



2023/0202(COD)

14.12.2023

AMENDMENTS 219 - 454

Draft report
Sergey Lagodinsky
(PE755.005v01-00)

Laying down additional procedural rules relating to the enforcement of
Regulation (EU) 2016/679

Proposal for a regulation
(COM(2023)0348 – C9-0231/2023 – 2023/0202(COD))

Amendment 219
Axel Voss

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) This Regulation should be seen as the first step of a more comprehensive but at the same time targeted GDPR revision, which is hopefully also suggested by the upcoming report on the application of the GDPR in May 2024, as there is an urgent effort of modernizing EU data protection rules as well as streamlining it with the European data strategy (i.e. Data Act, DGA, EHDS).

Or. en

Amendment 220
Petar Vitanov

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 221
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Supervisory authorities shall make use of all options under applicable national law to allow parties in another Member State to participate in procedures. This may include remote video participation, interpreters or generally available means of communication.

(To be added behind Recital 2b(new) as Recital 2c(new).)

Or. en

Justification

There was confusion in relation to Article 2a(1), last sentence, of the Draft Report. This recital would clarify what is meant: the use of already available options under national law.

Amendment 222
Yana Toom

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Supervisory authorities shall make use of all options under applicable national law to allow parties in another Member State to participate in procedures. This may include remote video conference, or generally available electronic means of communication.

Or. en

Amendment 223

Clare Daly

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The procedural law of each Member State should apply to the supervisory authorities insofar as this Regulation does not harmonise a matter.

Or. en

Amendment 224

Yana Toom

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) In order to be admissible a complaint should contain certain specified information. Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form should be provided. The information specified in the form should be required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the form may be used by supervisory authorities for cases that do not concern cross-border processing. The form may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint to be deemed admissible. It should be possible for supervisory authorities to facilitate the submission of complaints in a user-friendly electronic format and bearing in mind the needs of persons with disabilities, as long

(4) In order to be admissible a complaint should contain certain specified information ***about the alleged violation, whether ongoing or past.*** Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form should be provided. The information specified in the form should be required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the form may be used by supervisory authorities for cases that do not concern cross-border processing. The form may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint to be deemed admissible. It should be possible for supervisory authorities to facilitate the submission of complaints in a user-friendly

as the information required from the complainant corresponds to the information required by the form and no additional information is required in order to find the complaint admissible.

electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant corresponds to the information required by the form and no additional information is required in order to find the complaint admissible.

Or. en

Amendment 225

Petar Vitanov

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to be admissible a complaint should contain certain specified information. Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form should be provided. The information specified in the form should be required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the form may be used by supervisory authorities for cases that do not concern cross-border processing. The form may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint to be deemed admissible. It should be possible for supervisory authorities to facilitate the submission of complaints in a user-friendly electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant corresponds to the information required by the form and no additional information is required in order

Amendment

(4) In order to be admissible a complaint should contain certain specified information ***about current, ongoing or past alleged violations***. Therefore, in order to assist complainants in submitting the necessary facts to the supervisory authorities, a complaint form should be provided. The information specified in the form should be required only in cases of cross-border processing in the sense of Regulation (EU) 2016/679, though the form may be used by supervisory authorities for cases that do not concern cross-border processing. The form may be submitted electronically or by post. The submission of the information listed in that form should be a condition for a complaint relating to cross-border processing to be treated as a complaint as referred to in Article 77 of Regulation (EU) 2016/679. No additional information should be required for a complaint to be deemed admissible. It should be possible for supervisory authorities to facilitate the submission of complaints in a user-friendly electronic format and bearing in mind the needs of persons with disabilities, as long as the information required from the complainant corresponds to the information required by the form and no

to find the complaint admissible.

additional information is required in order to find the complaint admissible.

Or. en

Amendment 226

Clare Daly

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) The full enforcement of Regulation (EU) 679/2016 requires that not only ongoing violations, but also repetitive or past violations may be subject to a complaint or ex officio procedure. The cessation of an infringement should not lead to the automatic rejection of a complaint.

Or. en

Amendment 227

Clare Daly

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be ***appropriate, necessary and proportionate in view of*** ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be ***undertaken with a view to*** ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to

authorities should aim to deliver a satisfactory resolution to the complainant, which *may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which* provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

deliver a satisfactory resolution to the complainant, which provides an effective and quick remedy to the complainant. *Notwithstanding the necessity of providing a satisfactory resolution to the complainant within a short timeframe, supervisory authorities should investigate to a degree that allows them to satisfy themselves as to whether a complaint is indicative of more serious or systemic infringements.* The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

Or. en

Amendment 228

Beata Kempa

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be appropriate, necessary and proportionate in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of *each* competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory *authorities* should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the

Amendment

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be appropriate, necessary and proportionate in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of *the* competent authority to decide the extent to which a complaint should be investigated, *after taking into account the opinions of other authorities involved or at the local level in the Member State responsible for handling the case.* While assessing the extent appropriate of an investigation, *the lead* supervisory *authority* should aim to deliver a

complaint, but which provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

Or. pl

Amendment 229

Petar Vitanov

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be **appropriate, necessary and** proportionate in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be

Amendment

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be **effective, proportionate and dissuasive** in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be

informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

Or. en

Amendment 230

Yana Toom

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be **appropriate, necessary and** proportionate in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

Amendment

(6) Each complaint handled by a supervisory authority pursuant to Article 57(1), point (f), of Regulation (EU) 2016/679 is to be investigated with all due diligence to the extent appropriate bearing in mind that every use of powers by the supervisory authority must be **effective, proportionate and dissuasive** in view of ensuring compliance with Regulation (EU) 2016/679. It falls within the discretion of each competent authority to decide the extent to which a complaint should be investigated. While assessing the extent appropriate of an investigation, supervisory authorities should aim to deliver a satisfactory resolution to the complainant, which may not necessarily require exhaustively investigating all possible legal and factual elements arising from the complaint, but which provides an effective and quick remedy to the complainant. The assessment of the extent of the investigative measures required could be informed by the gravity of the alleged infringement, its systemic or repetitive nature, or the fact, as the case may be, that the complainant also took advantage of her or his rights under Article 79 of Regulation (EU) 2016/679.

Or. en

Amendment 231

Clare Daly

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The lead supervisory authority should provide the supervisory authority with which the complaint was lodged with ***the necessary*** information on the progress of the investigation for the purpose of providing updates to the complainant.

Amendment

(7) The lead supervisory authority should ***regularly*** provide the supervisory authority with which the complaint was lodged with ***detailed*** information on the progress of the investigation for the purpose of providing updates to the complainant.

Or. en

Amendment 232

Clare Daly

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In order for supervisory authorities to bring a swift end to infringements of Regulation (EU) 2016/679 and to deliver a quick resolution for complainants, supervisory authorities should endeavour, where appropriate, to resolve complaints by amicable settlement. The fact that an individual complaint has been resolved through an amicable settlement does not prevent the competent supervisory authority from pursuing an ex officio case, for example in the case of systemic or repetitive infringements of Regulation (EU) 2016/679.

Amendment

(9) In order for supervisory authorities to bring a swift end to infringements of Regulation (EU) 2016/679 and to deliver a quick resolution for complainants, supervisory authorities should endeavour, where appropriate, to resolve complaints by amicable settlement. The fact that an individual complaint has been resolved through an amicable settlement does not prevent the competent supervisory authority from pursuing an ex officio case, for example in the case of systemic or repetitive infringements of Regulation (EU) 2016/679.

Or. en

Amendment 233

Beata Kempa

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to guarantee the effective functioning of the cooperation and consistency mechanisms in Chapter VII of Regulation (EU) 2016/679, it is important that cross-border cases are resolved in a timely fashion and in line with the spirit of sincere and effective cooperation that underlies Article 60 of Regulation (EU) 2016/679. The lead supervisory authority should exercise its competence within a framework of close cooperation with the other supervisory authorities concerned. Likewise, supervisory authorities concerned should actively engage in the investigation at an early stage in an endeavour to reach a consensus, making full use of the tools provided by Regulation (EU) 2016/679.

Amendment

(10) In order to guarantee the effective functioning of the cooperation and consistency mechanisms in Chapter VII of Regulation (EU) 2016/679, it is important that cross-border cases are resolved in a timely fashion and in line with the spirit of sincere and effective cooperation that underlies Article 60 of Regulation (EU) 2016/679. The lead supervisory authority should exercise its competence within a framework of close cooperation with the other supervisory authorities concerned. Likewise, supervisory authorities concerned should actively engage in the investigation at an early stage in an endeavour to reach a consensus, making full use of the tools provided by Regulation (EU) 2016/679. ***This provision must be in accordance with the 'one-stop-shop' principles set out in Regulation (EU) 2016/679. All mechanisms are intended to guarantee equality of parties, legal certainty and independence in the issuing of decisions.***

Or. pl

Amendment 234

Clare Daly

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In the interest of effective inclusive cooperation between all supervisory authorities concerned and the lead supervisory authority, the comments of concerned supervisory authorities should be ***concise and*** worded in sufficiently clear

Amendment

(13) In the interest of effective inclusive cooperation between all supervisory authorities concerned and the lead supervisory authority, the comments of concerned supervisory authorities should be worded in sufficiently clear and precise

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

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

Or. en

Amendment 235
Beata Kempa

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. ***When none of the supervisory authorities concerned raise comments on the summary of key issues,*** the lead supervisory authority should communicate the preliminary findings provided for in Article 14 within nine months.

Amendment

(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. The lead supervisory authority should communicate the preliminary findings provided for in Article 14 within nine months.

Or. pl

Amendment 236
Clare Daly

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the preliminary findings provided for in Article 14 within **nine** months.

Amendment

(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the preliminary findings provided for in Article 14 within **six** months.

Or. en

Amendment 237

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the **preliminary findings provided for in Article 14** within **nine** months.

Amendment

(14) Cases that do not raise contentious issues do not require extensive discussion between supervisory authorities in order to reach a consensus and could, therefore, be dealt with more quickly. When none of the supervisory authorities concerned raise comments on the summary of key issues, the lead supervisory authority should communicate the **draft decision** within **three** months **after the deadline for comments**.

(This replaces amendment 19.)

Or. en

Justification

Correcting a mistake in the Draft Report. All deadlines in the Draft Report aim at the “draft decision” in Article 60 GDPR, therefore also the shortening of deadlines in “non-contentious” cases should be linked to the “normal” deadline.

Amendment 238

Clare Daly

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Supervisory authorities should avail of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will be investigated, or where the comments of the supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority **should** use the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679.

Amendment

(15) Supervisory authorities should avail of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will be investigated, or where the comments of the supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority **could** use the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679. ***In such circumstances, the lead supervisory authority or one of the supervisory authorities concerned should also be able to request an urgent binding decision of the Board without a request under Articles 61 or 62 having been made.***

Or. en

Amendment 239

Beata Kempa

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Supervisory authorities should avail of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is

Amendment

(15) Supervisory authorities should avail of all means necessary to achieve a consensus in a spirit of sincere and effective cooperation. Therefore, if there is

a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will be investigated, or where the comments of the supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority should use the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679.

a divergence in opinion between the supervisory authorities concerned and the lead supervisory authority regarding the scope of a complaint-based investigation, including the provisions of Regulation (EU) 2016/679 the infringement of which will be investigated, or where the comments of the supervisory authorities concerned relate to an important change in the complex legal or technological assessment, the concerned authority should use the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679.

Supervisory authorities should take all possible measures to ensure that ongoing proceedings are completed as quickly as possible.

Or. pl

Amendment 240

Clare Daly

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) If the use of **those** tools does not enable the supervisory authorities to reach a consensus on the scope of a complaint-based investigation, the lead supervisory authority should request an urgent binding decision **of** the Board under Article 66(3) of Regulation (EU) 2016/679. For this purpose, the requirement of urgency should be presumed. The lead supervisory authority should draw appropriate conclusions from the urgent binding decision of the Board for the purposes of preliminary findings. The urgent binding decision of the Board cannot pre-empt the outcome of the investigation of the lead supervisory authority or the effectiveness of the rights of the parties under investigation to be heard. In particular, the Board should not extend the scope of the

Amendment

(16) If the use of **the tools provided for under Articles 61 and 62 of Regulation (EU) 2016/679** does not enable the supervisory authorities to reach a consensus on the scope of a complaint-based investigation, the lead supervisory authority **or one of the supervisory authorities concerned** should request an urgent binding decision **on the scope from** the Board under Article 66(3) of Regulation (EU) 2016/679. For this purpose, the requirement of urgency should be presumed. The lead supervisory authority should draw appropriate conclusions from the urgent binding decision of the Board for the purposes of preliminary findings. The urgent binding decision of the Board cannot pre-empt the outcome of the investigation of the lead supervisory authority or the effectiveness

investigation on its own initiative.

of the rights of the parties under investigation to be heard. In particular, the Board should not extend the scope of the investigation on its own initiative.

Or. en

Amendment 241
Clare Daly

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) It is necessary to clarify the division of responsibilities between the lead supervisory authority and the supervisory authority with which the complaint was lodged in the case of rejection of a complaint in a cross-border case. As the point of contact for the complainant during the investigation, the supervisory authority with which the complaint was lodged should obtain the views of the complainant on the proposed rejection of the complaint and should be responsible for all communications with the complainant. All such communications should be shared with the lead supervisory authority. ***Since under Article 60(8) and (9) of Regulation (EU) 2016/679 the supervisory authority with which the complaint was lodged has the responsibility of adopting the final decision rejecting the complaint, that supervisory authority should also have the responsibility of preparing the draft decision under Article 60(3) of Regulation (EU) 2016/679.***

Amendment

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

Or. en

Amendment 242
Yana Toom

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In order to effectively safeguard the right to good administration and the rights of defence as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including the right of every person to be heard before any individual measure which would affect him or her adversely is taken, it is important to provide for clear rules on the exercise of this right.

Amendment

(21) In order to effectively safeguard the right to good administration and the rights of defence as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including the right of every person to be heard before any individual measure which would affect him or her adversely is taken, it is important to provide for clear rules on the exercise of this right **for all parties involved. Every party shall have the right to decline the right to be heard.**

Or. en

Amendment 243

Axel Voss

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure, thereby enabling them to exercise their rights of defence. The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed. The parties under investigation should be provided with the documents

Amendment

(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure, thereby enabling them to exercise their rights of defence. The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed. The parties under investigation should be provided with the documents

required to defend themselves effectively and to comment on the allegations made against them, by receiving access to the administrative file.

required to defend themselves effectively and to comment on the allegations made against them, by receiving access to the administrative file. ***Where, at any stage in an investigation, a submission is made to a lead supervisory authority, which materially changes the lead supervisory authority's view of a case, parties under investigation should be given an opportunity to respond to this submission before the lead supervisory authority takes its final decision.***

Or. en

Amendment 244

Beata Kempa

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure, thereby enabling them to exercise their rights of defence. The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed. ***The parties under investigation should be provided with the documents required to defend themselves effectively and to comment on the allegations made against them, by receiving access to the administrative file.***

Amendment

(22) The rules regarding the administrative procedure applied by supervisory authorities when enforcing Regulation (EU) 2016/679 should ensure that the parties under investigation effectively have the opportunity to make known their views on the truth and relevance of the facts, objections and circumstances put forward by the supervisory authority throughout the procedure, thereby enabling them to exercise their rights of defence. ***The parties under investigation should have access to the documents required to defend themselves effectively and to comment on the allegations made against them.*** The preliminary findings set out the preliminary position on the alleged infringement of Regulation (EU) 2016/679 following investigation. They thus constitute an essential procedural safeguard which ensures that the right to be heard is observed.

Amendment 245**Yana Toom****Proposal for a regulation****Recital 23***Text proposed by the Commission**Amendment*

(23) *The preliminary findings define the scope of the investigation and therefore the scope of any future final decision (as the case may be, taken on the basis of a binding decision issued by the Board under Article 65(1), point (a) of Regulation (EU) 2016/679) which may be addressed to controllers or processors. The preliminary findings should be couched in terms that, even if succinct, are sufficiently clear to enable the parties under investigation to properly identify the nature of the alleged infringement of Regulation (EU) 2016/679. The obligation of giving the parties under investigation all the information necessary to enable them to properly defend themselves is satisfied if the final decision does not allege that the parties under investigation have committed infringements other than those referred to in the preliminary findings and only takes into consideration facts on which the parties under investigation have had the opportunity of making known their views. The final decision of the lead supervisory authority is not, however, necessarily required to be a replica of the preliminary findings. The lead supervisory authority should be permitted in the final decision to take account of the responses of the parties under investigation to the preliminary findings, and, where applicable, the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, and the Article 65(1), point (a), decision resolving the dispute between the supervisory authorities. The lead supervisory*

deleted

authority should be able to carry out its own assessment of the facts and the legal qualifications put forward by the parties under investigation in order either to abandon the objections when the supervisory authority finds them to be unfounded or to supplement and redraft its arguments, both in fact and in law, in support of the objections which it maintains. For example, taking account of an argument put forward by a party under investigation during the administrative procedure, without it having been given the opportunity to express an opinion in that respect before the adoption of the final decision, cannot per se constitute an infringement of defence rights.

Or. en

Amendment 246
Clare Daly

Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Notwithstanding the fact that the parties under investigation and the complainant are not in the same procedural situation, there are circumstances in which complainants may be in a position to adduce arguments and evidence during an investigation which may help the progress of the investigation. This is particularly the case in circumstances in which a not-for-profit body, organisation or association has lodged a complaint on behalf of a data subject or on its own initiative under Article 80 of Regulation (EU) 2016/679. Supervisory authorities should, at their discretion, and bearing in mind the need to progress investigations quickly and efficiently, facilitate the hearing of such complainants at all stages of the

investigation, including ex officio investigations, while also maintaining their independence.

Or. en

Amendment 247

Axel Voss

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) When setting deadlines for parties under investigation and complainants to provide their views on preliminary findings, supervisory authorities should have regard to the complexity of the issues raised in preliminary findings, in order to ensure that the parties under investigation and complainants have sufficient opportunity to meaningfully provide their views on the issues raised.

Amendment

(27) When setting deadlines for parties under investigation and complainants to provide their views on preliminary findings, supervisory authorities should have regard to the complexity of the issues raised in preliminary findings *as well as the capacity of the parties under investigation and complainants to respond*, in order to ensure that the parties under investigation and complainants have sufficient opportunity to meaningfully provide their views on the issues raised.

Or. en

Amendment 248

Clare Daly

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) In the interest of the efficient and inclusive conclusion of the dispute resolution procedure, where all supervisory authorities should be in a position to contribute their views and bearing in mind the time constraints during dispute resolution, the form and structure of relevant and reasoned objections should meet certain requirements. Therefore,

Amendment

(29) In the interest of the efficient and inclusive conclusion of the dispute resolution procedure, where all supervisory authorities should be in a position to contribute their views and bearing in mind the time constraints during dispute resolution, the form and structure of relevant and reasoned objections should meet certain requirements. Therefore,

relevant and reasoned objections should **be limited to a prescribed length, should** clearly identify the disagreement with the draft decision and should be worded in sufficiently clear, coherent and precise terms.

relevant and reasoned objections should clearly identify the disagreement with the draft decision and should be worded in sufficiently clear, coherent and precise terms.

Or. en

Amendment 249

Petar Vitanov

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) When granting access to the **administrative** file, supervisory authorities should ensure the protection of business secrets and other **confidential information**. **The category of other confidential information includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm a controller, a processor or a natural person.** The supervisory authorities should be able to request that parties **under investigation** that submit or have submitted documents or statements identify confidential information.

Amendment

(31) When granting access to the **joint case** file, supervisory authorities should ensure the protection of business secrets and other **legally protected** confidential information **and the protection of information in the public interest in accordance with the applicable national law**. The supervisory authorities should be able to request that parties that submit or have submitted documents or statements identify confidential information **and provide a non-confidential version**.

Or. en

Amendment 250

Yana Toom

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) When granting access to the administrative file, supervisory authorities should ensure the protection of business

Amendment

(31) When granting access to the administrative file, supervisory authorities should ensure the protection of business

secrets and other **confidential information**. **The category of other confidential information includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm a controller, a processor or a natural person.** The supervisory authorities should be able to request that parties **under investigation** that submit or have submitted documents or statements identify confidential information.

secrets and other other **legally protected confidential information and the protection of information in the public interest in accordance with national law.** The supervisory authorities should be able to request that parties that submit or have submitted documents or statements identify confidential information **and provide a non-confidential version.**

Or. en

Amendment 251
Clare Daly

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) When granting access to the administrative file, supervisory authorities should ensure the protection of business secrets and other **confidential information**. **The category of other confidential information includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm a controller, a processor or a natural person.** The supervisory authorities should be able to request that parties under investigation that submit or have submitted documents or statements identify confidential information.

Amendment

(31) When granting access to the administrative file, supervisory authorities should ensure the protection of business secrets and other **legally protected confidential information and the protection of information in the public interest in accordance with the applicable national law.** The supervisory authorities should be able to request that parties under investigation that submit or have submitted documents or statements identify confidential information **and provide a non-confidential version.**

Or. en

Amendment 252
Petar Vitanov

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) Given that data subjects may bring claims under Article 79 of Regulation (EU) 679/2016 and controllers or processors may have violated the rights of multiple data subjects, evidence from procedures before a supervisory authority regularly need to be used in other procedures to facilitate an efficient procedure and consistent decision making. Considering the need for a mere objective assessment of the amount of non-material damages based on the average data subject, especially civil courts may regularly benefit from relying on established facts or evidence to determine a claim under Article 82 of Regulation (EU) 679/2016.

Or. en

Amendment 253

Clare Daly

Proposal for a regulation

Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) In accordance with national procedural law, evidence obtained before supervisory authorities should facilitate the work of courts and other authorities and thereby aid efficient and consistent decision making. Considering the need for an objective assessment of non-material damages based on the average data subject, civil courts may benefit from relying on established evidence to determine a claim under Article 82 of Regulation (EU) 679/2016, especially when a large number of data subjects are concerned.

Or. en

Amendment 254
Petar Vitanov

Proposal for a regulation
Recital 31 b (new)

Text proposed by the Commission

Amendment

(31 b) As the complaints procedure under Article 77 is free and Article 78 of Regulation (EU) 679/2016 allows for a full review of a decision by a supervisory authority, the judicial review shall not be subject to prohibitive legal costs, delays or other limitations. Parties must have a right to an effective remedy in line with Article 47 of the Charter, including a fair and public hearing within a reasonable time, the possibility to be advised, defended and represented, as well as legal aid for those who lack sufficient resources. As a positive decision may be overturned and may result in an adverse effect on the successful party, all parties that are concerned by a decision must be equal parties to procedures under Article 79 of Regulation (EU) 679/2016, unless an appeal is limited to matters that solely concern one party, such as an appeal by a party under investigation against a fine.

Or. en

Amendment 255
Beata Kempa

Proposal for a regulation
Recital 32

Text proposed by the Commission

Amendment

(32) Where business secrets or other confidential information are necessary to prove an infringement, the supervisory authorities should assess for each individual document whether the need to

deleted

disclose is greater than the harm which might result from disclosure.

Or. pl

Amendment 256

Clare Daly

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) The binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679 should concern exclusively matters which led to the triggering of the dispute resolution and be drafted in a way which allows the lead supervisory authority to adopt its final decision on the basis of the decision of the Board *while maintaining its discretion*.

Amendment

(34) The binding decision of the Board under Article 65(1), point (a), of Regulation (EU) 2016/679 should concern exclusively matters which led to the triggering of the dispute resolution and be drafted in a way which allows the lead supervisory authority to adopt its final decision on the basis of the decision of the Board.

Or. en

Amendment 257

Petar Vitanov

Proposal for a regulation

Article 1 – title

Text proposed by the Commission

Subject matter

Amendment

Subject matter *and scope*

Or. en

Amendment 258

Petar Vitanov

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down procedural rules for the handling of complaints and the conduct of investigations in complaint-based and ex officio cases by supervisory authorities **in** the cross-border **enforcement** of Regulation (EU) 2016/679.

Amendment

This Regulation lays down procedural rules for the handling of complaints and the conduct of investigations in complaint-based and ex officio cases by supervisory authorities **related to** the cross-border **processing in the meaning of Article 4(23)** of Regulation (EU) 2016/679, **as well as related judicial remedies**.

Or. en

Amendment 259

Clare Daly

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down procedural rules for the handling of complaints and the conduct of investigations in complaint-based and ex officio cases by supervisory authorities in **the** cross-border **enforcement** of Regulation (EU) 2016/679.

Amendment

This Regulation lays down procedural rules for the handling of complaints and the conduct of investigations in complaint-based and ex officio cases by supervisory authorities in **regard to** cross-border **processing as defined in Article 4(23)** of Regulation (EU) 2016/679.

Or. en

Amendment 260

Petar Vitanov

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Article 26c of this Regulation also applies to cases before a supervisory authority of a single Member State pursuant to the second paragraph of Article 56 of Regulation (EU) 2016/679.

Or. en

Amendment 261
Petar Vitanov

Proposal for a regulation
Article 1 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

This Regulation does not preclude Member States from specifying procedural matters not regulated by this Regulation or Regulation (EU) 2016/679.

Or. en

Amendment 262
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1) Without prejudice to additional rights under relevant national procedural law, each party shall have at least the right to:

(a) 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 and equality of arms”);

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

(c) have access to the joint case file, except to any internal deliberations (“procedural transparency”);

(This replaces amendment 59.)

Or. en

(To be inserted into Article 2b(new).)

Justification

To ensure that Article 2b(1)(b) is understood to cover all parties – not just the complainant.

Amendment 263

Petar Vitanov

Proposal for a regulation

Article 2 – paragraph 2 – point 1 a (new)

Text proposed by the Commission

Amendment

(1 a) ‘joint case file’ means a dedicated electronic file for any case falling under this regulation, managed by the lead supervisory authority, in which all relevant information, in particular documents, submissions, memos and other information regarding a case, are stored and made remotely accessible to concerned supervisory authorities and parties to the case;

Or. en

Amendment 264

Petar Vitanov

Proposal for a regulation

Article 2 – paragraph 2 – point 1 b (new)

Text proposed by the Commission

Amendment

(1 b) ‘complaint-receiving authority’ means the supervisory authority with which the complaint has been lodged pursuant to Article 4(22)(c) of Regulation (EU) 2016/679;

Or. en

Amendment 265

Clare Daly

Proposal for a regulation
Article 2 – paragraph 2 – point 2

Text proposed by the Commission

(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority to supervisory authorities concerned identifying the main relevant **facts** and the lead supervisory authority’s views on the case;

Amendment

(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority to supervisory authorities concerned identifying the main relevant **factual and legal issues within the preliminary scope of investigation**, and the lead supervisory authority’s views on the case;

Or. en

Amendment 266
Petar Vitanov

Proposal for a regulation
Article 2 – paragraph 2 – point 2

Text proposed by the Commission

(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority **to supervisory authorities concerned** identifying the main relevant facts and the lead supervisory authority’s views on the case;

Amendment

(2) ‘summary of key issues’ means the summary to be provided by the lead supervisory authority **or the complaint-receiving authority**, identifying the main relevant facts and the lead supervisory authority’s **legal** views on the case;

Or. en

Amendment 267
Yana Toom

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

‘party’ means the party or parties under investigation, the complainant(s) and any third party to the case as defined under national law;

Amendment 268

Petar Vitanov

Proposal for a regulation

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Applicable Procedural Law

(1) In addition to, and where not conflicting with this Regulation and subject to the principles of equivalence and effectiveness, the applicable procedural law of a supervisory authority shall govern all direct interactions between that supervisory authority and the parties before it. When applying national procedural law, supervisory authorities shall strive to facilitate the participation of all parties, including parties established or residing in other Member States.

(2) Regulation (EU) 2016/679 and this Regulation govern the interaction between supervisory authorities of different Member States within the scope of this Regulation.

(3) Any complainant has the right to communicate solely with the supervisory authority with which the complaint has been lodged pursuant to Article 77 of Regulation (EU) 2016/679.

(4) The procedure according to Chapter VII of Regulation (EU) 2016/679 and the procedure according to this Regulation shall not be restricted, delayed or denied based on differences by national procedural laws.

Or. en

Amendment 269

Yana Toom

Proposal for a regulation

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

***Common minimum standards of
procedure***

(1) Without prejudice to additional rights under relevant national procedural law, each party shall have at least the right to:

(a) 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 and equality of arms”);

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

(c) have access to the joint case file, except to any internal deliberations (“procedural transparency”);

Or. en

Amendment 270

Petar Vitanov

Proposal for a regulation

Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2b

Procedural Minimum Standards

(1) Without prejudice to additional rights under relevant national procedural law, each party shall have at least the right to:

(a) 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 and equality of arms”);

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

(c) have access to the joint case file, except to any internal deliberations (“procedural transparency”);

(2) The lead supervisory authority shall hear the parties when novel issues arise and lead to novel conclusions.

(3) On the request of a party or in the public interest, a supervisory authority may limit the rights referred to in paragraph 1 and 2 to protect legally recognised rights of others or to protect the public interest. Any limitation must be proportionate in light of the respective recognised rights of others or the public interest pursued. The party claiming confidentiality shall provide a non-confidential version of any information, applying only strictly proportionate measures, such as redacting specific parts of documents. Supervisory authorities involved in a case, as well as other relevant authorities under Article 7(1a), shall always have access to the confidential version of all information, and may object to redactions that are not strictly proportionate. The lead supervisory authority shall keep records of each access to the joint case file and a list of authorised staff from each supervisory authority.

(4) In the interest of efficient procedures, supervisory authorities shall limit the length of submissions and set reasonable deadlines not longer than four weeks, unless exceptional circumstances require a reasonable extension.

Amendment 271

Petar Vitanov

Proposal for a regulation

Article 2 c (new)

Text proposed by the Commission

Amendment

Article 2c

**Cooperation between supervisory
authorities**

- 1. The lead supervisory authority shall structure, coordinate and manage the case in an efficient and expedient way, in accordance with Regulation (EU) 2016/679, this Regulation and any applicable national procedural law, ensuring that Regulation (EU) 2016/679 is fully enforced.**
- 2. The lead supervisory authority shall manage each case in full cooperation with the supervisory authorities concerned, and shall comply with any request of a supervisory authority under this Regulation and Articles 60 to 62 of Regulation (EU) 2016/679. Concerned supervisory authorities within the meaning of Article 4 (22) Regulation (EU) 2016/679 shall have the right to actively contribute to the course of the investigations. The lead supervisory authority shall maintain a list of supervisory authorities concerned for each case in the joint case file.**
- 3. Any supervisory authority which receives relevant information for a case shall provide it to the lead supervisory authority without delay, but no later than one week from the day that it received such information.**
- 4. The lead supervisory authority shall include all documents, submissions, memos and other information regarding the case in a joint case file without delay,**

but no later than one week from the day in which the lead supervisory authority received such information. Any other concerned supervisory authority and the Board as far as it is involved in the procedure shall have instant remote access to the joint case file.

5. When diverging views arise or are to be expected, for example when a case is considered as contentious under Article 9, the lead supervisory authority shall instantly initiate an exchange with all concerned supervisory authorities with an aim to reach an early consensus or narrow areas of disagreement. The lead supervisory authority shall investigate facts relevant for diverging views.

6. Supervisory authorities shall use their competences under this Regulation and under Chapter VII of Regulation (EU) 2016/679 if diverging views cannot be resolved or in the case of inactivity of another supervisory authority.

7. All written documents by the supervisory authorities shall be provided by electronic means and in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

Or. en

Amendment 272
Petar Vitanov

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. A complaint *on the basis of* Regulation (EU) 2016/679 *that relates to cross-border processing* shall provide the information *required in the Form, as set out in the Annex*. No additional information shall be required in order for

Amendment

1. A complaint *subject to this* regulation *shall comply with the requirements of national procedural law applicable to the supervisory authority with which the complaint has been lodged and* shall provide the *following minimum*

the complaint to be admissible.

information:

(a) the name, address and any other available contact details of the complainant,

(b) if known, the name, address and any other contact details of the party under investigation,

(c) the facts of the case and any evidence available to the complainant, including any available communication relating to the case.

No additional information shall be required in order for the complaint to be admissible. *In particular, complainants shall not be required to use a national electronic ID or e-government system to submit the complaint.*

Or. en

Amendment 273
Petar Vitanov

Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The complainant shall not be required to contact the party under investigation before submitting a complaint for the complaint to be admissible.

Or. en

Amendment 274
Petar Vitanov

Proposal for a regulation
Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The supervisory authority with which a complaint has been lodged shall, within two weeks, acknowledge receipt of the complaint, and where a complaint does not meet the requirements pursuant to paragraph 1 or other legal requirements, declare the complaint inadmissible and inform the complainant about the missing information.

Or. en

Amendment 275

Petar Vitanov

Proposal for a regulation

Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. The supervisory authority shall attribute a case number to the complaint and communicate this information to the complainant. This shall be without prejudice to the assessment of admissibility of the complaint pursuant to paragraph 2(c)(i).

Or. en

Amendment 276

Petar Vitanov

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The supervisory authority with which the complaint ***was*** lodged shall establish whether the complaint relates to cross-border processing.

2. The supervisory authority with which the complaint ***has been*** lodged shall, ***within three weeks after receipt of the complaint:***

(a) determine the admissibility of the complaint,

(b) establish, by way of a preliminary

conclusion, whether the complaint relates to cross-border processing,

(c) establish which supervisory authority is the assumed lead supervisory authority under Article 56(1) of Regulation (EU) 2016/679, and whether the case is local in nature pursuant to Article 56(2) of Regulation (EU) 2016/679,

(d) draft a summary of key issues, and

(e) either

(i) transmit the complaint to the assumed lead supervisory authority under Article 56(1) of Regulation (EU) 2016/679 and inform the complainant thereof. The assessment of the admissibility of the complaint by the supervisory authority with which the complaint has been lodged shall be binding on the lead supervisory authority;

(ii) handle the complaint under Article 56(2) of Regulation (EU) 2016/679; or

(iii) inform the complainant that he or she can resubmit the complaint, naming any missing information.

Or. en

Amendment 277
Clare Daly

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The supervisory authority with which the complaint was lodged shall *establish* whether the complaint relates to cross-border processing.

Amendment

2. The supervisory authority with which the complaint was lodged shall *determine, by way of preliminary conclusion*, whether the complaint relates to cross-border processing, *which supervisory authority is the assumed lead supervisory authority under Article 56(1) GDPR, and whether the case is local in nature pursuant to Article 56(2) of Regulation (EU) 2016/679.*

Amendment 278

Beata Kempa

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The supervisory authority with which the complaint was lodged shall establish whether the complaint relates to cross-border processing.

Amendment

2. The supervisory authority with which the complaint was lodged shall, ***in consultation with the lead authority pursuant to Regulation (EU) 2016/679 and as part of the preliminary investigation,*** establish whether the complaint relates to cross-border processing.

Or. pl

Amendment 279

Petar Vitanov

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The lead supervisory authority shall immediately provide the complaint to the party under investigation and demand a reply without undue delay, but no later than three weeks from the day it was informed by the supervisory authority concerned.

Or. en

Amendment 280

Petar Vitanov

Proposal for a regulation

Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The parties or the assumed lead supervisory authority shall raise any objection in relation to the competence of the assumed lead supervisory authority or to the handling of a complaint under Article 56(2) of Regulation (EU) 2016/679 within three weeks from being informed about the transmission of the complaint to the assumed lead supervisory authority or the lack of such a transmission.

Or. en

Amendment 281
Petar Vitanov

Proposal for a regulation
Article 3 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. Where an objection under paragraph 2b was raised, the supervisory authority with which the complaint has been lodged shall either assume its own competence under Article 55 or 56 of Regulation (EU) 2016/679, transfer it to an assumed lead supervisory authority or request a determination by the Board under Article 26a within two weeks.

Or. en

Amendment 282
Petar Vitanov

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The supervisory authority with which the complaint was lodged shall determine the completeness of the

deleted

information required by the Form within one month.

Or. en

Amendment 283

Petar Vitanov

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Upon assessment of the completeness of the information required by the Form, the supervisory authority with which the complaint was lodged shall transmit the complaint to the lead supervisory authority.

deleted

Or. en

Amendment 284

Clare Daly

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Upon assessment of the completeness of the information required by the Form, the supervisory authority with which the complaint was lodged shall transmit the complaint to the lead supervisory authority.

4. Upon assessment of the completeness of the information required by the Form, the supervisory authority with which the complaint was lodged shall transmit the complaint to the lead supervisory authority, *unless an amicable settlement as provided for in Article 5 has been reached.*

Or. en

Amendment 285

Petar Vitanov

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. ***Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint.***

deleted

Or. en

Amendment 286
Axel Voss

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint.

5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint ***that the supervisory authority should only disclose if such disclosure is necessary for the parties under investigation to exercise their rights of defence efficiently.***

Or. en

Amendment 287
Beata Kempa

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint.

5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint. ***The lead authorities must***

determine in each case and in each specific instance whether a document can be declassified.

Or. pl

Amendment 288

Clare Daly

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint.

Amendment

5. Where the complainant claims confidentiality when submitting a complaint, the complainant shall also submit a non-confidential version of the complaint, ***in accordance with national law.***

Or. en

Amendment 289

Clare Daly

Proposal for a regulation

Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. When the complainant claims confidentiality when submitting a complaint, both the CSAs and the LSA shall have access to the confidential version of the complaint.

Or. en

Amendment 290

Petar Vitanov

Proposal for a regulation

Article 3 – paragraph 6

Text proposed by the Commission

Amendment

6. The supervisory authority with which a complaint was lodged shall acknowledge receipt of the complaint within one week. This acknowledgement shall be without prejudice to the assessment of admissibility of the complaint pursuant to paragraph 3.

deleted

Or. en

**Amendment 291
Beata Kempa**

**Proposal for a regulation
Article 4 – paragraph 1 – introductory part**

Text proposed by the Commission

Amendment

While assessing the extent appropriate to which a complaint should be investigated in each case the supervisory authority shall take into account all relevant circumstances, including all of the following:

(Does not affect the English version.)

Or. pl

**Amendment 292
Beata Kempa**

**Proposal for a regulation
Article 4 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

(b) the gravity of the alleged infringement;

(b) the gravity of the alleged infringement, *its duration and its relevance*;

Or. pl

Amendment 293

Axel Voss

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the complainant’s use of internal complaint mechanism (CM) provided by the parties under investigation.

Or. en

Amendment 294

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

A complaint may be resolved by amicable settlement **between the complainant and the parties under investigation.** Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn.

1. A complaint may be resolved by amicable settlement. The supervisory authorities may facilitate such a voluntary process.

(This replaces amendment 111.)

Or. en

Justification

There are violations of the GDPR that are not a “right” under Chapter 3 GDPR and many understand “data subject’s rights” to mean only Chapter 3. Not every violation is “processing”, for example the lack of a response to a SAR is not “processing”.

Amendment 295

Petar Vitanov

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

A complaint may be resolved by amicable settlement ***between*** the complainant ***and the parties under investigation***. ***Where the supervisory authority considers that*** an amicable settlement ***to*** the complaint ***has been found, it shall communicate the proposed settlement to the complainant***. ***If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn***.

Amendment

A complaint may be resolved by amicable settlement ***only where it concerns the data subjects' rights in the meaning of Chapter III of Regulation (EU) 2016/679 and where with the resolution of the dispute by an amicable settlement, the processing which the complaint related to has been terminated or has been adapted in the interest of the complainant***. ***Amicable settlements may not be reached on the basis of payments to the complainant***. An amicable settlement ***in the course of the complaint procedure is without prejudice of the complainant claiming compensation pursuant to Article 82 of Regulation (EU) 2016/679***.

Or. en

Amendment 296
Axel Voss

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

A complaint may be resolved by amicable settlement between the complainant and the parties under investigation. Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the ***complaint*** shall be deemed ***withdrawn***.

Amendment

A complaint may be resolved by amicable settlement between the complainant and the parties under investigation ***at any stage of the investigation***. ***The supervisory authority may encourage and facilitate amicable settlements where relevant***. Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the ***settlement*** shall be deemed ***accepted***.

Amendment 297**Clare Daly****Proposal for a regulation****Article 5 – paragraph 1***Text proposed by the Commission*

A complaint may be resolved by amicable settlement between the complainant and the parties under investigation. Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn.

Amendment

A complaint may be resolved by amicable settlement between the complainant and the parties under investigation **at any time, where the individual complainant's rights are the subject of the complaint.** Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn.

Or. en

Amendment 298**Beata Kempa****Proposal for a regulation****Article 5 – paragraph 1***Text proposed by the Commission*

A complaint may be resolved by amicable settlement between the complainant and the parties under investigation. Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month, the complaint shall be deemed withdrawn.

Amendment

A complaint may be resolved by amicable settlement between the complainant and the parties under investigation. **A settlement may be reached at any time during the proceedings.** Where the supervisory authority considers that an amicable settlement to the complaint has been found, it shall communicate the proposed settlement to the complainant. If the complainant does not object to the amicable settlement proposed by the supervisory authority within one month,

the complaint shall be deemed withdrawn.

Or. pl

Amendment 299

Petar Vitanov

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

An amicable settlement between the complainant and the party under investigation shall be considered to be found where there is explicit agreement. The supervisory authority with which the complaint has been lodged may facilitate such an amicable settlement in the preparatory phase; the lead supervisory authority may facilitate it once a complaint has been transmitted to it. Where an amicable settlement to the complaint has been found, the parties shall communicate the settlement to the lead supervisory authority and the supervisory authority where the complaint has been lodged.

Or. en

Amendment 300

Clare Daly

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The complaint-receiving supervisory authority may facilitate an amicable settlement prior to transmitting the complaint to the lead supervisory authority, if appropriate in the view of the circumstances of the case. In such circumstances, the receiving supervisory

authority shall communicate the case and outcome to the lead supervisory authority in a timely manner.

Or. en

Amendment 301

Petar Vitanov

Proposal for a regulation

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

An amicable settlement does not prevent the lead supervisory authority from conducting an ex officio investigation in the same matter. It shall, in particular, open an ex officio investigation instead, where

(a) the party under investigation is a repeat offender,

(b) the party under investigation has been the subject of a large number of other amicable settlements,

(c) the broad subject matter of the complaint concerns a large number of data subjects other than the complainant; or

(d) the exercise of powers is otherwise required to ensure effective, proportionate and dissuasive enforcement of Regulation (EU) 2016/679.

Or. en

Amendment 302

Clare Daly

Proposal for a regulation

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The lead supervisory authority may facilitate an amicable settlement after receiving the case, and shall obtain the views of the supervisory authorities concerned on the proposed settlement before finalising it. In such circumstances, the provisions of Article 60 of Regulation (EU) 2016/679 should apply in full. A failed attempt at amicable settlement by the complaint-receiving supervisory authority does not preclude the lead supervisory authority from facilitating an amicable settlement.

Or. en

Amendment 303

Petar Vitanov

Proposal for a regulation

Article 5 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

The lead supervisory authority shall, within one month after the communication of the amicable settlement under paragraph 1a, submit a draft decision pursuant to Article 60(4) of Regulation (EU) 2016/679 indicating whether

(a) the conditions of an amicable settlement under paragraph 1a are fulfilled;

(b) to open an ex officio investigation under paragraph 1b.

Or. en

Amendment 304

Petar Vitanov

Proposal for a regulation

Article 5 – paragraph 1 d (new)

Where none of the other supervisory authorities concerned has objected to the draft decision under paragraph 1a) or the Board confirms the amicable settlement in the procedure under Article 65(1)(a) of Regulation (EU) 2016/679, the complaint shall be deemed withdrawn.

Or. en

Amendment 305

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Request for an ex officio procedure

1. The lead supervisory authority may open an ex officio procedure at any time.

2. Where it considers that Regulation (EU) 2016/679 may be violated, any concerned supervisory authority may request an ex officio procedure by submitting a written request to the lead supervisory authority. Such a request shall contain at least:

(a) a declaration to be a concerned supervisory authority;

(b) any evidence of the violation;

(c) a summary of key issues pursuant to Article 9;

3. Within three weeks, the assumed lead supervisory authority shall:

(a) inform the concerned supervisory authority that it has opened an ex officio procedure;

(b) inform the concerned supervisory authority that Article 56(2) of Regulation

(EU) 2016/679 applies to the case and that in accordance with Article 56(3) of Regulation (EU) 2016/679 the lead supervisory authority does not intend to handle the case itself in line; or

(c) reject the request, if it takes the view that it is not the lead supervisory authority or there is no violation of Regulation (EU) 2016/679.

In the case referred to in point (a) of this paragraph, the concerned supervisory authority may submit to the lead supervisory authority a draft decision pursuant to Article 56(4) of Regulation (EU) 2016/679.

In the case referred to in point (c) of this paragraph, the concerned supervisory authority may resubmit an amended request for an ex officio procedure, or request a determination on the opening of the procedure by the Board under Article 26a(1).

4. Where the lead supervisory authority opens an ex officio procedure, it shall deliver a draft decision pursuant to Article 60(3) of Regulation (EU) 2016/679 without delay, but not later than nine months from the receipt of the complaint. This period may exceptionally be prolonged by:

(a) eight weeks when comments under Article 9(3) are submitted against a summary of key issues or an updated summary of key issues;

(b) the period of time between a reference under Article 26a and the decision by the Board;

(c) the period of any prolongation permitted by the Board under Article 26a(3).

(This replaces amendment 114.)

Or. en

Justification

Added clarification that the 9 months deadline for a draft decision from Article 4(1b) also applies in ex-officio procedures.

Amendment 306

Petar Vitanov

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Ex officio procedure

1. The lead supervisory authority may join and separate cases, or open ex officio investigations, in accordance with national procedural law, insofar as this does not undermine the rights of the parties or the procedural rules for complaint-based procedures in cases of the same subject matter.

2. Any concerned supervisory authority may request an ex officio procedure by submitting a written request to the lead supervisory authority. Such a request shall contain at least:

(a) a declaration to be a concerned supervisory authority

(b) a summary of key issues pursuant to Article 9

3. Within three weeks, the assumed lead supervisory authority shall:

(a) inform the concerned supervisory authority that it has opened an ex officio procedure.; or

(b) inform the concerned supervisory authority that Article 56(2) of Regulation (EU) 2016/679 applies to the case and that in accordance with Article 56(3) of Regulation (EU) 2016/679 the lead supervisory authority does not intend to handle the case itself; or

(c) reject the request, if it takes the view that it is not the lead supervisory authority or there is prima facie violation of Regulation (EU) 2016/679.

In the case referred to in point (a) of this paragraph, the concerned supervisory authority may submit to the lead supervisory authority a draft decision.

In the case referred to in point (c) of this paragraph, the concerned supervisory authority may resubmit an amended request for an ex officio procedure, or request a determination on the opening of the procedure by the Board under Article 26a(1).

Or. en

Amendment 307
Clare Daly

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Translations

1. The supervisory authority with which the complaint was lodged shall be responsible for:

(a) translation of complaints and the views of complainants into the language used by the lead supervisory authority for the purposes of the investigation;

(b) translation of documents provided by the lead supervisory authority into the language used for communication with the complainant, where it is necessary to provide such documents to the complainant pursuant to this Regulation or Regulation (EU) 2016/679.

2. In its rules of procedure, the Board shall determine the procedure for the translation of comments or relevant and

reasoned objections expressed by supervisory authorities concerned in a language other than the language used by the lead supervisory authority for the purposes of the investigation.

Or. en

Amendment 308
Yana Toom

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. A supervisory authority may provide automated translations and unofficial translations.

Or. en

Amendment 309
Petar Vitanov

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Amendment

Cooperation between supervisory authorities

Cooperation between supervisory authorities *and other relevant authorities*

Or. en

Amendment 310
Beata Kempa

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

The provisions in this section concern the

The provisions in this section concern the

relations between supervisory authorities and are not intended to confer rights on individuals or the parties under investigation.

relations between supervisory authorities and are not intended to confer rights on individuals or the parties under investigation. ***The procedure should reflect a spirit of common understanding and trust between the parties. At the same time, the procedure should not violate Regulation (EU) 2016/679, in particular the one-stop-shop dispute resolution architecture and the competences of the leading supervisory authority.***

Or. pl

Amendment 311
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Supervisory authorities shall strive to communicate the information obtained in the context of the procedures set out in this Regulation to national and Union supervisory authorities competent in data protection and other areas, including competition, financial services, energy, telecommunications and consumer protection authorities, where the information is deemed relevant to the tasks and duties of those authorities.

(This replaces amendment 117.)

Or. en

Justification

Alternative wording to ensure the EDPS and other national types of “DPAs” (e.g. data protection structures for churches, parliaments, courts) are included.

Amendment 312
Petar Vitanov

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The lead supervisory authority shall ***regularly update the other supervisory authorities concerned about the investigation and*** provide the other supervisory authorities concerned, ***at the earliest convenience, with all*** relevant information ***once available***.

Amendment

1. The lead supervisory authority shall provide the other supervisory authorities concerned ***with instant, unrestricted and continuous remote access to the full joint case file, and shall include into the joint case file any documents, submissions, communication, protocols, evidence or other*** relevant information ***related to the case within one week of producing or receiving it***.

Or. en

Amendment 313
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The lead supervisory authority shall ***regularly update the other supervisory authorities concerned about the investigation and*** provide the other supervisory authorities concerned, ***at the earliest convenience, with all relevant*** information ***once available***.

Amendment

1. The lead supervisory authority shall provide the other supervisory authorities concerned ***with instant, unrestricted and continuous remote access to the full joint case file, and shall include into the joint case file any documents, submissions, communication, protocols, evidence or other*** information ***related to the case within one week of producing or receiving it***.

(This replaces amendment 119.)

Or. en

Justification

Deleted access by non-concerned authorities and the Board from the previous version. Only LSA and CSAs should have access to the case file.

Amendment 314

Clare Daly

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The lead supervisory authority shall regularly update the other supervisory authorities concerned about the investigation and provide the other supervisory authorities concerned, **at the earliest convenience**, with all relevant information once available.

Amendment

1. The lead supervisory authority shall regularly update the other supervisory authorities concerned about the investigation and provide the other supervisory authorities concerned, **without delay**, with all relevant information once available.

Or. en

Amendment 315

Petar Vitanov

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. Relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679 shall **include**, where applicable:

Amendment

2. **The lead supervisory authority shall actively provide and notify the other supervisory authorities concerned with relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679, within one week from receiving or producing it. This information shall cover information on major steps in the procedure, including**, where applicable:

Or. en

Amendment 316

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679 shall **include**, where applicable:

2. ***The lead supervisory authority shall actively provide and notify the other supervisory authorities concerned with relevant information within the meaning of Article 60(1) and (3) of Regulation (EU) 2016/679, within one week from receiving or producing it. This information shall cover information on major steps in the procedure, including*** where applicable:
(This replaces amendment 120.)

Or. en

Justification

Deleted access by non-concerned authorities and the Board from the previous version. Only LSA and CSAs should have access to the case file. Added active /notification/ on major steps.

Amendment 317

Clare Daly

Proposal for a regulation

Article 8 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) the views of the complainant on the preliminary findings;

(i) the views of the complainant on the ***non-confidential version of the preliminary findings, and, if applicable, other aspects of the investigation on which formal submissions in writing have been made by the complainant;***

Or. en

Amendment 318

Petar Vitanov

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Once*** the lead supervisory authority

1. ***As soon as*** the lead supervisory

has formed a preliminary view on the main issues in an investigation, it shall draft a summary of key issues for the purpose of cooperation under Article 60(1) of Regulation (EU) 2016/679.

authority, ***or where a case is transferred from another supervisory authority, that authority***, has formed a preliminary view on the main issues in an investigation, it shall draft a summary of key issues ***that presumably need to be determined to decide the case***, for the purpose of cooperation under Article 60(1) of Regulation (EU) 2016/679.

Or. en

Amendment 319

Clare Daly

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. Once the lead supervisory authority has formed a preliminary view on the main issues in an investigation, it shall draft a summary of key issues for the purpose of cooperation under Article 60(1) of Regulation (EU) 2016/679.

Amendment

1. Once the lead supervisory authority has formed a preliminary view on the main issues in an investigation, it shall draft a summary of key issues for the purpose of cooperation under Article 60(1) of Regulation (EU) 2016/679, ***and provide this summary to the concerned supervisory authorities.***

Or. en

Amendment 320

Petar Vitanov

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) a preliminary identification of the scope of the investigation, in particular the provisions of Regulation (EU) 2016/679 ***concerned*** by the alleged infringement ***which will be investigated***;

Amendment

(b) a preliminary identification of the scope of the investigation, in particular the provisions of Regulation (EU) 2016/679 ***affected*** by the alleged infringement;

Or. en

Amendment 321

Petar Vitanov

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) ***identification of complex*** legal and technological assessments ***which are relevant for preliminary orientation of their assessment;***

Amendment

(c) ***preliminary*** legal and technological assessments;

Or. en

Amendment 322

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) ***identification of*** complex legal and technological assessments ***which are relevant for preliminary orientation of their assessment;***

Amendment

(c) ***preliminary*** complex legal and technological assessments;

(This replaces amendment 135.)

Or. en

Justification

The summary of key issues should already contain a first assessment, not only a list of which assessments need to be done.

Amendment 323

Axel Voss

Proposal for a regulation

Article 9 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) an overview of both the replies of all parties under investigation as well as the views of the complainant on to the preliminary findings.

Or. en

Amendment 324
Petar Vitanov

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The summary of key issues shall be updated by the lead supervisory authority without undue delay to reflect any factual or legal changes that emerge during the course of the procedure.

Or. en

Amendment 325
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The summary of key issues shall be updated by the lead supervisory authority without undue delay to reflect any factual or legal changes that emerge during the course of the procedure.

(This replaces amendment 137.)

Or. en

Justification

To underline the key elements of the SKI: factual and legal content.

Amendment 326
Petar Vitanov

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The supervisory authorities concerned may provide comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues.

Amendment

3. The supervisory authorities concerned may provide ***factual or legal*** comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues ***or any update***.

Or. en

Amendment 327
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The supervisory authorities concerned may provide comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues.

Amendment

3. The supervisory authorities concerned may provide ***factual or legal*** comments on the summary of key issues. Such comments must be provided within four weeks of receipt of the summary of key issues ***or any update***.

(This replaces amendment 139.)

Or. en

Justification

Clarification that factual and legal comments are covered.

Amendment 328
Petar Vitanov

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. Comments provided pursuant to paragraph 3 shall meet the following requirements: *deleted*

(a) language used is sufficiently clear and contains precise terms to enable the lead supervisory authority, and, as the case may be, supervisory authorities concerned, to prepare their positions;

(b) legal arguments are set out succinctly and grouped by reference to the part of the summary of key issues to which they relate;

(c) the comments of the supervisory authority concerned may be supported by documents, which may supplement the comments on specific points.

Or. en

Amendment 329

Clare Daly

Proposal for a regulation Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. The Board may specify in its rules of procedure restrictions on the maximum length of comments submitted by supervisory authorities concerned on the summary of key issues. *deleted*

Or. en

Amendment 330

Petar Vitanov

Proposal for a regulation Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. ***The Board may specify in its rules of procedure restrictions on the maximum length of comments submitted by supervisory authorities concerned on the summary of key issues.***

deleted

Or. en

Amendment 331

Axel Voss

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. ***Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within 9 months of the expiry of the deadline provided for in paragraph 3 of this Article.***

6. ***In*** non-contentious cases, the preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within 9 months of the expiry of the deadline provided for in paragraph 3 of this Article.

Or. en

Amendment 332

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the ***preliminary findings*** referred to in Article 14 shall be

6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article, ***and where the supervisory authority indicates that it intends to follow European case law, as well as guidelines,***

communicated to the parties under investigation within 9 months of the expiry of the deadline provided for in paragraph 3 of this Article.

recommendations and best practices referred to in paragraph 2(ca), shall be considered non-contentious cases. In such cases, the term to issue a draft decision referred to in Article 4(1b) shall be reduced to 3 months.

(This replaces amendment 141.)

Or. en

Amendment 333

Clare Daly

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within **9** months of the expiry of the deadline provided for in paragraph 3 of this Article.

Amendment

6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the preliminary findings referred to in Article 14 shall be communicated to the parties under investigation within **6** months of the expiry of the deadline provided for in paragraph 3 of this Article.

Or. en

Amendment 334

Petar Vitanov

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the preliminary findings referred to in Article 14 shall be communicated to the parties **under**

Amendment

6. Cases where none of the supervisory authorities concerned provided comments under paragraph 3 of this Article shall be considered non-contentious cases. In such cases, the preliminary findings referred to in Article 14 shall be communicated to the parties within **3**

investigation within 9 months of the expiry of the deadline provided for in paragraph 3 of this Article.

months of the expiry of the deadline provided for in paragraph 3 of this Article.

Or. en

Amendment 335

Petar Vitanov

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. A supervisory authority concerned shall make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), a supervisory authority concerned disagrees with the assessment of the lead supervisory authority on:

deleted

(a) the scope of the investigation in complaint-based cases, including the provisions of Regulation (EU) 2016/679 concerned by the alleged infringement which will be investigated;

(b) preliminary orientation in relation to complex legal assessments identified by the lead supervisory authority pursuant to Article 9(2), point (c);

(c) preliminary orientation in relation to complex technological assessments identified by the lead supervisory authority pursuant to Article 9(2), point (c).

Or. en

Amendment 336

Axel Voss

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. A supervisory **authority** concerned shall make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), **a** supervisory **authority** concerned **disagrees** with the assessment of the lead supervisory authority on:

Amendment

1. Supervisory **authorities** concerned shall make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), **at least two** supervisory **authorities** concerned **disagree** with the assessment of the lead supervisory authority on:

Or. en

Amendment 337
Clare Daly

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. A supervisory authority concerned **shall** make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), a supervisory authority concerned disagrees with the assessment of the lead supervisory authority on:

Amendment

1. A supervisory authority concerned **may** make a request to the lead supervisory authority under Article 61 of Regulation (EU) 2016/679, Article 62 of Regulation (EU) 2016/679, or both, where, following the comments of supervisory authorities concerned pursuant to Article 9(3), a supervisory authority concerned disagrees with the assessment of the lead supervisory authority on:

Or. en

Amendment 338
Clare Daly

Proposal for a regulation
Article 10 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

**(c a) preliminary identification
of potential corrective measure(s)**

Or. en

Amendment 339

Petar Vitanov

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The request under paragraph 1 shall be made within two months of the expiry of the period referred to in Article 9(3).

deleted

Or. en

Amendment 340

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

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

3. *In cases not falling under Article 9(6) of this Regulation,* the lead supervisory authority shall engage with the supervisory authorities concerned on the basis of their comments on the summary of key issues, and, where applicable, in response to requests under Article 61 and 62 of Regulation (EU) 2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings

Justification

Clarification to distinguish the “consensus-procedure” in Art. 10 from non-contentious cases in the meaning of Art. 9(6). Reference to Article 11 deleted, since Article 11 is deleted.

Amendment 341**Petar Vitanov****Proposal for a regulation****Article 10 – paragraph 3***Text proposed by the Commission*

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

Amendment

3. ***In cases not falling under Article 9(6) of this Regulation,*** the lead supervisory authority shall engage with the supervisory authorities concerned on the basis of their comments on the summary of key issues, and, where applicable, in response to requests under Article 61 and 62 of Regulation (EU) 2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings.

Or. en

Amendment 342**Axel Voss****Proposal for a regulation****Article 10 – paragraph 3***Text proposed by the Commission*

3. The lead supervisory authority shall engage with the supervisory authorities concerned on the basis of their comments on the summary of key issues, and, where applicable, in response to requests under Article 61 and 62 of Regulation (EU)

Amendment

3. The lead supervisory authority shall engage ***with a serious determined effort*** with the supervisory authorities concerned on the basis of their comments on the summary of key issues, and, where applicable, in response to requests under

2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings or, where applicable, provide the supervisory authority with which the complaint was lodged with its reasoning for the purposes of Article 11(2).

Article 61 and 62 of Regulation (EU) 2016/679, in an endeavour to reach a consensus. The consensus shall be used as a basis for the lead supervisory authority to continue the investigation and draft the preliminary findings or, where applicable, provide the supervisory authority with which the complaint was lodged with its reasoning for the purposes of Article 11(2).

Or. en

Amendment 343

Clare Daly

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where, in a complaint-based investigation, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the matters referred to in Article 9(2), the lead supervisory authority or one of the supervisory authorities concerned may also request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679 without a request under Article 61 of Regulation (EU) 2016/679 or Article 62 of Regulation (EU) 2016/679 having been made. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.

Or. en

Amendment 344

Clare Daly

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Where, in a complaint-based investigation, ***there is no*** consensus between the lead supervisory authority and one or more concerned supervisory authorities on the ***matter*** referred to in Article 9(2), ***point (b), of this Regulation***, the lead supervisory authority shall request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.

Amendment

4. Where, in a complaint-based investigation, ***and if the procedure provided for in paragraph 3 of this Article fails to generate*** consensus between the lead supervisory authority and one or more concerned supervisory authorities on the ***matters*** referred to in Article 9(2), the lead supervisory authority, ***or one of the supervisory authorities concerned***, shall request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.

Or. en

Amendment 345

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Where, ***in a complaint-based investigation***, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the ***matter*** referred to in Article 9(2), ***point (b), of this Regulation***, the lead supervisory authority ***shall*** request ***an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.***

Amendment

4. Where, ***within four weeks after the expiry of the deadlines for comments***, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the ***matters*** referred to in Article 9(2), the lead supervisory authority ***or a concerned supervisory authority may*** request ***a procedural determination pursuant to Article 26a(1).***

(This replaces amendment 144.)

Or. en

Justification

Added the deadline of four weeks to clarify the procedure.

Amendment 346

Petar Vitanov

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Where, ***in a complaint-based investigation***, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the ***matter*** referred to in Article 9(2), ***point (b), of this Regulation***, the lead supervisory authority ***shall*** request ***an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.***

Amendment

4. Where, ***within four weeks after the expiry of the deadlines for comments***, there is no consensus between the lead supervisory authority and one or more concerned supervisory authorities on the ***matters*** referred to in Article 9(2), the lead supervisory authority ***or a concerned supervisory authority may*** request ***a procedural determination pursuant to Article 26a(1).***

Or. en

Amendment 347

Axel Voss

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Where, in a complaint-based investigation, there is no consensus between the lead supervisory authority and ***one or more*** concerned supervisory authorities on the matter referred to in Article 9(2), point (b), of this Regulation, the lead supervisory authority shall request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision

Amendment

4. Where, in a complaint-based investigation, there is no consensus between the lead supervisory authority and ***at least two*** concerned supervisory authorities on the matter referred to in Article 9(2), point (b), of this Regulation, the lead supervisory authority shall request an urgent binding decision of the Board under Article 66(3) of Regulation (EU) 2016/679. In that case, the conditions for requesting an urgent binding decision

under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.

under Article 66(3) of Regulation (EU) 2016/679 shall be presumed to be met.

Or. en

Amendment 348
Clare Daly

Proposal for a regulation
Article 10 – paragraph 5 – introductory part

Text proposed by the Commission

5. When **requesting** an urgent binding decision of the Board pursuant to paragraph 4 of this Article, the lead supervisory authority shall provide all of the following:

Amendment

5. When **a request for** an urgent binding decision of the Board pursuant to paragraph 4 of this Article **has been made**, the lead supervisory authority shall provide all of the following:

Or. en

Amendment 349
Petar Vitanov

Proposal for a regulation
Article 10 – paragraph 5 – introductory part

Text proposed by the Commission

5. When requesting **an urgent binding decision** of the Board **pursuant to paragraph 4 of this Article, the lead** supervisory authority shall provide all of the following:

Amendment

5. When requesting **a procedural determination pursuant to Article 26a(1)** of the Board, **the requesting** supervisory authority shall provide all of the following:

Or. en

Amendment 350
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 5 – introductory part

Text proposed by the Commission

5. When requesting ***an urgent binding decision of the Board*** pursuant to ***paragraph 4 of this Article, the lead*** supervisory authority shall provide all of the following:

Amendment

5. When requesting ***a procedural determination*** pursuant to Article ***26a(1)***, ***the requesting*** supervisory authority shall provide all of the following:

(This replaces amendment 145.)

Or. en

Justification

Aligned with amendment to paragraph 4.

Amendment 351

Petar Vitanov

Proposal for a regulation

Article 10 – paragraph 5 – point a

Text proposed by the Commission

(a) the ***documents*** referred to in Article 9(2), ***points (a) and (b)***;

Amendment

(a) the ***relevant information*** referred to in Article 9(2);

Or. en

Amendment 352

Axel Voss

Proposal for a regulation

Article 10 – paragraph 5 – point a

Text proposed by the Commission

(a) the documents referred to in Article 9(2), ***points (a) and (b)***;

Amendment

(a) the documents referred to in Article 9(2);

Or. en

Amendment 353

Clare Daly

Proposal for a regulation
Article 10 – paragraph 5 – point a

Text proposed by the Commission

(a) the documents referred to in Article 9(2), **points (a) and (b)**;

Amendment

(a) the documents referred to in Article 9(2);

Or. en

Amendment 354
Axel Voss

Proposal for a regulation
Article 10 – paragraph 5 – point b

Text proposed by the Commission

(b) the comments of the supervisory **authority** concerned that **disagrees** with the lead supervisory authority's preliminary identification of the scope of the investigation.

Amendment

(b) the comments of the supervisory **authorities** concerned that **disagree** with the lead supervisory authority's preliminary identification of the scope of the investigation.

Or. en

Amendment 355
Petar Vitanov

Proposal for a regulation
Article 10 – paragraph 5 – point b

Text proposed by the Commission

(b) the comments of the supervisory authority concerned that disagrees with the lead supervisory authority's **preliminary identification of the scope** of the **investigation**.

Amendment

(b) the comments of the supervisory authority concerned that disagrees with the lead supervisory authority's **factual or legal aspect** of the **summary of key issues**.

Or. en

Amendment 356
Clare Daly

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *The Board may request the lead supervisory authority to provide other documents or information, as it deems appropriate in the particular case.*

Or. en

Amendment 357
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. The Board shall adopt an urgent binding decision on the ***scope of the investigation*** on the basis of ***the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments.***

6. The Board shall adopt an urgent binding decision on the ***summary of key issues, in accordance with Article 26a***, on the basis of ***all documents received.***

(This replaces amendment 148.)

Or. en

Justification

Correct reference to the new provisions on procedural determinations by the Board.

Amendment 358
Clare Daly

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. The Board shall adopt an urgent binding decision on the scope of the

6. The Board shall adopt an urgent binding decision on the scope of the

investigation on the basis of the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments.

investigation on the basis of ***all the documents received***; the comments of the supervisory authorities concerned, and the position of the lead supervisory authority on those comments.

Or. en

Amendment 359
Petar Vitanov

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

6. The Board shall adopt ***an urgent binding decision*** on the ***scope of the investigation*** on the basis of the ***comments of the supervisory authorities concerned and the position of the lead supervisory authority on those*** comments.

Amendment

6. The Board shall adopt ***a procedural determination pursuant to Article 26a(1)*** on the ***summary of key issues*** on the basis of the ***relevant communication on the summary of key issues, including the comments and replies and other relevant documents***.

Or. en

Amendment 360
Axel Voss

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

6. The Board shall adopt an urgent binding decision ***on*** the scope of the investigation on the basis of the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments.

Amendment

6. The Board shall adopt an urgent binding decision, ***strictly limited to*** the scope of the investigation, on the basis of the comments of the supervisory authorities concerned and the position of the lead supervisory authority on those comments.

Or. en

Amendment 361

Petar Vitanov

Proposal for a regulation

Chapter III – Section 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 362

Petar Vitanov

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Hearing of complainant prior to full or partial rejection of a complaint

1. Following the procedure provided for in Article 9 and 10, the lead supervisory authority shall provide the supervisory authority with which the complaint was lodged with the reasons for its preliminary view that the complaint should be fully or partially rejected.

2. The supervisory authority with which the complaint was lodged shall inform the complainant of the reasons for the intended full or partial rejection of the complaint and set a time-limit within which the complainant may make known her or his views in writing. The time-limit shall be no less than three weeks. The supervisory authority with which the complaint was lodged shall inform the complainant of the consequences of the failure to make her or his views known.

3. If the complainant fails to make known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged, the complaint

shall be deemed to have been withdrawn.

4. The complainant may request access to the non-confidential version of the documents on which the proposed rejection of the complaint is based.

5. If the complainant makes known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged and the views do not lead to a change in the preliminary view that the complaint should be fully or partially rejected, the supervisory authority with which the complaint was lodged shall prepare the draft decision under Article 60(3) of Regulation (EU) 2016/679 which shall be submitted to the other supervisory authorities concerned by the lead supervisory authority pursuant to Article 60(3) of Regulation (EU) 2016/679.

Or. en

Amendment 363

Clare Daly

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. Following the procedure provided for in Article 9 and 10, the lead supervisory authority shall provide the supervisory authority with which the complaint was lodged with the reasons for its preliminary view that the complaint should be fully or partially rejected.

Amendment

1. Following the procedure provided for in Article 9 and 10, the lead supervisory authority shall provide the supervisory authority with which the complaint was lodged ***and the supervisory authorities concerned*** with the reasons for its preliminary view that the complaint should be fully or partially rejected, ***and invite them to submit their views no later than one week following receipt.***

Or. en

Amendment 364

Clare Daly

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. The supervisory authority with which the complaint was lodged shall inform the complainant of the reasons for the intended full or partial rejection of the complaint and set a time-limit within which the complainant may make known her or his views in writing. The time-limit shall be no less than three weeks. The supervisory authority with which the complaint was lodged shall inform the complainant of the consequences of the failure to make her or his views known.

Amendment

2. The supervisory authority with which the complaint was lodged shall inform the complainant of the reasons for the intended full or partial rejection of the complaint and set a time-limit within which the complainant may make known her or his views in writing. The time-limit shall be no less than three weeks ***from receipt by the complainant of the notification of intention to reject the complaint partially or in full from the supervisory authority with which the complaint was lodged.*** The supervisory authority with which the complaint was lodged shall inform the complainant of the consequences of the failure to make her or his views known.

Or. en

**Amendment 365
Clare Daly**

**Proposal for a regulation
Article 11 – paragraph 3**

Text proposed by the Commission

3. If the complainant fails to make known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged, the complaint shall be ***deemed to have been withdrawn.***

Amendment

3. If the complainant fails to make known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged, the complaint shall be ***closed and a decision adopted in accordance with Article 60(3) and (8) of Regulation (EU) 2016/679.***

Or. en

Amendment 366

Beata Kempa

**Proposal for a regulation
Article 11 – paragraph 4**

Text proposed by the Commission

4. The complainant may request access to the non-confidential version of the documents on which the proposed rejection of the complaint is based.

Amendment

4. The complainant may request access to the non-confidential version of the documents on which the proposed rejection of the complaint is based.
Consent for this may only be granted after the complainant has signed a confidentiality declaration. At the same time, the supervisory authority of a Member State may withdraw such consent at any time if it has found that the complainant is using the data received for purposes other than those connected with the case, is in any way failing to comply with the confidentiality declaration, or has financial or economic links with a competitor of the respondent.

Or. pl

**Amendment 367
Clare Daly**

**Proposal for a regulation
Article 11 – paragraph 5**

Text proposed by the Commission

5. If the complainant makes known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged and the views do not lead to a change in the preliminary view that the complaint should be fully or partially rejected, the supervisory authority ***with which the complaint was lodged*** shall prepare the draft decision under Article 60(3) of Regulation (EU) 2016/679 which shall be submitted to the other supervisory authorities concerned ***by the lead supervisory authority*** pursuant to Article 60(3) of Regulation (EU) 2016/679.

Amendment

5. If the complainant makes known her or his views within the time-limit set by the supervisory authority with which the complaint was lodged and the views do not lead to a change in the preliminary view that the complaint should be fully or partially rejected, the ***lead*** supervisory authority shall prepare the draft decision under Article 60(3) of Regulation (EU) 2016/679 which shall be submitted to the other supervisory authorities concerned pursuant to Article 60(3) of Regulation (EU) 2016/679.

Amendment 368

Petar Vitanov

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Revised draft decision fully or partially rejecting a complaint

1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises elements on which the complainant should have the opportunity to make her or his views known, the supervisory authority with which the complaint was lodged shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the complainant with the possibility to make her or his views known on such new elements.

2. The supervisory authority with which the complaint was lodged shall set a time-limit within which the complainant may make known her or his views.

Amendment 369

Petar Vitanov

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Decision fully or partially rejecting a complaint

When adopting a decision fully or partially rejecting a complaint in accordance with Article 60(8) of Regulation (EU) 2016/679, the supervisory authority with which the complaint was lodged shall inform the complainant of the judicial remedy available to him or her in accordance with Article 78 of Regulation (EU) 2016/679.

Or. en

Amendment 370
Petar Vitanov

Proposal for a regulation
Article 14 – title

Text proposed by the Commission

Amendment

Preliminary ***findings*** and reply

Preliminary ***charges*** and reply

Or. en

Amendment 371
Petar Vitanov

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. ***When*** the lead supervisory authority ***intends to submit a draft decision within the meaning of Article 60(3) of Regulation (EU) 2016/679 to the other supervisory authorities concerned finding an infringement of Regulation (EU) 2016/679, it shall draft preliminary findings.***

1. ***Only when the issuing of a fine or penalty under Article 83 or 84 of Regulation (EU) 2016/679 is intended by a supervisory authority in line with Article 9(2), point (d), the lead supervisory authority shall draft preliminary charges.***

Or. en

Amendment 372

Petar Vitanov

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The preliminary **findings** shall present allegations raised in an exhaustive and sufficiently clear way to enable the parties **under investigation** to take cognisance of the conduct investigated by the lead supervisory authority. In particular, they must set out clearly all the facts and the entire legal assessment raised against the parties under investigation, so that they can express their views on the facts and the legal conclusions the lead supervisory authority **intends to draw in the draft decision within the meaning of Article 60(3) of Regulation (EU) 2016/679, and list all the evidence it relies upon.**

Amendment

The preliminary **charges** shall present allegations raised in an exhaustive and sufficiently clear way to enable the parties to take cognisance of the conduct investigated by the lead supervisory authority. In particular, they must set out clearly all the facts, **list all the evidence it relies upon** and the entire legal assessment raised against the parties under investigation, so that they can express their views on the facts and the legal conclusions the lead supervisory authority **drew.**

Or. en

Amendment 373

Petar Vitanov

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The preliminary findings shall indicate corrective measures the lead supervisory authority **intends to use.**

Amendment

The preliminary findings shall indicate **the** corrective measures **that are considered by** the lead supervisory authority.

Or. en

Amendment 374

Petar Vitanov

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Where the lead supervisory authority intends to impose a fine, it shall list in the preliminary **findings** the relevant elements on which **it** relies while calculating the fine. In particular, the lead supervisory authority shall list the essential facts and matters of law which may result in the imposition of the fine and the elements listed in Article 83(2) of Regulation (EU) 2016/679, including any aggravating or mitigating factors it will take into account.

The preliminary **charges shall list** the relevant elements on which **the lead supervisory authority** relies while calculating the fine. In particular, the lead supervisory authority shall list the essential facts and matters of law which may result in the imposition of the fine and the elements listed in Article 83(2) of Regulation (EU) 2016/679, including any aggravating or mitigating factors it will take into account.

Or. en

Amendment 375

Petar Vitanov

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. The lead supervisory authority shall notify preliminary **findings** to each **of the** parties **under investigation**.

3. The lead supervisory authority shall notify preliminary **charges** to each **party that may be subject to the exercise of a corrective power. These shall not be made available to other parties of the procedure. The lead supervisory authority shall inform the concerned supervisory authorities.**

Or. en

Amendment 376

Petar Vitanov

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. **The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation,**

deleted

set a time-limit within which these parties may provide their views in writing. The lead supervisory authority shall not be obliged to take into account written views received after the expiry of that time-limit.

Or. en

Amendment 377
Beata Kempa

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a time-limit within which these parties may provide their views in writing. The lead supervisory authority shall not be obliged to take into account written views received after the expiry of that time-limit.

Amendment

4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a ***reasonable and appropriate*** time-limit within which these parties may provide their views in writing. The lead supervisory authority shall not be obliged to take into account written views received after the expiry of that time-limit. ***At the same time, the time-limit shall not discriminate against any party.***

Or. pl

Amendment 378
Axel Voss

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a time-limit within which these parties may provide their views in writing. The lead supervisory authority shall not be obliged to take into account ***written views received after the expiry of that time-limit.***

Amendment

4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a ***proportionate*** time-limit within which these parties may provide their views in writing. The lead supervisory authority ***may receive additional written views from the parties under investigation after the***

expiry of this time limit but it shall not be obliged to take *it* into account.

Or. en

Amendment 379

Clare Daly

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a time-limit within which these parties may provide their views in writing. The lead supervisory authority shall not be obliged to take into account written views received after the expiry of that time-limit.

Amendment

4. The lead supervisory authority shall, when notifying the preliminary findings to the parties under investigation, set a time-limit ***of four weeks*** within which these parties may provide their views in writing. The lead supervisory authority shall not be obliged to take into account written views received after the expiry of that time-limit.

Or. en

Amendment 380

Petar Vitanov

Proposal for a regulation

Article 14 – paragraph 5

Text proposed by the Commission

5. When notifying the preliminary findings to the parties under investigation, the lead supervisory authority shall provide those parties with access to the administrative file in accordance with Article 20.

Amendment

deleted

Or. en

Amendment 381

Petar Vitanov

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

6. The parties ***under investigation*** may, in their written reply to preliminary findings, set out all facts and legal arguments known to them which are relevant to their defence against the allegations of the lead supervisory authority. They shall attach any relevant documents as proof of the facts set out. The lead supervisory authority shall, in its draft decision, deal only with allegations, including the facts and the legal assessment based on those facts, in respect of which the parties ***under investigation*** have been given the opportunity to comment.

Amendment

6. The parties may, in their written reply to preliminary findings, set out all facts and legal arguments known to them which are relevant to their defence against the allegations of the lead supervisory authority. They shall attach any relevant documents as proof of the facts set out. The lead supervisory authority shall, in its draft decision, deal only with allegations, including the facts and the legal assessment based on those facts, in respect of which the parties have been given the opportunity to comment. ***The parties under investigation may reply to preliminary charges within a reasonable time, but not exceeding four weeks.***

Or. en

Amendment 382
Petar Vitanov

Proposal for a regulation
Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. The term under Article 4(1b) is prolonged by eight weeks if the lead supervisory authority issues preliminary charges in the course of a procedure.

Or. en

Amendment 383
Petar Vitanov

Proposal for a regulation
Article 14 a (new)

Article 14a

Minimum Requirement for Decisions

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

(a) the name of the supervisory authority that issued the decision;

(b) the date of the decision;

(c) an impartial summary of the relevant facts of the case and their source;

(d) the legal grounds for the decision;

(e) the exercised corrective powers, penalties or other measures; and

(f) information on the right of an effective remedy under Article 78 of Regulation (EU) 2016/679 and any applicable national procedural law.

2. In a case where the legally binding decision must be issued by the supervisory authority with which the complaint has been lodged in accordance with Article 60(8) or (9) of Regulation (EU) 2016/679, the lead supervisory authority shall ensure that the decision contains all elements necessary under the applicable national law of the supervisory authority with which the complaint has been lodged. The supervisory authority with which the complaint has been lodged shall assist the lead supervisory authority in drafting the decision.

3. The information provided to the parties under Article 60(7) to (9) of Regulation (EU) 2016/679 shall include a copy of the

legally binding decision.

4. Supervisory authorities must publish all legally binding decisions they issue without undue delay, but no later than three months after their adoption, unless the new decisions are not materially departing from previously published decisions. In accordance with applicable national law, supervisory authorities and the Board may redact party names, any other information that may allow the identification of parties and other information that is protected under applicable law.

Or. en

Amendment 384
Petar Vitanov

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Transmission of preliminary findings to complainants

1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was lodged shall provide the complainant with a non-confidential version of the preliminary findings and set a time-limit within which the complainant may make known its views in writing.

2. Paragraph 1 shall apply also when a supervisory authority, where appropriate, treats several complaints jointly, splits the complaints in several parts or in any other way exercises its discretion concerning the scope of the investigation as set out in preliminary findings.

3. Where the lead supervisory authority considers that it is necessary for the complainant to be provided with documents included in the administrative file in order for the complainant to effectively make known her or his views on the preliminary findings, the supervisory authority with which the complaint was lodged shall provide the complainant with the non-confidential version of such documents when providing the preliminary findings pursuant to paragraph 1.

4. The complainant shall be provided with the non-confidential version of the preliminary findings only for the purpose of the concrete investigation in which the preliminary findings were issued.

5. Before receiving the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the complainant shall send to the lead supervisory authority a confidentiality declaration, where the complainant commits himself or herself not to disclose any information or assessment made in the non-confidential version of preliminary findings or to use those findings for purposes other than the concrete investigation in which those findings were issued.

Or. en

Amendment 385

Axel Voss

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was

Amendment

1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was

lodged shall provide the complainant with a non-confidential version of the preliminary findings and set a time-limit within which the complainant may make known its views in writing.

lodged shall provide the complainant with a non-confidential version of the preliminary findings and set a time-limit within which the complainant may make known its views in writing. ***This time limit shall be proportionate to afford the complainants adequate time to provide their response.***

Or. en

Amendment 386
Clare Daly

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was lodged shall provide the complainant with a non-confidential version of the preliminary findings and set a time-limit within which the complainant may make known its views in writing.

Amendment

1. Where the lead supervisory authority issues preliminary findings relating to a matter in respect of which it has received a complaint, the supervisory authority with which the complaint was lodged shall provide the complainant with a non-confidential version of the preliminary findings and set a time-limit ***of four weeks*** within which the complainant may make known its views in writing, ***as well as provide any relevant documents or information, if necessary.***

Or. en

Amendment 387
Clare Daly

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. ***Where*** the lead supervisory authority ***considers that it is necessary*** for the complainant to be provided with documents included in the administrative

Amendment

3. The lead supervisory authority ***should make provision*** for the complainant to be provided with documents included in the administrative file in order for the

file in order for the complainant to effectively make known her or his views on the preliminary findings, the supervisory authority with which the complaint was lodged shall provide the complainant with the non-confidential version of such documents when providing the preliminary findings pursuant to paragraph 1.

complainant to effectively make known her or his views on the preliminary findings. The supervisory authority with which the complaint was lodged shall provide the complainant with the non-confidential version of such documents when providing the preliminary findings pursuant to paragraph 1.

Or. en

Amendment 388

Axel Voss

Proposal for a regulation

Article 15 – paragraph 5

Text proposed by the Commission

5. Before **receiving** the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the **complainant shall send to the lead** supervisory authority a confidentiality declaration, where the complainant commits himself or herself not to disclose any information or assessment made in the non-confidential version of preliminary findings or to use those findings for purposes other than the concrete investigation in which those findings were issued.

Amendment

5. Before **providing** the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the supervisory authority **with which the complaint was lodged shall request the complainant to sign** a confidentiality declaration, where the complainant commits himself or herself not to disclose any information or assessment made in the non-confidential version of preliminary findings or to use those findings for purposes other than **making submission on** the concrete investigation in which those findings were issued. **Member States shall specify the legal consequences of refusing to sign or to comply with the confidentiality declaration.**

Or. en

Amendment 389

Beata Kempa

Proposal for a regulation

Article 15 – paragraph 5

Text proposed by the Commission

5. Before receiving the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the complainant shall send to the lead supervisory authority a confidentiality declaration, where the complainant commits himself or herself not to disclose any information or assessment made in the non-confidential version of preliminary findings or to use those findings for purposes other than the concrete investigation in which those findings were issued.

Amendment

5. Before receiving the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the complainant shall send to the lead supervisory authority a confidentiality declaration, where the complainant commits himself or herself not to disclose any information or assessment made in the non-confidential version of preliminary findings or to use those findings for purposes other than the concrete investigation in which those findings were issued. ***Any confidential information should be forwarded only after a confidentiality declaration has been signed.***

Or. pl

Amendment 390

Clare Daly

Proposal for a regulation

Article 15 – paragraph 5

Text proposed by the Commission

5. Before receiving the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the complainant shall send to the ***lead*** supervisory authority a ***confidentiality*** declaration, where the complainant commits himself or herself not ***to disclose any information or assessment made in the non-confidential version of preliminary findings or*** to use those findings for purposes other than the concrete investigation in which those findings were issued.

Amendment

5. Before receiving the non-confidential version of preliminary findings and any documents provided pursuant to paragraph 3, the complainant shall send to the ***complaint-receiving*** supervisory authority a ***non-disclosure*** declaration, where the complainant commits himself or herself not to use those findings for purposes other than the concrete investigation in which those findings were issued.

Or. en

Amendment 391

Clare Daly

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Minimum requirements for decisions

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

(a) the name of the supervisory authority that issued the decision;

(b) the date of the decision;

(c) a summary of the relevant facts of the case and their source;

(d) the legal grounds for the decision;

(e) the corrective powers exercised, penalties levied, or other measures; and

(f) information on the right to an effective remedy under Article 78 of Regulation (EU) 2016/679 and any applicable national procedural law.

Or. en

Amendment 392

Petar Vitanov

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Adoption of final decision

Submission of draft decisions, revised draft decisions and adoption of final decision

Or. en

Amendment 393

Yana Toom

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Right to be heard in relation to revised draft decision

1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises elements on which the parties under investigation should have the opportunity to make their views known, the lead supervisory authority shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the parties under investigation with the possibility to make their views known on such new elements.

2. The lead supervisory authority shall set a time-limit within which the parties under investigation may make known their views.

Or. en

Amendment 394

Axel Voss

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises elements on which the parties under investigation should have the opportunity to make their views known, the lead supervisory authority shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the parties under investigation with the possibility to make their views known on such new elements.

1. Where the lead supervisory authority considers that the revised draft decision within the meaning of Article 60(5) of Regulation (EU) 2016/679 raises elements on which the parties under investigation should have the opportunity to make their views known, the lead supervisory authority shall, prior to the submission of the revised draft decision under Article 60(5) of Regulation (EU) 2016/679, provide the parties under investigation with the possibility to ***exercise their right to be heard and to*** make their views known on such new elements.

Or. en

Amendment 395
Axel Voss

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. The lead supervisory authority shall set a time-limit within which the parties under investigation may make known their views.

Amendment

2. The lead supervisory authority shall set a ***proportionate*** time-limit within which the parties under investigation may make known their views.

Or. en

Amendment 396
Clare Daly

Proposal for a regulation
Article 18

Text proposed by the Commission

Article 18

Relevant and reasoned objections

1. Relevant and reasoned objections within the meaning of Article 4(24) of

Amendment

deleted

Regulation (EU) 2016/679 shall:

(a) be based exclusively on factual elements included in the draft decision; and

(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.

2. The form and structure of relevant and reasoned objections shall meet all of the following requirements:

(a) the length of each relevant and reasoned objection and the position of the lead supervisory authority on any such objection shall not exceed three pages and shall not include annexes. In cases involving particularly complex legal issues, the maximum length may be increased to six pages, except if specific circumstances justifying a longer length are accepted by the Board;

(b) the disagreement of the supervisory authority concerned with the draft decision shall be stated at the beginning of the relevant and reasoned objection and shall be worded in sufficiently clear, coherent and precise terms to enable the lead supervisory authority, and as the case may be, supervisory authorities concerned, to prepare their positions and to enable the Board to efficiently resolve the dispute;

(c) legal arguments shall be set out and grouped by reference to the operative part of the draft decision to which they relate. Each argument or group of arguments shall generally be preceded by a summary statement.

Or. en

**Amendment 397
Petar Vitanov**

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Content of the administrative file

1. The administrative file in an investigation concerning an alleged infringement of Regulation (EU) 2016/679 consists of all documents which have been obtained, produced and/or assembled by the lead supervisory authority during the investigation.

2. In the course of investigation of an alleged infringement of Regulation (EU) 2016/679, the lead supervisory authority may return to the party from which they have been obtained documents which following a more detailed examination prove to be unrelated to the subject matter of the investigation. Upon return, these documents shall no longer constitute part of the administrative file.

3. The right of access to the administrative file shall not extend to correspondence and exchange of views between the lead supervisory authority and supervisory authorities concerned. The information exchanged between the supervisory authorities for the purpose of the investigation of an individual case are internal documents and shall not be accessible to the parties under investigation or the complainant.

4. Access to relevant and reasoned objections pursuant to Article 60(4) of Regulation (EU) 2016/679 shall be provided in accordance with Article 24.

Or. en

Amendment 398
Clare Daly

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. The administrative file in an investigation concerning an alleged infringement of Regulation (EU) 2016/679 consists of all documents which have been obtained, produced and/or assembled **by** the lead supervisory authority **during the investigation**.

Amendment

1. The administrative file in an investigation concerning an alleged infringement of Regulation (EU) 2016/679 consists of all documents which have been obtained, produced and/or assembled **during the procedure before** the lead supervisory authority.

Or. en

Amendment 399
Axel Voss

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

2. In the course of investigation of an alleged infringement of Regulation (EU) 2016/679, the lead supervisory authority **may** return to the party from which they have been obtained documents which following a more detailed examination prove to be unrelated to the subject matter of the investigation. Upon return, these documents shall no longer constitute part of the administrative file.

Amendment

2. In the course of investigation of an alleged infringement of Regulation (EU) 2016/679, the lead supervisory authority **shall** return to the party from which they have been obtained documents which following a more detailed examination prove to be unrelated to the subject matter of the investigation. Upon return, these documents shall no longer constitute part of the administrative file.

Or. en

Amendment 400
Beata Kempa

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. The right of access to the administrative file shall not extend to

Amendment

3. The right of access to the administrative file shall not extend to

correspondence and exchange of views between the lead supervisory authority and supervisory authorities concerned. The information exchanged between the supervisory authorities for the purpose of the investigation of an individual case are internal documents and shall not be accessible to the parties under investigation or the complainant.

correspondence and exchange of views between the lead supervisory authority and supervisory authorities concerned. The information exchanged between the supervisory authorities for the purpose of the investigation of an individual case are internal documents and shall not be accessible to the parties under investigation or the complainant. ***Documents that have a direct bearing on the stability of the respondent's operations and their cybersecurity should be excluded from the right of access.***

Or. pl

Amendment 401

Petar Vitanov

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Access to the administrative file and use of documents

1. The lead supervisory authority shall grant access to the administrative file to the parties under investigation, enabling them to exercise their right to be heard. Access to the administrative file shall be granted after the lead supervisory authority notifies the preliminary findings to the parties under investigation.

2. The administrative file shall include all documents, inculpatory and exculpatory, including facts and documents which are known to the parties under investigation.

3. The conclusions of the lead supervisory authority in the draft decision under Article 60(3) of Regulation (EU) 2016/679 and the final decision under Article 60(7) of Regulation (EU) 2016/679 may only rely on documents cited in the preliminary findings or on which the parties under

investigation had the opportunity to make their views known.

4. Documents obtained through access to the administrative file pursuant to this Article shall be used only for the purposes of judicial or administrative proceedings for the application of Regulation (EU) 2016/679 in the specific case for which such documents were provided.

Or. en

Amendment 402
Clare Daly

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission

4. Documents obtained through access to the administrative file pursuant to this Article shall be used only for the purposes of judicial or administrative proceedings for the application of Regulation (EU) 2016/679 in the specific case for which such documents were provided.

Amendment

4. Documents obtained ***by the parties under investigation*** through access to the administrative file pursuant to this Article shall be used only for the purposes of judicial or administrative proceedings for the application of Regulation (EU) 2016/679 in the specific case for which such documents were provided.

Or. en

Amendment 403
Petar Vitanov

Proposal for a regulation
Article 21

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 404

Clare Daly

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Unless otherwise provided in this Regulation, information collected or obtained by a supervisory authority in cross-border cases under of Regulation (EU) 2016/679, including any document containing such information, shall not be communicated or made accessible by the supervisory authority in so far as it contains business secrets or other confidential information of any person.

Amendment

1. Unless otherwise provided in this Regulation, information collected or obtained by a supervisory authority in cross-border cases under of Regulation (EU) 2016/679, including any document containing such information, shall not be communicated or made accessible by the supervisory authority in so far as it contains business secrets or other confidential information of any person.
This provision does not prohibit the communication and sharing of confidential information between the lead supervisory authority and the supervisory authorities concerned.

Or. en

Amendment 405
Axel Voss

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

2. Any information collected or obtained by a supervisory authority in cross-border cases under Regulation (EU) 2016/679, including any document containing such information, is excluded from access requests under laws on public access to official documents as long as the proceedings are ongoing.

Amendment

2. Any information collected or obtained by a supervisory authority in cross-border cases under Regulation (EU) 2016/679, including any document containing such information, is excluded from access requests under laws on public access to official documents as long as the proceedings are ongoing. ***The same exclusion applies to business secrets or other confidential information even after the investigations are concluded.***

Or. en

Amendment 406

Axel Voss

Proposal for a regulation

Article 21 – paragraph 6 – introductory part

Text proposed by the Commission

6. The lead supervisory authority may set a time-limit for parties under investigation and any other party raising a confidentiality claim to:

Amendment

6. The lead supervisory authority may set a **proportionate** time-limit for parties under investigation and any other party raising a confidentiality claim to:

Or. en

Amendment 407

Clare Daly

Proposal for a regulation

Article 22 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a a) the summary of key issues;

Or. en

Amendment 408

Petar Vitanov

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. The Board shall within four weeks of **receiving the documents listed in paragraph 2 identify retained relevant and reasoned objections.**

Amendment

3. The Board shall **register the submission of a subject-matter to the dispute resolution mechanism** within four weeks of **gaining access to the joint case file. It shall demand a resubmission of any missing information within another week. When registering the submission, the Board shall list and structure the disputes between supervisory authorities which form the scope of the procedure before the Board, and instantly provide**

them to the supervisory authorities.

Or. en

Amendment 409

Clare Daly

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. The Board shall within **four** weeks of receiving the documents listed in paragraph 2 identify retained relevant and reasoned objections.

Amendment

3. The Board shall within **three** weeks of receiving **all of** the documents listed in paragraph 2 identify retained relevant and reasoned objections.

Or. en

Amendment 410

Clare Daly

Proposal for a regulation

Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The prohibition provided for in Article 65(4) of Regulation (EU) 2016/679 for supervisory authorities to adopt a decision on the subject matter submitted to the Board during the periods referred to in Article 65(2) of Regulation (EU) 2016/679 and Article 65(3) of that Regulation shall also apply during the periods referred in paragraph 3 of this Article.

Or. en

Amendment 411

Petar Vitanov

Proposal for a regulation

Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Registration in relation to a decision under Article 65(1), point (a), of Regulation (EU) 2016/679

The Chair of the Board shall register the referral of a subject-matter to dispute resolution under Article 65(1), point (a), of Regulation (EU) 2016/679 no later than one week after having received all of the following documents:

(a) the draft decision or revised draft decision subject to the relevant and reasoned objections;

(b) a summary of the relevant facts;

(c) view made in writing by the parties under investigation, as the case may be, pursuant to Articles 14 and 17;

(d) views made in writing by complainants, as the case may be, pursuant to Articles 11, 12 and 15;

(e) the retained relevant and reasoned objections;

(f) the reasons on the basis of which the lead supervisory authority did not follow the retained relevant and reasoned objections.

Or. en

Amendment 412

Clare Daly

Proposal for a regulation

Article 23 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) the reasons on the basis of which the lead supervisory authority did not follow the retained relevant and reasoned

(f) the reasons on the basis of which the lead supervisory authority did not follow the retained relevant and reasoned objections, **or rejected them as not**

objections.

relevant or reasoned.

Or. en

Amendment 413

Clare Daly

Proposal for a regulation

Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Once all documents specified in subsection (1) have been received, the Chair of the Board is empowered to request from the LSA any additional information, documents or clarifications necessary for the EDPB to take a binding decision concerning all of the matters which are the subject of the relevant and reasoned objection(s). The LSA shall provide this additional documentation no later than one week after having received the request.

Or. en

Amendment 414

Petar Vitanov

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

Article 24

deleted

Statement of reasons prior to adoption of decision under Article 65(1), point (a), of Regulation (EU) 2016/679

1. Prior to adopting the binding decision pursuant to Article 65(1), point (a), of Regulation (EU) 2016/679, the Chair of the Board shall, through the lead supervisory authority, provide the parties under investigation and/or, in the case of

full or partial rejection of a complaint, the complainant, with a statement of reasons explaining the reasoning the Board intends to adopt in its decision. Where the Board intends to adopt a binding decision requiring the lead supervisory authority to amend its draft decision or revised draft decision, the Board shall decide whether such statement of reasons should be accompanied by the retained relevant and reasoned objections on the basis of which the Board intends to adopt its decision.

2. The parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, shall have one week from receipt of the statement of reasons referred to in paragraph 1 to make their views known.

3. The deadline in paragraph 2 shall be extended by one week where the Board extends the period for adoption of the binding decision in accordance with Article 65(2) of Regulation (EU) 2016/679.

4. The period for adoption of the binding decision of the Board provided for in Article 65(2) of Regulation (EU) 2016/679 shall not run during the periods provided for in paragraphs 2 and 3.

Or. en

Amendment 415
Clare Daly

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

2. The parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, shall have **one week** from receipt of the statement of reasons referred to in paragraph 1 to make their views known.

Amendment

2. The parties under investigation and/or, in the case of full or partial rejection of a complaint, the complainant, shall have **two weeks** from receipt of the statement of reasons referred to in paragraph 1 to make their views known.

Amendment 416

Petar Vitanov

Proposal for a regulation

Article 25

Text proposed by the Commission

Amendment

Article 25

deleted

Procedure in relation to decision under Article 65(1), point (b), of Regulation (EU) 2016/679

1. When referring a subject-matter to the Board under Article 65(1), point (b), of Regulation 2016/679, the supervisory authority referring the subject-matter regarding the competence for the main establishment shall provide the Board with all of the following documents:

(a) a summary of the relevant facts;

(b) the assessment of these facts as far as the conditions of Article 56(1) of Regulation (EU) 2016/679 are concerned;

(c) views made by the controller or processor whose main establishment is the subject of the referral;

(d) the views of other supervisory authorities concerned by the referral;

(e) any other document or information the referring supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.

2. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraph 1.

Amendment 417

Clare Daly

Proposal for a regulation
Article 25 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) a description of processing activities, a description of the company's organisation and a description of where decisions are taken;

Or. en

Amendment 418
Clare Daly

Proposal for a regulation
Article 25 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the views of other supervisory authorities concerned by the referral;

(d) the views of other supervisory authorities concerned by the referral, ***which may include relevant information or documentation;***

Or. en

Amendment 419
Petar Vitanov

Proposal for a regulation
Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Procedure in relation to decision under Article 65(1), point (c), of Regulation (EU) 2016/679

1. When referring a subject-matter to the Board under Article 65(1), point (c), of Regulation 2016/679, the supervisory authority referring the subject-matter or the Commission shall provide the Board

with all of the following documents:

- (a) a summary of the relevant facts;*
- (b) the opinion, as the case may be, issued by the Board pursuant to Article 64 of Regulation (EU) 2016/679;*
- (c) the views of the supervisory authority referring the subject-matter or the Commission as to whether, as the case may be, a supervisory authority was required to communicate the draft decision to the Board pursuant to Article 64(1) of Regulation (EU) 2016/679, or a supervisory authority did not follow an opinion of the Board issued pursuant to Article 64 of Regulation (EU) 2016/679.*

2.

The Chair of the Board shall request the following documents:

- (a) the views of the supervisory authority alleged to have breached the requirement to communicate a draft decision to the Board or to have failed to follow an opinion of the Board;*
- (b) any other document or information the supervisory authority considers relevant and necessary in order to find a resolution on the subject-matter.*

If any supervisory authority declares a need to submit its views on the referred subject-matter, it shall submit those views within two weeks of the referral referred to in paragraph 1.

3. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1 and 2.

Or. en

Amendment 420
Axel Voss

Proposal for a regulation
Article 26 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a a) views made in writing by the parties under investigation as well as by complainants;

Or. en

Amendment 421
Clare Daly

Proposal for a regulation
Article 26 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the views of the supervisory authority referring the subject-matter or the Commission as to whether, as the case may be, a supervisory authority was required to communicate the draft decision to the Board pursuant to Article 64(1) of Regulation (EU) 2016/679, or a supervisory authority did not follow an opinion of the Board issued pursuant to Article 64 of Regulation (EU) 2016/679.

(c) the views of the supervisory authority referring the subject-matter or the Commission as to whether, as the case may be, a supervisory authority was required to communicate the draft decision to the Board pursuant to Article 64(1) of Regulation (EU) 2016/679, or a supervisory authority did not follow an opinion of the Board issued pursuant to Article 64 of Regulation (EU) 2016/679, ***to include an explanation of which points were not followed and a reference to the relevant part of the adopted decision.***

Or. en

Amendment 422
Clare Daly

Proposal for a regulation
Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Chair of the Board shall inform all supervisory authorities of the referral made to the Board under paragraph 1, so as to allow the supervisory authorities to make their

views known.

Or. en

Amendment 423

Clare Daly

Proposal for a regulation

Article 26 – paragraph 3

Text proposed by the Commission

3. The Chair of the Board shall register the referral no later than one week after having received the documents referred to in paragraphs 1 and 2.

Amendment

3. The Chair of the Board shall register the referral no later than one week after having received ***all of*** the documents referred to in paragraphs 1 and 2.

Or. en

Amendment 424

Petar Vitanov

Proposal for a regulation

Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Procedural determinations by the Board

1. Without prejudice to Articles 65 and 66 of Regulation (EU) 2016/679, supervisory authorities may request from the Board to make a procedural determination on any dispute arising during a cooperation procedure.

2. Where the lead supervisory authority is of the view that it cannot possibly comply with the deadline from Article 4(1b), especially because of the need for exceptionally complex factual investigations, it shall request from the Board a prolongation of up to twelve months. The supervisory authority shall submit a detailed plan of the investigation that demonstrates that despite its

compliance with Article 2c(1) the prolongation sought is strictly necessary.

3. Within two weeks, the Board shall determine the matter based on the information before it or it shall reject the application if the requirements under paragraphs 1 and 2 are not fulfilled. Determinations are binding on the supervisory authorities.

4. The Commission shall ensure that the Board secretariat is provided with the necessary human, technical and financial resources, premises and infrastructure for the effective performance of its tasks and exercise of its powers.

Or. en

Amendment 425
Clare Daly

Proposal for a regulation
Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) a summary of the relevant facts;

Amendment

(a) a summary of the relevant facts, *to include evidence of an infringement of Regulation EU 2016/679, an explanation of the risk of serious and irreparable harm without the adoption of measures, and detail regarding the causal link between the infringement and the risks outlined;*

Or. en

Amendment 426
Clare Daly

Proposal for a regulation
Article 27 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) a description of the provisional measure adopted on *its own* territory, its duration and the reasons for adopting it, including the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;

(b) a description of the provisional measure adopted on *the* territory *of the Member State of the supervisory authority requesting the opinion*, its duration and the reasons for adopting it, including the justification of the urgent need to act in order to protect the rights and freedoms of data subjects;

Or. en

Amendment 427

Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point c

Text proposed by the Commission

(c) a justification of the urgent need for final measures to be adopted *on the territory of the Member State of the requesting supervisory authority*, including an explanation of the exceptional nature of circumstances requiring the adoption of the measures concerned.

Amendment

(c) a justification of the urgent need for final measures to be adopted, including an explanation of the exceptional nature of circumstances requiring the adoption of the measures concerned.

Or. en

Amendment 428

Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) where the requesting authority is not the lead supervisory authority, the views of the lead supervisory authority;

Or. en

Amendment 429

Clare Daly

Proposal for a regulation
Article 27 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) where applicable, the views of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.

Or. en

Amendment 430
Clare Daly

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The urgent opinion of the Board shall be addressed to ***the*** supervisory ***authority that submitted the request. It shall be similar to an opinion within the meaning of Article 64(1) of Regulation (EU) 2016/679 and enable the requesting authority to maintain or amend its provisional measure in line with the obligations of Article 64(7) of Regulation (EU) 2016/679.***

2. The urgent opinion of the Board shall be addressed to ***all*** supervisory ***authorities***

Or. en

Amendment 431
Clare Daly

Proposal for a regulation
Article 28 – title

Text proposed by the Commission

Amendment

Urgent decisions under Article 66(2) of Regulation (EU) 2016/679

Urgent ***binding*** decisions under Article 66(2) of Regulation (EU) 2016/679

Amendment 432

Clare Daly

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

1. A request for an urgent decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three weeks **prior to the expiry** of provisional measures adopted under Articles 61(8), 62(7) or 66(1) of Regulation (EU) 2016/679. That request shall contain all of the following items:

Amendment

1. A request for an urgent **binding** decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679 shall be made no later than three weeks **after the adoption** of provisional measures adopted under Articles 61(8), 62(7) or 66(1) of Regulation (EU) 2016/679. That request shall contain all of the following items:

Or. en

Amendment 433

Clare Daly

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) a summary of the relevant facts;

Amendment

(a) a summary of the relevant facts, **to include evidence of an infringement of Regulation EU 2016/679, an explanation of the risk of serious and irreparable harm without the adoption of measures, and detail regarding the causal link between the infringement and the risks outlined;**

Or. en

Amendment 434

Clare Daly

Proposal for a regulation

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) a justification of the urgent need for final measures to be adopted ***on the territory of the requesting supervisory authority***, bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to respond to a request under Article 61(3) or 62(2) of Regulation (EU) 2016/679;

Amendment

(d) a justification of the urgent need for final measures to be adopted, bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to respond to a request under Article 61(3) or 62(2) of Regulation (EU) 2016/679;

Or. en

Amendment 435

Petar Vitanov

Proposal for a regulation

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) a justification of the urgent need for final measures to be adopted ***on the territory of the requesting supervisory authority***, bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to respond to a request ***under*** Article ***61(3)*** or 62(2) of Regulation (EU) 2016/679;

Amendment

(d) a justification of the urgent need for final measures to be adopted, bearing in mind the exceptional nature of circumstances requiring the adoption of the final measure, or proof that a supervisory authority failed to respond to a request ***pursuant to*** Article ***61(8)*** or 62(2) of Regulation (EU) 2016/679;

Or. en

Amendment 436

Petar Vitanov

Proposal for a regulation

Article 28 – paragraph 1 – point f

Text proposed by the Commission

(f) where applicable, the views of the ***local establishment of*** the parties under

Amendment

(f) where applicable, the views of the ***parties. In case the requesting authority is***

investigation *against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.*

not the lead supervisory authority, the requesting authority shall grant the right to be heard to the parties under investigation.

Or. en

Amendment 437
Clare Daly

Proposal for a regulation
Article 28 – paragraph 1 – point f

Text proposed by the Commission

(f) where applicable, the views *of the local establishment* of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.

Amendment

(f) where applicable, the views of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679;

Or. en

Amendment 438
Axel Voss

Proposal for a regulation
Article 28 – paragraph 1 – point f

Text proposed by the Commission

(f) *where applicable*, the views of the local establishment of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.

Amendment

(f) the views of the local establishment of the parties under investigation against which provisional measures were taken pursuant to Article 66(1) of Regulation (EU) 2016/679.

Or. en

Amendment 439
Clare Daly

Proposal for a regulation
Article 28 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) where applicable, the views of complainant(s) made in writing.

Or. en

Amendment 440
Clare Daly

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

2. The urgent decision referred to in paragraph 1 shall be addressed to the supervisory ***authority that submitted the request*** and shall ***enable the requesting authority to maintain or amend its provisional measure.***

Amendment

2. The urgent decision referred to in paragraph 1 shall be addressed to the supervisory ***authorities concerned*** and shall ***shall specify the supervisory authorities that will need to adopt measures, if applicable, in light of the urgent opinion or decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679.***

Or. en

Amendment 441
Petar Vitanov

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

2. The urgent decision referred to in paragraph 1 shall be addressed to the supervisory authority ***that submitted the request and shall enable the requesting authority to maintain or amend its provisional measure.***

Amendment

2. The urgent ***binding*** decision referred to in paragraph 1 shall be addressed to the ***lead*** supervisory authority ***and the supervisory authorities that would need to adopt final measures, if applicable, in light of the urgent opinion or decision of the Board pursuant to Article 66(2) of Regulation (EU) 2016/679.***

Amendment 442

Clare Daly

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

3. Where the Board adopts an urgent binding decision indicating that final measures should be adopted, the supervisory authority to which the decision is addressed shall adopt such measures prior to the expiry of the provisional measures adopted under Article 66(1) of Regulation (EU) 2016/679.

Amendment

3. Where the Board adopts an urgent binding decision indicating that final measures should be adopted, the supervisory authority ***or authorities*** to which the decision is addressed shall adopt such measures prior to the expiry of the provisional measures adopted under Article 66(1) of Regulation (EU) 2016/679.

Or. en

Amendment 443

Axel Voss

Proposal for a regulation

Article 28 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where the Board adopts an urgent binding decision indicating that final measures should be adopted, the Board shall request a joint assessment carried out by at least 5 experts from the 'Support Pool of Experts' of the EDPB. This joint assessment shall be published together with the urgent binding decision.

Or. en

Amendment 444

Petar Vitanov

Proposal for a regulation

Article 28 – paragraph 4

Text proposed by the Commission

4. The supervisory authority that ***submitted the request referred to in paragraph 1*** shall notify its decision on the final measures to the ***establishment of the controller or processor on the territory of its Member State*** and inform the Board. Where the lead supervisory authority is not the requesting authority, the requesting authority shall inform the lead supervisory authority ***of the final measure***.

Amendment

4. The supervisory authority that ***is responsible to adopt final measures*** shall notify its decision on the final measures to the ***relevant parties under investigation*** and inform the Board. Where the lead supervisory authority is not the requesting authority, the requesting authority shall inform the ***parties under investigation against which the provisional measures were adopted, about the Board's decision and the final measures adopted by the lead supervisory authority. The complaint-receiving supervisory authority shall inform the complainant about the Board's decision and the final measures adopted by the lead supervisory authority.***

Or. en

Amendment 445

Clare Daly

Proposal for a regulation

Article 28 – paragraph 4

Text proposed by the Commission

4. The supervisory authority that submitted the request referred to in paragraph 1 shall notify its decision on the final measures to the ***establishment of the controller or processor on the territory of its Member State*** and inform the Board. Where the lead supervisory authority is not the requesting authority, the requesting authority shall inform the lead supervisory authority of the final measure.

Amendment

4. The supervisory authority that submitted the request referred to in paragraph 1 shall notify its decision on the final measures to the controller or processor and inform the Board. Where the lead supervisory authority is not the requesting authority, the requesting authority shall inform the lead supervisory authority of the final measure.

Or. en

Amendment 446

Yana Toom

Proposal for a regulation
Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Mutual recognition and execution of decisions

1. A supervisory authority may request another supervisory authority to enforce a final decision issued under Regulation (EU) 2016/679.

2. The requesting supervisory authority shall:

(a) certify that the decision is taken in accordance with its national laws and procedures and Regulation (EU) 2016/679 and constitutes a final decision;

(b) certify that it is not reasonably possible to execute the decision in its own territory;

(c) includes a copy of the final decision.

3. The requested supervisory authority shall recognize the decision of the requesting supervisory authority, without any further formality being required and the decision shall be deemed to have the same effect as if it had been made by the requested supervisory authority.

4. The requested supervisory authority shall take all necessary measures for execution provided under national law and Regulation (EU) 2016/279 without undue delay and under the same conditions as a decision issued by the requested supervisory authority.

5. Contrary to paragraphs 3 and 4 the requested supervisory shall not execute a request by the requesting supervisory authority if, on the basis of specific and objective evidence:

(a) the decision relates to a conduct which is lawful under the law of the requested supervisory authority;

(b) the decision has been imposed on a person or entity who under the law of the requested supervisory authority is exempt from liability;

(c) the execution of the request would be manifestly contrary to public policy (ordre public) in the Member State of the requested supervisory authority;

(d) the execution of the request would entail a manifest breach of relevant fundamental rights and freedoms as set out in the Charter;

(e) the request is incomplete or manifestly incorrect or does not correspond to the underlying decision and the request has not been completed or corrected following the consultation of the requesting supervisory authority;

(f) the request does not meet the requirements of paragraph 2.

6. In any of the cases referred to in paragraph 5, before deciding not to execute the decision, whether wholly or partially, the requested supervisory authority shall contact the requesting supervisory authority and where appropriate, shall request the requesting supervisory authority to supply any necessary information without undue delay. Any decision not to execute the decision shall be taken without undue delay and shall be notified immediately to the requesting supervisory.

7. If necessary, the requested supervisory authority shall convert the amount of a fine or the amount of money to be paid as included in the decision, into the currency of the State of the requested supervisory authority at the rate of exchange obtaining at the time when the decision was issued by the requesting supervisory authority.

8. Monies obtained from the enforcement of decisions shall accrue according to the laws of the Member State of the requested supervisory authority.

9. Each supervisory authority shall bear its own costs resulting from requests under this Article.

Or. en

Amendment 447
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Remedies against procedural determinations

Remedies against procedural determinations by a supervisory authority under national law may only be brought together with the remedy against the final material decision. Deadlines for remedies against procedural determinations under applicable national law are prolonged for the duration of the procedure before the supervisory authority.

(To be added as Article 28b.)

Or. en

Justification

So far controllers issue “injunctions” or “juridical reviews” on tiny procedural matters (e.g. delivery of files) under national laws. This can delay procedures for years.

Amendment 448
Petar Vitanov

Proposal for a regulation
Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Remedies against procedural determinations

Remedies against procedural determinations by a supervisory authority under national law may only be brought together with the remedy against the final material decision. Deadlines for remedies against procedural determinations under applicable national law are prolonged for the duration of the procedure before the supervisory authority.

Or. en

Amendment 449
Petar Vitanov

Proposal for a regulation
Article 28 b (new)

Text proposed by the Commission

Amendment

Article 28b

Mutual assistance

1. Without prejudice to any other legal basis for mutual assistance, a supervisory authority may request another supervisory authority to exercise its corrective powers under Article 58(2) or enforce a fine under Article 83 of Regulation (EU) 2016/679 to give full effect to an enforceable decision.

2. The requesting supervisory authority shall certify that the decision is enforceable according to its national law, that the respondent was heard in accordance with this Regulation and that the requesting authority cannot reasonably and effectively enforce the decision within its own Member State.

3. The requested supervisory authority shall take enforcement action under applicable national law as if the enforceable decision was issued by the requested supervisory authority itself.

4. The requested supervisory authority shall hear the party against whom the decision was issued and refuse to recognise and execute the decision only if:

(a) the party against whom the decision was issued was not heard by the requesting supervisory authority in line with this Regulation or national procedural law of the requesting supervisory authority;

(b) a decision against the party in respect of the same acts has been delivered in the executing State or in any State other than the issuing State, and, in the latter case, that decision has been executed;

(c) the decision relates to a conduct which is lawful under the law of the executing State;

(d) the decision has been imposed on a person or entity who under the law of the executing State is exempt from liability or

(e) the decision violates the ordre public of the executing State;

Or. en

Amendment 450
Sergey Lagodinsky
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 28 b (new)

Text proposed by the Commission

Amendment

Article 28b

Enforcement Statistics

1. Supervisory authorities shall report the following numbers in their activity report under Article 59 of Regulation (EU) 2016/679:

a. the number of ex officio investigations initiated by the supervisory authority;

- b. the number of ex officio investigations initiated by other supervisory authorities;*
 - c. the number of complaints received, including the number that were rejected, dismissed, withdrawn, partly upheld, fully upheld or otherwise closed;*
 - d. the number of other interactions with data subjects, controllers or processors;*
 - e. the number of legally binding decisions currently on appeal;*
 - f. the number and average duration of open and decided procedures under (a) to (d) to date;*
 - g. the number of each type of measure taken in accordance with Article 58(2) of Regulation (EU) 2016/679 or applicable national law;*
 - h. the number and the amount of fines issued and collected under Article 83 and 84 of Regulation (EU) 2016/679 or relevant national law; and i. the annual budget and the number of staff, by training, tasks and organizational units.*
- 2. Supervisory authorities shall publish the activity report for the past year without undue delay, but no later than 30 June.*
- 3. The Board shall make the information of all supervisory authorities in paragraph 1 available to the public no later than 31 July of each year.*

Or. en

Justification

The supervisory authorities regularly ask for bigger budgets, however some SAs issue as many decisions in a day as others issue in a year – on the same budget. Currently SAs have to issue an annual report under Article 59 GDPR, but there is no uniform content. Such statistics should make the work and efficiency of SAs more comparable.

Amendment 451
Petar Vitanov

Proposal for a regulation
Article 28 c (new)

Text proposed by the Commission

Amendment

Article 28c

Enforcement Statistics

1. Supervisory authorities shall report the following numbers in their activity report under Article 59 of Regulation (EU) 2016/679:

a) the number of ex officio investigations initiated by the supervisory authority;

b) the number of ex officio investigations initiated by other supervisory authorities;

c) the number of complaints received, including the number that were rejected, dismissed, withdrawn, partly upheld, fully upheld or otherwise decided;

d) the number of other interactions with data subjects, controllers or processors;

e) the number of legally binding decisions currently on appeal;

f) the number and average duration of open and decided procedures under (a) to (d) to date;

g) the number of each type of measure taken in accordance with Article 58(2) of Regulation (EU) 2016/679 or applicable national law;

h) the number and the overall amount of fines issued and collected under Article 83 and 84 of Regulation (EU) 2016/679 or relevant national law; and

i) the annual budget and the number of staff, itemized by training, tasks and organizational units.

2. Supervisory authorities must publish the activity report for the past year without undue delay, but no later than 30 June.

3. The Board shall make the information of all supervisory authorities in paragraph 1 available to the public no later than 31

July of each year.

Or. en

Amendment 452

Yana Toom

Proposal for a regulation

Chapter VI a (new)

Text proposed by the Commission

Amendment

VI a Enforcement

Or. en

Justification

Title of the new chapter, that will cover new Article 28a on mutual recognition

Amendment 453

Petar Vitanov

Proposal for a regulation

Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

By derogation from paragraphs 1 and 2, Articles 2b(1), point(c), 2c(5), 2d(3) and (6), 8(1) and 18(a) shall apply ... [six months from the date of the entry into force of this Regulation]. During that period, the lead supervisory authority shall provide all documents in its own file to other supervisory authorities on request by other electronic means.

Or. en

Amendment 454

Axel Voss

Proposal for a regulation

Annex I – title

Text proposed by the Commission

Amendment

Part A - 3. Entity whose processing of your personal data infringes Regulation (EU) 2016/679. Provide all information in your possession to facilitate the identification of the entity which is the subject of your complaint, including whether you have contacted the entity prior to your complaint and outline the result of any such actions. If possible, please attach any relevant correspondence between you and the entity. In return, delete the second paragraph of Part B.

Or. en