

Amendment 212
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Report **A9-0045/2024**
Sergey Lagodinsky
Laying down additional procedural rules relating to the enforcement of Regulation (EU)
2016/679
(COM(2023)0348 – C9-0231/2023 – 2023/0202(COD))

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Common procedural standards

1. Without prejudice to additional rights under national procedural law, each party shall have at least the following rights:

(a) to have their case handled impartially and fairly, and to be treated equally, even if they are before different supervisory authorities in different jurisdictions (“fair procedure”);

(b) to be heard before any measure is taken that would adversely affect them, including before the decision to uphold, or to fully or partially reject a complaint is adopted (“right to be heard”);

(c) to have access to the joint case file, except to any internal deliberations of the supervisory authority or deliberations between those authorities (“procedural transparency”).

2. The lead supervisory authority shall inform and hear the parties at appropriate stages of the procedure, in order to allow them to effectively express their views on all factual findings and legal conclusions made by the lead supervisory authority.

3. The joint case file shall include all evidence, inculpatory and exculpatory, including documents and other evidence provided by the parties.

4. On the request of a party to protect their legally recognised rights or to protect the rights of others, or when it is in the public interest or in order to protect operational security and cybersecurity a supervisory authority may limit the rights referred to in paragraph 1, point (c). Any such limitation shall be carried out in accordance with the national procedural law applicable under Article 2a(1) to any direct interaction between a supervisory authority and the party receiving limited information, and must be proportionate in light of the respective recognised rights of others or the public interest pursued. The party claiming confidentiality shall provide a confidential version of any information, as well as a suggested non-confidential version.

5. The non-confidential version of documents that were provided by a party shall be determined by the supervisory authority making a determination pursuant to first sentence of paragraph 4, applying only strictly proportionate measures, such as redacting specific parts of documents.

6. Supervisory authorities concerned shall always have access to the confidential version of all documents, and may object to redactions that they consider not strictly proportionate. Supervisory authorities pursuant to first sentence of paragraph 4 shall immediately inform the parties about the fact that information is withheld. The lead supervisory authority shall keep records of each access to the joint case file.

(to replace AM 64 LIBE, Article 2b (new))

Or. en

Justification

To cover all evidence provided by the parties in paragraph 3, not only by the party under investigation.

3.4.2024

A9-0045/213

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Proposal for a regulation

Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) not change the scope of the allegations by raising points amounting to identification of additional allegations of infringement of Regulation (EU) 2016/679 or changing the intrinsic nature of the allegations raised.

deleted

(To replace AM 158 LIBE.)

Or. en

Justification

A relevant and reasoned objection should also be able to challenge the scope of the case and the allegations, where new findings have arisen which were neglected by the lead supervisory authority in its draft decision.

3.4.2024

A9-0045/214

Amendment 214
Sergey Lagodinsky
on behalf of the Verts/ALE Group

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(COM(2023)0348 – C9-0231/2023 – 2023/0202(COD))

Proposal for a regulation
Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Procedural determinations by the Board

1. Pursuant to Article 66 of Regulation (EU) 2016/679, a supervisory authority may request from the Board to take an urgent binding decision in the form of a procedural determination on any procedural dispute arising between supervisory authorities in cases foreseen by this Regulation.

2. Where the lead supervisory authority is of the view that it cannot possibly comply with a deadline pursuant to Article 4(1b) or Article 5a(3), especially because of the need for exceptionally complex factual investigations, it shall request from the Board an urgent binding decision pursuant to paragraph 1, regarding an extension of the deadline of up to nine more months. The supervisory authority shall demonstrate that despite its compliance with Article 2c(1), the extension sought is inevitable.

3. Requests under paragraph 1 and 2 shall at least contain:

- (a) the facts relied upon and any evidence available to the authority or party;***
- (b) the legal grounds for the request;***
- (c) the determination pursuant to***

paragraph 1 or the deadline extension pursuant to paragraph 2 that the authority or party requests from the Board;

4. Within two weeks, the Board shall determine the matter based on the information before it or it shall reject the application. Determinations are binding on the supervisory authorities.

5. The Board may create in its rules of procedure a committee of three to seven persons and task it with any task under Article 70 of Regulation (EU) 2016/679, including urgent binding decisions pursuant to paragraphs 1 and 2 of this Article.

(To replace AM 183 LIBE.)

Or. en

Justification

New paragraph 5. It is inefficient if the entire Board would have to gather for a tiny procedural dispute between two authorities. This option (which may or may not be used) allows the Board to form a smaller committee and shift procedural tasks there.