Final Minutes

123rd EDPB plenary meeting

17 September 2026 – Remote

I. Adoption of the minutes and of the agenda, Information given by the Chair

I.1. Introduction

The EDPB Deputy Chair opened the meeting with some general points of information. She recalled that the annual meeting of the EDPB initiative with DPAs from countries with an EU adequacy decision will be organised on 17 November 2026, during the GPA and IAPP week in Brussels.

[redacted]

I.2. Minutes of the 122nd EDPB meeting

The minutes of the 122nd EDPB plenary meeting were unanimously adopted with the modifications proposed. The members also agreed on the public version of the minutes.

I.3. Draft agenda of the 123rd EDPB meeting

The draft agenda was adopted with the inclusion of three new items under AOB.

The discussions relating to agenda point B.1.3 were declared confidential in accordance with Art. 33(b) EDPB RoP. The discussions relating to agenda points B.2.1 and C.1.1 were declared confidential in accordance with Art. 33(c) RoP

A. Agenda items for adoption

There was no request to discuss the proposed A items. A single vote was organised for the three point A agenda items and they were all adopted unanimously.

- A.1. Opinion on the draft decision of the NL SA regarding the Controller Binding Corporate Rules of DSM Firmenich Group (International Transfers ESG); and
- A.2. Opinion on the draft decision of the NO SA regarding the Controller Binding Corporate Rules of TGS Group (International Transfers ESG).
- A.3. Response to DAkkS letter on the role of ISO/IEC 27701:2025 with regard to Article 42(5) of the GDPR (Compliance, E-Government and Health ESG

B. Agenda items for discussion

B.1. Agenda items for discussion in view of adoption

B.1.1 Guidelines on the application of the power to impose administrative fines in relation to other corrective powers under the GDPR (Corrective Powers ESG)

The Deputy Chair introduced the item and passed the floor to the lead rapporteur who presented the guidelines.

The EDPB members unanimously adopted the guidelines, subject to an instruction for the lead rapporteur to review the text and include an additional clarificatory sentence on the subjective rights of data subjects if the point is not already sufficiently clear. The EDPB members decided to launch a public consultation of 8 weeks.

B.1.2 Guidelines 03/2025 on the interplay between the DSA and the GDPR after public consultation (Social Media ESG)

The Deputy Chair introduced the item and passed the floor to the lead rapporteur. Then, the rapporteur provided an overview of the changes made following the public consultation on the first version of the guidelines. The rapporteur also recalled that a separate guidance document on Article 40 DSA, [redacted]

The EDPB members discussed and adopted unanimously Version 2.0 of the Guidelines 03/2025 on the interplay between the DSA and the GDPR following public consultation.

The EDPB members took note of the Report of Public Consultation for publication.

B.1.3 Selection of topic for the CEF 2027 (Enforcement ESG)

The EDPB Deputy Chair introduced the item and the need to select the topics for the Coordinated Enforcement Action 2027 and noted that the action will be carried out on a voluntary basis as usual.

The EDPB members gave as an orientation that they wish to conduct the CEF action on the topic of [redacted] The EDPB members further entrusted the ENF ESG to narrow down that topic further and to submit a reformulated proposal at a future plenary meeting.

B.2. Agenda items for discussion

B.2.1. Guidelines on the interplay between the AI Act and EU data protection laws (Technology, Key Provisions and Borders, Travel & Law Enforcement ESGs)

The EDPB Deputy Chair introduced the item and recalled that the EDPB has been working with the EU COM on joint guidelines since April 2025. After providing an overview of the work done so far, [redacted]

After initial discussion on the matter, the EDPB members agreed to continue detailed discussions at the next plenary meeting.

C. Organisational matters

C.1. Updates by EDPB Expert Subgroups and Task Forces

C.1.1. State of Play on Interoperability of Model Clauses for International Transfers (International Transfers ESG and International Engagement TF)

The EDPB Deputy Chair introduced the topic and gave the floor to the lead rapporteur.

The lead rapporteur provided updates on the progress and foreseen outcomes of the work. More specifically, the lead rapporteur explained that [redacted]

The EDPB members took note of the information given.

C.2. General organisational matters

C.2.1. Enforcement ESG coordinator (Enforcement ESG)

The Deputy Chair recalled that the ENF ESG has had only one coordinator for a long time and informed the EDPB members about the application of [redacted] (LU SA) for that position.

The EDPB members unanimously designated [redacted] (LU SA) as a co-coordinator of the Enforcement subgroup for a renewable term of two years.

C.2.2. International Transfers ESG coordinator (International Transfers ESG)

The Deputy Chair informed the EDPB members that, after the current ITS ESG coordinators had decided to step down, a call for volunteers had been circulated among the members of the ITS ESG and that two people had applied.

The EDPB unanimously designated [redacted] (FR SA) and [redacted] (NL SA) for a renewable term of two years.

D. Items for information

D.1. Updates by EDPB participants

D.1.1. Request for a preliminary ruling from the Supreme Court of Austria to the CJEU in case C-585/26

The AT SA provided an update on the request for a preliminary ruling from the Supreme Court of the Republic of Austria in case C-585/26, which concerns the interpretation of Article 6(1), as well as Article 4(8) and (11) GDPR. The AT SA also highlighted that the interpretation of these provisions concerns the EDPB's guidance contained in Guidelines 5/2020 and 7/2020.

The EDPB members took note of the information provided.

D.1.2. CJEU decision in case C-199/24

The SE SA provided an update on the CJEU ruling in case C-199/24 which concerns Art. 85 GDPR and the reconciliation under national law of the right to personal data protection and the right to freedom of expression and information.

The EDPB members took note of the information given.

D.2. Any other business

D.2.1 Update on the Enhanced Border Security Partnership (EBSP)

The European Commission provided an update concerning the framework agreement with the US for the Enhanced Border Security Partnership (EBSP), explaining that the negotiations with the US have been finalised and that the EBSP is currently going through the approval phase at EU level. More specifically, European Commission explained that they had submitted two proposals for Council decisions on concluding the framework agreement. The European Commission recalled that that the EBSP sets out a reciprocal partnership, but that the actual implementation will still need to established through bilateral agreements between EU Member States and the US. The European Commission further explained that the EBSP will not involve any EU databases and will only relate to information contained in national databases. In terms of next steps, the European Commission will meet with the EDPS to explain the agreement in more detail and is planning a presentation at the LIBE committee in the coming weeks.

The EDPB members took note of the information given.

D.2.1 Letter from DG EPRS in relation to the Digital Omnibus (LU SA)

The LU SA informed the EDPB members that they have received a letter, accompanied by a questionnaire, from a company mandated by the European Parliamentary Research Service to contribute to a targeted impact assessment of the Digital Omnibus Proposal.

Other EDPB members also shared that they have received the letter and questionnaire. After discussion on the coordination of a common reaction, the EDPB members agreed that DPAs will not answer the questionnaire but instead refer to EDPB-EDPS Joint opinion 2/2026.

D.2.2 Dates of the in-person plenary meeting in June 2027

The EDPB Secretariat shared that DG SCIC has informed them that the planned in-person plenary dates 15–16 June 2027 will fall during a very busy week. Upon the EDPB Chair's proposal, the EDPB members agreed that the Secretariat will request a change the Plenary meeting dates to be a week earlier on 9–10 June 2027.

E. Written state of play

E.1. Outcome of written procedure

E.1.1. EDPB Letter to the European Commission on US Supreme Court judgment *Trump v. Slaughter* (International Transfers ESG)

The EDPB members took note of the written state of play concerning the EDPB Letter to the European Commission on US Supreme Court judgment *Trump v. Slaughter*.

Annex: Attendance List

AT SA, BE SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IS SA, IT SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA,

European Commission

Observers:

- AL SA, BA SA. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting.
- The CH SA was present for item B.2.1 of the agenda.

EDPB Secretariat