



Final

96th Plenary meeting

17 September 2024, Remote

Some points have been redacted from these minutes as their publication would undermine the protection of one or more of the following legitimate interests, in particular: the public interest as regards international relations; the privacy and integrity of the individual regarding the protection of personal data in accordance with Regulation 2018/1725; the commercial interests of a natural or legal person; ongoing or closed investigations; the decision-making process of the EDPB, in relation to matters upon which a decision has not yet been taken and/or the decision-making process of the EDPB, in relation to matters upon which a decision has been taken.

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

I.1. Minutes of the 95th Plenary meeting – adoption

The Chair welcomed the new DE Federal Commissioner Ms Prof. Dr. Louisa Specht-Riemenschneider and gave her the floor to present herself. Commissioner Specht-Riemenschneider gave thanks for the opportunity and outlined her priorities for the future months.

The Chair then provided an update on the organisation of the EDPB meeting with adequate countries scheduled for 8 October 2024 and informed the Board that a preparation for this meeting will take place on 7 October 2024, during the first day of the next EDPB plenary.

The Chair also shared an update on the EDPB Secondment programme 2024–2025. A total of 61 staff members from EDPB members will be seconded to 27 authorities. The success of this exercise shows the growing interest for exchanging staff between EDPB members. She informed the Board that a training event will be organised by the Secretariat for the participants of the programme which will take place on 15–16 October 2024.

The minutes of the previous EDPB plenary meeting were adopted unanimously with some editorial changes. The members of the EDPB also agreed on the public version of the minutes.

I.2. Draft agenda of the 96th EDPB meeting – adoption

The draft agenda was adopted unanimously with the following changes: some modifications were made to the titles of items C.2 (updated to 'Appointment of EDPB Representatives to the DMA HLG

subgroups on AI and on Data Related Provisions’) and E.1 (updated to ‘Joint European Commission – EDPB Guidance on DMA and GDPR – Next Steps (TF Competition and Consumer law)’); a new AOB point was included concerning the recent IE SA request for an Art. 64(2) Opinion; and points B.2.1 and B.2.2 were postponed due to the absence of the lead rapporteur.

A. Agenda items for adoption

The Chair introduced the A items for adoption:

- A.1 Opinion on the draft decision of the DE-NRW SA regarding the BCR-C of Viega Group (International Transfers ESG);
- A.2 Opinion on the draft decision of the FR SA regarding the BCR-P of Talan Group (International Transfers ESG).

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

B. Agenda items for discussion

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

B.1.1. Update of the EDPB endorsed WP29 Guidelines on the application and setting of administrative fines for the purposes of the Regulation 2016/679 (WP 253) – request for mandate

The Chair recalled that the EDPB adopted guidelines on the calculation of administrative fines in 2023 and explained that the Fining TF has found that it would be helpful to clarify the interplay between this document and the WP 29 Guidelines on the application and setting of administrative fines (endorsed by the EDPB). She also recalled that recent CJEU case law has provided clarifications on the calculation and the conditions for imposing an administrative fine. Following this, the Coordinator of the Fining TF presented the content of the requested mandate and the issues to be address. The Fining TF will aim to finalise the update by the end of 2025. This update will take the form of EDPB guidelines.

The EDPB members adopted the mandate unanimously.

B.2. Agenda items for discussion

B.2.1. Update on Strategic Cases

The item was postponed.

B.2.2. Update of the Strategic Cases Process Guide and Progress of the Strategic Cases Project

The item was postponed.

B.2.3. Update on the Support Pool of Experts

The Chair recalled that a legal report on the extra-territorial enforcement of the GDPR was commissioned through the Support Pool of Experts at the end of 2023 at the request of the NL SA. The NL SA presented the conclusions of the report.

The EDPB members took note of the report and decided to publish it.

C. Organisational matters

C.1. Appointment of an interim COOP coordinator (Cooperation ESG)

The EDPB members were informed that one of the COOP ESG co-coordinators, ██████████ would be absent for the period from October 2024 to January 2026 but would be willing to continue being COOP ESG coordinator upon their return.

The EDPB members unanimously designated ██████████ (NL SA) as interim coordinator for the Cooperation ESG.

C.2 Appointment of EDPB Representative to the DMA HLG subgroups on AI and on Data related provisions (Competition and Consumer TF)

The Chair recalled that the European Commission had invited the EDPB to appoint its representatives for the DMA HLG Subgroups on AI and on Data related provisions.

In relation to the Subgroup on Data Related Provisions, ██████████ (NL SA) is no longer able to fulfil this role due to their new functions within their SA. It was proposed that ██████████ (NL SA) would replace them.

In relation to the newly created Subgroup on AI, the EDPB needs to appoint 5 representatives.

The EDPB members appointed ██████████ (SI SA), ██████████ (NL SA), ██████████ (FR SA), ██████████ (IT SA) and ██████████ (DE SA Hamburg) as EDPB representatives to the DMA HLG Subgroup on AI and ██████████ (NL SA) as EDPB representative to the DMA HLG Subgroup on Data related provisions.

The EDPB members appointed ██████████ (DK SA), ██████████ (SE SA), ██████████ (BE SA), ██████████ (IT SA) and ██████████ (ES SA) as alternates.

The appointed representatives will represent the EDPB, and will align their positions within the EDPB Competition and Consumer law Taskforce.

D. Agenda items for information

D.3. Any other business

D.3.1. Information on the British, Irish and Islands' Data Protection Authorities (BIIDPA) Meeting

The Deputy Chair (CY SA), provided information to the EDPB members regarding the British, Irish and Islands' Data Protection Authorities (BIIDPA) Meeting.

The EDPB members took note of the information given.

D.3.2. European Commission's 2nd report on the application of the General Data Protection Regulation (GDPR)

The EU COM provided information and a brief presentation of the Second report on the application of the General Data Protection Regulation (GDPR) which was adopted on 25 July 2024.

The EDPB members took note of the information and agreed to further discuss the report at the Strategic Advisory Subgroup.

D.3.3. Update on the IE SA's Article 64.2 GDPR opinion request

The EDPB Secretariat informed the Board that it has received a number of letters from stakeholders urging the EDPB to organise a public consultation on the IE SA's request for an Article 64(2) Opinion on AI training. The EDPB members exchanged on the matter and decided to continue the discussions during the October plenary meeting.

E. Written State of play

E.1. Joint European Commission - EDPB Guidance on DMA and GDPR - Next Steps (TF Competition and Consumer law)

The EDPB members took note of the written state of play concerning the Joint European Commission - EDPB Guidance on the interplay between the DMA and GDPR.

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, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA

The LV SA delegated voting rights to the EE SA pursuant to Art. 22.5 RoP.

European Commission

EFTA Surveillance Authority

Observers:

- MD SA, MK SA, GE SA. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting.

EDPB Secretariat