



Case no: NAIH-5180-2/2022
Caseworker: Péter Horváth dr.

Subject: approval of the binding
corporate rules of the
MOL Group

National Authority for Data Protection and Freedom of Information (NAIH)

DECISION APPROVING BINDING CORPORATE RULES OF THE MOL GROUP (MOL Nyrt., 1117 Budapest,
Október huszonharmadika u. 18., tax number: 10625790-4-44)

1. Having regard to Article 47(1) of the EU General Data Protection Regulation 2016/679 (GDPR), the **National Authority for Data Protection and Freedom of Information** shall approve Binding Corporate Rules (BCRs) provided that they meet the requirements set out under this Article.

Whereas:

2. In accordance with the cooperation procedure as set out in the Working Document WP263.rev.01, the Controller BCR application of the MOL Group was reviewed by the NAIH, as the competent Authority for the BCR (BCR Lead) and by one SA [Czech Republic] acting as co-reviewer. The application was also reviewed by the concerned SAs to which the BCR were communicated as part of the cooperation procedure.
3. The review concluded that the Controller BCR of the MOL Group complies with the requirements set out by Article 47 (1) of the GDPR as well as the Working Document WP256.rev.01 and in particular that the aforementioned BCR:
 - i) is legally binding and contains a clear duty for each participating member of the Group - including their employees - to respect the BCR by intra-group agreement between the members of the Group (the BCR becomes part of the Group members' internal regulations). The employment contract stipulates that all internal regulations (and the BCR will be communicated as part of an internal regulation) are binding for the employees. [BCR Point 1.1., Standard Application for Approval of BCR Point 4. and Point 10.]
 - ii) expressly confers enforceable third-party beneficiary rights to data subjects with regard to the processing of their personal data as part of the BCRs. [BCR Point 9.9., Point 10.2., Point 10.8., BCR Article 19, Standard Application for Approval of BCR Point 4.]
 - iii) fulfils the requirements laid down in Article 47 (2)
4. The EDPB provided its opinion **07/2022** in accordance with Article 64(1)(f). In the opinion the EDPB stated that it does not have any concerns that need to be addressed regarding the Controller BCR of MOL Group.

DECIDES AS FOLLOWING:

5. The Controller BCR of the MOL Group provides appropriate safeguards for the transfer of personal data in accordance with Article 46 (1), (2f) and Article 47 (1) and (2) of the GDPR and hereby approves the Controller BCR of the MOL Group.
6. However, before making use of the BCR it is the responsibility of the data exporter in a Member State, if needed with the help of the data importer, to assess whether the level of protection required by EU law is respected in the third country of destination, including onward transfer situations. This assessment has to be conducted in order to determine if the guarantees provided by the BCR can be complied with in practice, in light of the circumstances of the possible impingement created by the third country legislation with the fundamental rights and the circumstances surrounding the transfer. If this is not the case, the data exporter in a Member State, if needed with the help of the data importer, should assess whether it can provide supplementary measures to ensure an essentially equivalent level of protection as provided in the EU.
7. Where the data exporter in a Member State is not able to take supplementary measures necessary to ensure an essentially equivalent level of protection as provided in the EU, personal data cannot be lawfully transferred to a third country under this BCR. Therefore, the data exporter is required to suspend or end the transfer of personal data. In such case if a Group Company envisages to transfer personal data to a third country nevertheless, it must notify the competent supervisory authority beforehand to enable that SA to ascertain whether the proposed transfer should be suspended or prohibited in order to ensure an adequate level of protection.
8. The approved BCR will not require any specific authorization from the concerned supervisory authorities.
9. In accordance with Article 58.2.j GDPR, each concerned Supervisory Authority maintains the power to order the suspension of data flows to a recipient in a third country or to an international organization whenever the appropriate safeguards envisaged by the Controller BCR of the MOL Group are not respected.

ANNEX TO THE DECISION

The Controller BCR of the MOL Group that is hereby approved covers the following:

- a. Scope: only members of MOL Group acting as Controller (or as Processor on behalf of another MOL Group Company acting as data Controller) that are legally bound by the BCRs [BCR Point 1.1.].
- b. EEA countries from which transfers are to be made [Standard Application for Approval of BCR Point 1.: Hungary, Slovakia, Croatia, Slovenia, Austria, Czech Republic, Romania, Germany, Norway, Poland, Italy, Netherlands]
- c. Third countries to which transfers are to be made: Bosnia and Herzegovina, Serbia, Iraq, Russia, Kazakhstan, Pakistan, Ukraine, Azerbaijan, United Kingdom [Annex 1, Annex 2, Appendix 2]
- d. Purposes of the transfer [BCR Articles 4, 5 and 6; Standard Application for Approval of BCR Point 2., Annexes 1-11]

- e. Categories of data subjects concerned by the transfer [Standard Application for Approval of BCR Point 2.: employees, customers, suppliers and other third parties as part of the Group's respective regular business activities; Annexes 1-11]
- f. Categories of personal data transferred [Annexes 1-11, BCR Point 6.1.]

Budapest, [electronic signature]

Attila Péterfalvi Dr.
president