

**Amendment 1**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution****B9-0211/2021****Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
Commission evaluation report on the implementation of the General Data Protection  
Regulation two years after its application

**Motion for a resolution****Paragraph 2***Motion for a resolution*

2. **Concludes** that, two years after its entry into application, the GDPR has been an overall success, and **agrees** with the Commission that it is not necessary at this stage to update or review the legislation;

*Amendment*

2. **Takes note of the Commission's assessment** that, two years after its entry into application, the GDPR has been an overall success; **points, however, to the problems and shortcomings identified by stakeholders and confirmed by the Commission; disagrees, therefore,** with the Commission that it is not necessary at this stage to update or review the legislation **and calls for an urgent, targeted revision aimed at rectifying the problems and shortcomings identified;**

Or. en

22.3.2021

B9-0211/2

**Amendment 2**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0211/2021**

**Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
Commission evaluation report on the implementation of the General Data Protection  
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**Motion for a resolution**

**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

**2a. Highlights that while the GDPR – in some areas – is becoming a competitive enabler for the EU, it has not facilitated the exercise of new individual rights as originally anticipated, and is thwarting our efforts in the global race for future strategic technologies with high added value for society by unnecessarily restricting businesses in the use of available data; asks the EDPB, therefore, to provide clarifications of the law in order to allow these new technologies to thrive nevertheless;**

Or. en

22.3.2021

B9-0211/3

**Amendment 3**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0211/2021**

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**Motion for a resolution**

**Paragraph 3**

*Motion for a resolution*

*Amendment*

3. Acknowledges that until the Commission's next evaluation, ***the focus*** must continue to be on the improvement of implementation and on actions to strengthen the enforcement of the GDPR;

3. Acknowledges that ***the focus***, until the Commission's next evaluation, must continue to be on the improvement of implementation and on actions to strengthen the enforcement of the GDPR; ***urges the Commission in the meantime to study the effects of the GDPR on innovative and emerging technologies made in Europe, including any unintentional obstacles it may have created to the development of technologies such as blockchain, artificial intelligence or the Internet of Things, iron out all legislative shortcomings and present plans for a more comprehensive revision of the law;***

Or. en

**Amendment 4****Axel Voss, Jeroen Lenaers**

on behalf of the PPE Group

**Motion for a resolution****B9-0211/2021****Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Commission evaluation report on the implementation of the General Data Protection Regulation two years after its application

**Motion for a resolution****Paragraph 6***Motion for a resolution**Amendment*

6. Recalls that since the start of the application of the GDPR, ‘consent’ means any freely, given, specific, informed and unambiguous indication of the data subject’s wishes; underlines that this also applies to the e-Privacy Directive; notes that the implementation of valid consent continues to be compromised by the use of dark patterns, pervasive tracking and other unethical practices; is concerned that individuals are often put under financial pressure to give consent in return for discounts or other commercial offers, or are forced to give consent by conditioning access to a service through tying provisions, in breach of Article 7 of the GDPR; recalls the EDPB harmonised rules on what constitutes valid consent, replacing the different interpretations by many national DPAs, and avoiding fragmentation within the Digital Single Market; recalls also the EDPB and Commission guidelines establishing that for cases in which the data subject has initially given consent but where the personal data is further processed for a different purpose than the purpose to which the data subject gave consent to, the initial consent cannot legitimise further processing, as consent needs to be informed and specific to be valid; takes

6. Recalls that since the start of the application of the GDPR, ‘consent’ means any freely, given, specific, informed and unambiguous indication of the data subject’s wishes; underlines that this also applies to the e-Privacy Directive; notes that the implementation of valid consent continues to be compromised by the use of dark patterns, pervasive tracking and other unethical practices; is concerned that individuals are often put under financial pressure to give consent in return for discounts or other commercial offers, or are forced to give consent by conditioning access to a service through tying provisions, in breach of Article 7 of the GDPR; ***points out the need to reconsider the concept of ‘informed consent’ with a view to finding a workable solution for emerging technologies such as AI, with its interconnected and autonomous elements, in particular for scenarios in which data is processed for one or more specific purposes, such as high-frequency communications between multiple actors, machine-to-machine (M2M) or vehicle-to-everything (V2X) communications, and for which obtaining valid consent may otherwise prove impossible***; recalls the EDPB harmonised rules on what constitutes valid consent, replacing the

note of the EDPB's upcoming guidelines on processing personal data for scientific research, which will provide clarity on the meaning of Recital 50 of the GDPR;

different interpretations by many national DPAs, and avoiding fragmentation within the Digital Single Market; recalls also the EDPB and Commission guidelines establishing that for cases in which the data subject has initially given consent but where the personal data is further processed for a different purpose than the purpose to which the data subject gave consent to, the initial consent cannot legitimise further processing, as consent needs to be informed and specific to be valid; takes note of the EDPB's upcoming guidelines on processing personal data for scientific research, which will provide clarity on the meaning of Recital 50 of the GDPR; ***calls on the EDPB to provide guidance for a user-friendly and transparent permission process to reduce the number of interactions between service providers and end-users ('cookie fatigue') while at the same time striking a balance between the protection of data subjects and the secure processing of communications data based on pseudonymised data processing;***

Or. en

**Amendment 5****Axel Voss, Jeroen Lenaers**

on behalf of the PPE Group

**Motion for a resolution****B9-0211/2021****Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Commission evaluation report on the implementation of the General Data Protection Regulation two years after its application

**Motion for a resolution****Paragraph 20***Motion for a resolution**Amendment*

20. Underlines the importance of the one-stop-shop mechanism in providing legal certainty and reducing the administrative burden for companies and citizens alike; ***expresses, however, great concern over the functioning of the mechanism, particularly regarding the role of the Irish and Luxembourg DPAs; notes that these DPAs are responsible for handling a large number of cases, since many tech companies have registered their EU headquarters in Ireland or Luxembourg; is particularly concerned that the Irish data protection authority generally closes most cases with a settlement instead of a sanction and that cases referred to Ireland in 2018 have not even reached the stage of a draft decision pursuant to Article 60(3) of the GDPR;*** calls on ***these*** DPAs to speed up their ongoing investigations into major cases in order to show EU citizens that data protection is an enforceable right in the EU; points out that the success of the ‘one-stop shop-mechanism’ is contingent on the time and effort that DPAs can dedicate to the handling of and cooperation on individual cross-border cases in the EDPB, and that the lack of ***political will and*** resources has immediate consequences on the extent to which this mechanism can

20. Underlines the importance of the one-stop-shop mechanism in providing legal certainty and reducing the administrative burden for companies and citizens alike; calls on DPAs to speed up their ongoing investigations into major cases in order to show EU citizens that data protection is an enforceable right in the EU; points out that the success of the ‘one-stop shop-mechanism’ is contingent on the time and effort that DPAs can dedicate to the handling of and cooperation on individual cross-border cases in the EDPB, and that the lack of resources has immediate consequences on the extent to which this mechanism can function properly;

function properly;

Or. en

**Amendment 6****Axel Voss, Jeroen Lenaers**

on behalf of the PPE Group

**Motion for a resolution****B9-0211/2021****Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Commission evaluation report on the implementation of the General Data Protection Regulation two years after its application

**Motion for a resolution****Paragraph 26***Motion for a resolution**Amendment*

26. Calls on the EDPB to harmonise the implementation of data protection requirements into practice through the development of guidelines, inter alia, the need to assess risks related to data processing information to data subjects (Articles 12–14), to the exercise of data subjects' rights (Articles 15–18, 20–21) and to the implementation of the accountability principle; calls on the EDPB to issue guidelines that classify different legitimate use cases of profiling according to their risks for the rights and freedoms of data subjects, along with recommendations for appropriate technical and organisational measures, and with a clear delineation of illegal-use cases; invites the EDPB to review WP29 05/2014 of 10 April 2014 on Anonymisation Techniques and to establish a list of unambiguous criteria to achieve anonymisation; encourages the EDPB to clarify data processing for human resources purposes; takes note of the EDPB's conclusion that the need to assess risks related to data processing, as provided in the GDPR, should be maintained, as risks for data subjects are not related to the size of data controllers; calls for a better use of the mechanism under which the Commission can request advice from the EDPB on the matters covered by the

26. Calls on the EDPB to harmonise the implementation of data protection requirements into practice through the development of guidelines, inter alia, the need to assess risks related to data processing information to data subjects (Articles 12–14), to the exercise of data subjects' rights (Articles 15–18, 20–21) and to the implementation of the accountability principle; calls on the EDPB to issue guidelines that classify different legitimate use cases of profiling according to their risks for the rights and freedoms of data subjects, along with recommendations for appropriate technical and organisational measures, and with a clear delineation of illegal-use cases; invites the EDPB to review WP29 05/2014 of 10 April 2014 on Anonymisation Techniques and to establish a list of unambiguous criteria to achieve anonymisation; encourages the EDPB to clarify data processing for human resources purposes; takes note of the EDPB's conclusion that the need to assess risks related to data processing, as provided in the GDPR, should be maintained, as risks for data subjects are not related to the size of data controllers; calls for a better use of the mechanism under which the Commission can request advice from the EDPB on the matters covered by the

GDPR;

*GDPR; calls for the EDPB to be complemented by a board of stakeholders from research, industry, consumer and other civil society organisations, as well as religious associations;*

Or. en

22.3.2021

B9-0211/7

**Amendment 7**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0211/2021**

**Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
Commission evaluation report on the implementation of the General Data Protection  
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**Motion for a resolution**

**Paragraph 26 a (new)**

*Motion for a resolution*

*Amendment*

**26a. Calls on the EDPB to critically assess its own role and the impact of its guidelines on industry and the data economy as a whole by identifying areas where its interpretation goes beyond the letter of the GDPR and the intention of the legislator; encourages the EDPB also to act as a service provider that enables innovation across Europe;**

Or. en

22.3.2021

B9-0211/8

**Amendment 8**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0211/2021**

**Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
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**Motion for a resolution**

**Paragraph 26 b (new)**

*Motion for a resolution*

*Amendment*

**26b.** *Notes that the GDPR does not cover specific sectoral concerns, which has led to a situation in which the concrete application of the GDPR in some sectors still remains unclear; calls on the EDPB to put forward clear sectoral guidance for areas such as healthcare and financial services; points out that the use of codes of conduct could also help resolve the legal uncertainty;*

Or. en

22.3.2021

B9-0211/9

**Amendment 9**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0211/2021**

**Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
Commission evaluation report on the implementation of the General Data Protection  
Regulation two years after its application

**Motion for a resolution**

**Paragraph 27**

*Motion for a resolution*

*Amendment*

27. Notes that the COVID-19 pandemic has highlighted the need for clear guidance from DPAs and the EDPB on the adequate implementation and enforcement of the GDPR in public health policies; recalls, in this regard, the Guidelines 03/2020 on the processing of data concerning health for the purpose of scientific research in the context of the COVID-19 outbreak and Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak; ***calls on the Commission to ensure full compliance with the GDPR when creating the common European health data space;***

27. Notes that the COVID-19 pandemic has highlighted the need for clear guidance from DPAs and the EDPB on the adequate implementation and enforcement of the GDPR in public health policies; recalls, in this regard, the Guidelines 03/2020 on the processing of data concerning health for the purpose of scientific research in the context of the COVID-19 outbreak and Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak; ***emphasises that profit-seeking companies are also carrying out important scientific research; calls, therefore, for a broad interpretation of the ‘scientific research’ provision, as well as a consistent approach regarding the use of sensitive personal data;***

Or. en

22.3.2021

B9-0211/10

**Amendment 10**

**Axel Voss, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0211/2021**

**Juan Fernando López Aguilar**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
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**Motion for a resolution**

**Paragraph 27 a (new)**

*Motion for a resolution*

*Amendment*

**27a. Underlines the importance in the context of the COVID-19 pandemic of a secondary use of data in healthcare, and therefore calls for a broader interpretation of consent that would allow for other purposes than those initially envisaged; underlines, furthermore, that enhanced harmonisation in the field of personal data processing is critical for research purposes; calls on the Commission to come up with a set of rules on health data to strike a balance between the protection of personal data and enabling European data spaces to train European AI, carry out health research and improve health services for its citizens;**

Or. en