuant to Articles 66 and 67.  | <del>1. The European Data Protection Board shall act independently when exercising its tasks pursuant to Articles 66 and 67.</del>  | 1. The European Data Protection Board shall act independently when <del>exercising</del> <b>performing</b> its tasks <b>or exercising its powers</b> pursuant to Articles 66 and 67.   | <i>Tentative Agreement in trilogue</i><br>1. The European Data Protection Board shall act independently when performing its tasks or exercising its powers pursuant to Articles 66 and 67.   |
| 2. Without prejudice to requests by the Commission referred to in point (b) of paragraph 1 and in paragraph 2 of Article 66, the European Data Protection Board shall, in the performance of its tasks, neither seek nor take instructions from anybody. | <del>2. Without prejudice to requests by the Commission referred to in point (b) of paragraph 1 and in paragraph 2 of Article 66, the European Data Protection Board shall, in the performance of its tasks, neither seek nor take instructions from anybody.</del> | 2. Without prejudice to requests by the Commission referred to in point (b) of paragraph 1 and in paragraph 2 of Article 66, the European Data Protection Board shall, in the performance of its tasks <b>or the exercise of its powers</b> , neither seek nor take instructions from anybody. | <i>Tentative Agreement in trilogue</i><br>2. Without prejudice to requests by the Commission referred to in point (b) of paragraph 1 and in paragraph 2 of Article 66, the European Data Protection Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from anybody. |



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

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

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

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

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|  |   |  | <i>Presidency suggestion</i><br><br>(be) (new) issue guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for the purpose of further specifying the criteria and requirements for the data transfers on the basis of Article 44(1); |
|  |   | <b><i>(ba) draw up guidelines for supervisory authorities concerning the application of measures referred to in paragraph 1, 1b and 1c of Article 53 and the fixing of administrative fines pursuant to Articles 79 and 79a;</i></b> | <i>Presidency suggestion</i><br><br>(ba) draw up guidelines for supervisory authorities concerning the application of measures referred to in paragraph 1, 1b and 1c of Article 53 and the fixing of administrative fines pursuant to Articles 79;                          |
| (c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these; | <del>(c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and report regularly to the Commission on these;</del> | (c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and <del>report regularly to the Commission on these</del> <b><i>(ba)</i></b> ;                                  | <i>Presidency suggestion</i><br><br>(c) review the practical application of the guidelines, recommendations and best practices referred to in point (b) and (ba);   |

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|  |  | <i>(ca) encourage the drawing-up of codes of conduct and the establishment of data protection certification mechanisms and data protection seals and marks pursuant to Articles 38 and 39;</i>   | <i>Presidency suggestion</i><br><br>(ca) encourage the drawing-up of codes of conduct and the establishment of data protection certification mechanisms and data protection seals and marks pursuant to Articles 38 and 39;   |
|  |  | <i>(cb) carry out the accreditation of certification bodies and its periodic review pursuant to Article 39a and maintain a public register of accredited bodies pursuant to paragraph 6 of Article 39a and of the accredited controllers or processors established in third countries pursuant to paragraph 4 of Article 39;</i> | <i>Presidency suggestion</i><br><br>(cb) carry out the accreditation of certification bodies and its periodic review pursuant to Article 39a and maintain a public register of accredited bodies pursuant to paragraph 6 of Article 39a and of the accredited controllers or processors established in third countries pursuant to paragraph 4 of Article 39; |
|  |  | <i>(cd) specify the requirements mentioned in paragraph 3 of Article 39a with a view to the accreditation of certification bodies under Article 39;</i>  | <i>Presidency suggestion</i><br><br>(cd) specify the requirements mentioned in paragraph 3 of Article 39a with a view to the accreditation of certification bodies under Article 39;  |

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|   |   | <i>(ce) give the Commission an opinion on the level of protection of personal data in third countries or international organisations, in particular in the cases referred to in Article 41;</i>          | <i>Tentative agreement in trilogue</i><br><br>(ce) give the Commission an opinion for the assesment of the adequacy of the level of protection of personal data in third countries or international organisations, including for the assesment whether a third country or the territory or the international organisation or the specified sector no longer ensures an adequate level of protection. To that end, the Commission shall provide the European Data Protection Board with all necessary documentation, including correspondence with the government of the third country, territoty or processing sector within that third country or the international organisation; |
| (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in Article 57; | (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in Article 57; | (d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in <b>paragraph 2 and on matters submitted pursuant to paragraph 4 of Article 57;</b> | <i>Presidency suggestion</i><br><br>(d) issue opinions on draft decisions of supervisory authorities pursuant to the consistency mechanism referred to in paragraph 2 and on matters submitted pursuant to paragraph 4 of Article 57;  |

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|  | <i>(da) provide an opinion on which authority should be the lead authority pursuant to Article 54a(3);</i>  |  |  |
| (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities;   | (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities, <b><i>including the coordination of joint operations and other joint activities, where it so decides at the request of one or several supervisory authorities;</i></b> | (e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities;   | <i>Presidency suggestion</i><br><br>(e) promote the co-operation and the effective bilateral and multilateral exchange of information and practices between the supervisory authorities;   |
| (f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; | <del>(f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations;</del>   | (f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; | <i>Tentative Agreement in trilogue</i><br><br>(f) promote common training programmes and facilitate personnel exchanges between the supervisory authorities, as well as, where appropriate, with the supervisory authorities of third countries or of international organisations; |
| (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide.  | <del>(g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide;</del>  | (g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities worldwide.  | <i>Tentative Agreement in trilogue</i><br><br>(g) promote the exchange of knowledge and documentation on data protection legislation and practice with data protection supervisory authorities   |



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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|  |  | <p><del>4.</del></p> <p><b><i>5. The supervisory authority to which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 74.</i></b></p> | <p><i>Tentative agreement in trilogue</i></p> <p>5. The supervisory authority to which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 74.</p> |
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| <i>Article 74</i>   | <i>Article 74</i>   | <i>Article 74</i>  | <i>Article 74</i>  |
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| <i>Right to a judicial remedy against a supervisory authority</i>   | <i>Right to a judicial remedy against a supervisory authority</i>   | <i>Right to a judicial remedy against a supervisory authority</i>  | <i>Right to a judicial remedy against a supervisory authority</i>  |
|   | <i>Amendment 183</i>  |  |  |
| 1. Each natural or legal person shall have the right to a judicial remedy against decisions of a supervisory authority concerning them. | 1. <i>Without prejudice to any other administrative or non-judicial remedy</i> , Each natural or legal person shall have the right to a judicial remedy against decisions of a supervisory authority concerning them. | 1. <i>Without prejudice to any other administrative or non-judicial remedy</i> , Each natural or legal person shall have the right to <i>an effective</i> judicial remedy against <i>a legally binding</i> decisions of a supervisory authority concerning them. | <i>Tentative agreement in trilogue</i><br><br>1. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decisions of a supervisory authority concerning them. |

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

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

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

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

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



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

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| <p>2. Each supervisory authority shall have the right to engage in legal proceedings and bring an action to court, in order to enforce the provisions of this Regulation or to ensure consistency of the protection of personal data within the Union.</p> | <p>2. Each supervisory authority shall have the right to engage in legal proceedings and bring an action to court, in order to enforce the provisions of this Regulation or to ensure consistency of the protection of personal data within the Union.</p> | <p><del>2. Each supervisory authority shall have the right to engage in legal proceedings and bring an action to court, in order to enforce the provisions of this Regulation or to ensure consistency of the protection of personal data within the Union.</del><br/> <b><i>Member States may provide that any body, organisation or association referred to in paragraph 1, independently of a data subject's mandate, shall have in such Member State the right to lodge a complaint with the supervisory authority competent in accordance with Article 73 and to exercise the rights referred to in Articles 73, 74 and 75 if it considers that the rights of a data subject have been infringed as a result of the processing of personal data that is not in compliance with this Regulation.</i></b></p> | <p><i>Tentative agreement in trilogue:</i></p> <p>2. Member States may provide that any body, organisation or association referred to in paragraph 1, independently of a data subject's mandate, shall have in such Member State the right to lodge a complaint with the supervisory authority competent in accordance with Article 73 and to exercise the rights referred to in Articles 74 and 75 if it considers that the rights of a data subject have been infringed as a result of the processing of personal data that is not in compliance with this Regulation.</p> |
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| <p>3. Where a competent court of a Member State has reasonable grounds to believe that parallel proceedings are being conducted in another Member State, it shall contact the competent court in the other Member State to confirm the existence of such parallel proceedings.</p> | <p><del>3. Where a competent court of a Member State has reasonable grounds to believe that parallel proceedings are being conducted in another Member State, it shall contact the competent court in the other Member State to confirm the existence of such parallel proceedings.</del></p> | <p><i>deleted</i></p> |  |
| <p>4. Where such parallel proceedings in another Member State concern the same measure, decision or practice, the court may suspend the proceedings.</p>   | <p><del>4. Where such parallel proceedings in another Member State concern the same measure, decision or practice, the court may suspend the proceedings.</del></p>   | <p><i>deleted</i></p> |  |
| <p>5. Member States shall ensure that court actions available under national law allow for the rapid adoption of measures including interim measures, designed to terminate any alleged infringement and to prevent any further impairment of the interests involved.</p>          | <p><del>5. Member States shall ensure that court actions available under national law allow for the rapid adoption of measures including interim measures, designed to terminate any alleged infringement and to prevent any further impairment of the interests involved.</del></p>          | <p><i>deleted</i></p> |  |

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

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|  |  | <p><i>2a. Where these proceedings are pending at first instance, any court other than the court first seized may also, on the application of one of the parties, decline jurisdiction if the court first seized has jurisdiction over the actions in question and its law permits the consolidation thereof.</i></p> | <p><i>Tentative agreement in trilogue:</i></p> <p>2a. Where these proceedings are pending at first instance, any court other than the court first seized may also, on the application of one of the parties, decline jurisdiction if the court first seized has jurisdiction over the actions in question and its law permits the consolidation thereof.</p> |
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| <i>Article 77</i>  | <i>Article 77</i>  | <i>Article 77</i>  | <i>Article 77</i>  |
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| <b><i>Right to compensation and liability</i></b>  | <b><i>Right to compensation and liability</i></b>  | <b><i>Right to compensation and liability</i></b>  | <b><i>Right to compensation and liability</i></b>  |
|  | <b><i>Amendment 186</i></b>  |  |  |
| 1. Any person who has suffered damage as a result of an unlawful processing operation or of an action incompatible with this Regulation shall have the right to receive compensation from the controller or the processor for the damage suffered. | 1. Any person who has suffered damage, <b><i>including non-pecuniary damage</i></b> , as a result of an unlawful processing operation or of an action incompatible with this Regulation shall have the right to <b><i>receive claim</i></b> compensation from the controller or the processor for the damage suffered.   | 1. Any person who has suffered <b><i>material or immaterial</i></b> damage as a result of an unlawful processing operation or of an action incompatible <b><i>which is not in compliance</i></b> with this Regulation shall have the right to receive compensation from the controller or the processor for the damage suffered.   | <i>Tentative agreement in trilogue:</i><br><br>1. Any person who has suffered material or immaterial damage as a result of an infringement of the Regulation shall have the right to receive compensation from the controller or processor for the damage suffered.  |
|  | <b><i>Amendment 187</i></b>  |  |  |
| 2. Where more than one controller or processor is involved in the processing, each controller or processor shall be jointly and severally liable for the entire amount of the damage.  | 2. Where more than one controller or processor is involved in the processing, each <b><i>controller of those controllers</i></b> or <b><i>processor processors</i></b> shall be jointly and severally liable for the entire amount of the damage, <b><i>unless they have an appropriate written agreement determining the responsibilities pursuant to Article 24.</i></b> | 2. <del>Where more than one</del> <b><i>Any</i></b> controller or processor is involved in the processing each controller or processor shall be jointly and severally liable for the <del>entire amount of the damage</del> <b><i>caused by the processing which is not in compliance with this Regulation. A processor shall be liable for the damage caused by the processing only where it has not complied with obligations of this Regulation</i></b> | <i>Tentative agreement in trilogue:</i><br><br>2. Any controller involved in the processing shall be liable for the damage caused by the processing which is not in compliance with this Regulation. A processor shall be liable for the damage caused by the processing only where it has not complied with obligations of this Regulation specifically directed to processors or acted outside or contrary to lawful instructions of the controller. |

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

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



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

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

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

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

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|  | <i>e) the degree of co-operation with the supervisory authority, in order to remedy the infringement and mitigate the possible adverse effects of the infringement,</i> |  |  |
|  | <i>f) the specific categories of personal data affected by the infringement,</i>  |  |  |
|  | <i>(g) the level of damage, including non-pecuniary damage, suffered by the data subjects,</i>  |  |  |
|  | <i>(h) the action taken by the controller or processor to mitigate the damage suffered by data subjects,</i>  |  |  |
|  | <i>(i) any financial benefits intended or gained, or losses avoided, directly or indirectly from the infringement,</i>  |  |  |

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

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|  |  | <b><i>2a. Administrative fines shall, depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (f) of paragraph 1b of Article 53. When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case due regard shall be given to the following:</i></b> | <i>Tentative agreement in trilogue:</i><br><br>2a. Administrative fines shall, depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (f) and(h) of paragraph 1b of Article 53. When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case due regard shall be given to the following: |
|  |  | <b><i>(a) the nature, gravity and duration of the infringement having regard to the nature scope or purpose of the processing concerned as well as the number of data subjects affected and the level of damage suffered by them;</i></b>   | <i>Tentative agreement in trilogue:</i><br><br>(a) the nature, gravity and duration of the infringement having regard to the nature scope or purpose of the processing concerned as well as the number of data subjects affected and the level of damage suffered by them;  |
|  |  | <b><i>(b) the intentional or negligent character of the infringement;</i></b>   | <i>Tentative agreement in trilogue:</i><br><br>(b) the intentional or negligent character of the infringement;  |
|  |  | <b><i>(e)</i></b>   |   |

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



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

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

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

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

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

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

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

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



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

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

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

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

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| <p>7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of updating the amounts of the administrative fines referred to in paragraphs 4, 5 and 6, taking into account the criteria referred to in paragraph 2.</p> | <p>7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of updating the <b>absolute</b> amounts of the administrative fines referred to in <del>paragraphs 4, 5 and 6</del> <b>paragraph 2a</b>, taking into account the criteria <b>and factors</b> referred to in <del>paragraph</del> <b>paragraphs 2 and 2c</b>.</p> | <p><i>deleted</i></p> |  |
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|  |  | <i>Article 79a</i>   |  |
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|  |  | <i>Administrative fines</i>  |  |
|  |  | <i>1. The supervisory authority may impose a fine that shall not exceed 250 000 EUR, or in case of an undertaking 0,5 % of its total worldwide annual turnover of the preceding financial year, on a controller who, intentionally or negligently:</i>           |  |
|  |  | <i>(a) does not respond within the period referred to in Article 12(2) to requests of the data subject;</i>  |  |
|  |  | <i>(b) charges a fee in violation of the first sentence of paragraph 4 of Article 12.</i>  |  |
|  |  | <i>2. The supervisory authority may impose a fine that shall not exceed 500 000 EUR, or in case of an undertaking 1% of its total worldwide annual turnover of the preceding financial year, on a controller or processor who, intentionally or negligently:</i> |  |

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

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



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

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

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

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|  |  | <i>3a. If a controller or processor intentionally or negligently violates several provisions of this Regulation listed in paragraphs 1, 2 or 3, the total amount of the fine may not exceed the amount specified for the gravest violation.</i> |  |
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|  |  | <i>Article 79b</i>   | <i>Article 79b</i>   |
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|  |  | <i>Penalties</i>   | <i>Penalties</i>   |
|  |  | <p><b>1. For infringements of this Regulation in particular for infringements which are not subject to administrative fines pursuant to Article 79a Member States shall lay down the rules on penalties applicable to such infringements and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive.</b></p> | <p><i>Tentative agreement in trilogue</i></p> <p>1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation in particular for infringements which are not subject to administrative fines pursuant to Article 79, and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive.</p> |
|  |  | <p><del>2.</del></p> <p><b>3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</b></p>  | <p><i>Tentative agreement in trilogue</i></p> <p>3. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p>  |

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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|  | <p><i>(d) whether and to what extent the use of telephone, e-mail, internet and other telecommunications services shall also be permitted for private use may be regulated by collective agreement. Where there is no regulation by collective agreement, the employer shall reach an agreement on this matter directly with the employee. In so far as private use is permitted, the processing of accumulated traffic data shall be permitted in particular to ensure data security, to ensure the proper operation of telecommunications networks and telecommunications services and for billing purposes.</i></p> |  |  |
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|  | <p><i>Notwithstanding the third sentence, Member States may, by law, provide for the admissibility of this practice, by setting appropriate deadlines for the deletion of data, providing there exists a suspicion based on factual indications that must be documented that the employee has committed a crime or serious dereliction of duty in the employment context, providing also the collection of data is necessary to clarify the matter and providing finally the nature and extent of this data collection are necessary and proportionate to the purpose for which it is intended. The privacy and private lives of employees shall be protected at all times. The investigation shall be carried out by the competent authority;</i></p> |  |  |
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|  | <p><i>(e) workers' personal data, especially sensitive data such as political orientation and membership of and activities in trade unions, may under no circumstances be used to put workers on so-called 'blacklists', and to vet or bar them from future employment. The processing, the use in the employment context, the drawing-up and passing-on of blacklists of employees or other forms of discrimination shall be prohibited. Member States shall conduct checks and adopt adequate sanctions in accordance with Article 79(6) to ensure effective implementation of this point.</i></p> |  |  |
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|   | <p><i>Id. Transmission and processing of personal employee data between legally independent undertakings within a group of undertakings and with professionals providing legal and tax advice shall be permitted, providing it is relevant to the operation of the business and is used for the conduct of specific operations or administrative procedures and is not contrary to the interests and fundamental rights of the person concerned which are worthy of protection. Where employee data are transmitted to a third country and/or to an international organization, Chapter V shall apply.</i></p> |   |   |
| <p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to <del>paragraph</del> <b>paragraphs 1 and 1b</b>, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p>  | <p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> |

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| <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.</p> | <p>3. The Commission shall be empowered, <b><i>after requesting an opinion from the European Data Protection Board</i></b>, to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.</p> | <p><del>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.</del> <b><i>Member States may by law determine the conditions under which personal data in the employment context may be processed on the basis of the consent of the employee.</i></b></p> | <p><i>Tentative agreement in trilogue</i></p> <p>3. Member States may by law determine the conditions under which personal data in the employment context may be processed on the basis of the consent of the employee.</p> |
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|  | <i>Amendment 193</i>   |  |  |
|  | <i>Article 82a</i>   |  |  |
|  | <i>Processing in the social security context</i>   |  |  |
|  | <i>1. Member States may, in accordance with the rules set out in this Regulation, adopt specific legislative rules particularising the conditions for the processing of personal data by their public institutions and departments in the social security context if carried out in the public interest.</i> |  |  |
|  | <i>2. Each Member State shall notify to the Commission those provisions which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</i>   |  |  |

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

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

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

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



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| <p>2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if:</p> | <p><i>deleted</i></p> | <p>2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if: <i>The appropriate safeguards referred to in paragraphs 1 and 1a shall be laid down in Union or Member State law and be such to ensure that technological and/or organisational protection measures pursuant to this Regulation are applied to the personal data, to minimise the processing of personal data in pursuance of the proportionality and necessity principles, such as pseudonymising the data, unless those measures prevent achieving the purpose of the processing and such purpose cannot be otherwise fulfilled within reasonable means.</i></p> |  |
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| (a) the data subject has given consent, subject to the conditions laid down in Article 7;  | <i>deleted</i> | <i>deleted</i> |  |
| (b) the publication of personal data is necessary to present research findings or to facilitate research insofar as the interests or the fundamental rights or freedoms of the data subject do not override these interests; or  | <i>deleted</i> | <i>deleted</i> |  |
| (c) the data subject has made the data public.   | <i>deleted</i> | <i>deleted</i> |  |
| 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances. | <i>deleted</i> | <i>deleted</i> |  |

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

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|  | <p><i>2. Each Member State shall notify to the Commission provisions of its law which it adopts pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</i></p> |  |  |
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| <i>Article 84</i>   | <del><i>Article 84</i></del>  | <i>Article 84</i>  | <i>Article 84</i>   |
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| <i>Obligations of secrecy</i>   | <del><i>Obligations of secrecy</i></del>  | <i>Obligations of secrecy</i>  | <i>Obligations of secrecy</i>   |
|   | <i>Amendment 196</i>  |  |   |
| <p>1. Within the limits of this Regulation, Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p> | <p>1. <del>Within the limits of this Regulation, Member States may adopt</del> <b><i>shall ensure that specific rules to set are in place setting</i></b> out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p> | <p>1. <del>Within the limits of this Regulation, Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in</del> <b><i>points (da) and (db) of Article 53(2)</i></b> in relation to controllers or processors that are subjects under <del>national</del> <b><i>Union or Member State</i></b> law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy <b><i>or to a code of professional ethics supervised and enforced by professional bodies</i></b>, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>1. Member States may adopt specific rules to set out the powers by the supervisory authorities laid down in points (da) and (db) of Article 53(1) in relation to controllers or processors that are subjects under Union or Member State law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p> |

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| <p>2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p><del>2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</del></p> | <p>2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p> |
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| <i>Article 85</i>  | <del><i>Article 85</i></del>  | <i>Article 85</i>  | <i>Article 85</i>  |
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| <i>Existing data protection rules of churches and religious associations</i>   | <del><i>Existing data protection rules of churches and religious associations</i></del>   | <i>Existing data protection rules of churches and religious associations</i>   | <i>Existing data protection rules of churches and religious associations</i>   |
|  |   |  |  |
| 1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation. | 1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, <del>comprehensive</del> <b>adequate</b> rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation. | 1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation. | <i>Tentative agreement in trilogue</i><br>1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation. |

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| <p>2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation.</p> | <p>2. Churches and religious associations which apply <del>comprehensive</del> <b>adequate</b> rules in accordance with paragraph 1 shall <del>provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation</del> <b>obtain a compliance opinion pursuant to Article 38.</b></p> | <p>2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1, shall <b>be subject to the control</b> <del>provide for the establishment of an independent supervisory authority</del> <b>which may be specific, provided that fulfils the conditions laid down</b> in accordance with Chapter VI of this Regulation.</p> | <p><i>Tentative agreement in trilogue</i></p> <p>2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1, shall be subject to the control of an independent supervisory authority which may be specific, provided that fulfils the conditions laid down in Chapter VI of this Regulation.</p> |
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|  | <i>Amendment 198</i>  |  |  |
|  | <i>Article 85a (new)</i>  |  |  |
|  | <i>Respect of fundamental rights</i>  |  |  |
|  | <i>This Regulation shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU.</i> |  |  |

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

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

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

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

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

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



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| <p>Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</p> | <p><del>two</del><i>six</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by <del>two</del><i>six</i> months at the initiative of the European Parliament or <i>of</i> the Council.</p> | <p>Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</p> |  |
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| <i>Article 87</i>   | <del><i>Article 87</i></del>  | <i>Article 87</i>   | <i>Article 87</i>   |
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| <i>Committee procedure</i>  | <del><i>Committee procedure</i></del>   | <i>Committee procedure</i>  | <i>Committee procedure</i>  |
| 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.  | <del>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</del> | 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.  | <i>Presidency suggestion</i><br>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.  |
| 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.   | <del>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</del>  | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.   | <i>Presidency suggestion</i><br>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.   |
|   | <i>Amendment 203</i>  |   |   |
| 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. | <i>deleted</i>  | 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. | <i>Presidency suggestion</i><br>3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. |

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

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

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

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

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

| <i>Article 90</i>   | <i>Article 90</i>   | <i>Article 90</i>   | <i>Article 90</i>  |
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| <i>Evaluation</i>   | <i>Evaluation</i>   | <i>Evaluation</i>   | <i>Evaluation</i>  |
| <p>The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other legal instruments, in particular taking account of developments in information technology and in the light of the state of progress in the information society. The reports shall be made public.</p> | <p>The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other legal instruments, in particular taking account of developments in information technology and in the light of the state of progress in the information society. The reports shall be made public.</p> | <p><b>1.</b> The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals.</p> <p><b>2. <i>In the context of these evaluations the Commission shall examine, in particular, the application and functioning of the provisions of Chapter VII on Co-operation and Consistency.</i></b></p> <p><b>3.</b> The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The reports shall be made public.</p> <p><b>4.</b> The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, and aligning other legal instruments, in particular taking account of developments in information technology and in the light of the state of progress in the</p> | <p><i>Tentatively agreed in trilogue</i></p> <p>1. The Commission shall submit reports on the evaluation and review of this Regulation to the European Parliament and the Council at regular intervals.</p> <p>2. In the context of these evaluations the Commission shall examine, in particular, the application and functioning of the provisions of:</p> <p>a) Chapter V on the transfer of personal data to third countries or international organisations with particular regard to decisions adopted pursuant to article 41, paragraph 3 and decisions adopted on the basis of Article 25, paragraph 6 of Directive 95/46/EC;</p> <p>b) Chapter VII on Co-operation and Consistency.</p> <p>2a. For the purpose referred to in paragraphs 1 and 2, the Commission may request</p> |



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|  |  | <p>information society. <del>The reports shall be made public.</del></p> | <p>information from Member States and supervisory authorities, in particular as regards Articles 80(1), 80a and 80b.</p> <p>2b. In carrying out the evaluations and reviews referred to in paragraphs 1 and 2, the Commission shall take into account the positions and findings of the European Parliament, the Council as well as other relevant bodies or sources.</p> <p>3. The first report shall be submitted no later than four years after the entry into force of this Regulation. Subsequent reports shall be submitted every four years thereafter. The reports shall be made public.</p> <p>4. The Commission shall, if necessary, submit appropriate proposals with a view to amending this Regulation, in particular taking into account of developments in information technology and in the light of the state of progress in the information society.</p> |
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|  |  |  | <b>Article 90a - new</b>   |
|  |  |  | <b>Review of other EU data protection instruments</b>  |
|  |  |  | <p><i>Presidency suggestion</i></p> <p>The Commission shall, if appropriate, submit legislative proposals with a view to amending other EU legal instruments on the protection of personal data, in order to ensure uniform and consistent protection of individuals with regard to the processing of personal data.</p> <p>This shall in particular concern the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies and on the free movement of such data.</p> |

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

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