



Final

103rd Plenary meeting

13 March 2025, Remote

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

I.1. Minutes of the 102nd Plenary meeting – adoption

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

I.2. Draft agenda of the 103rd EDPB meeting – adoption

The draft agenda was adopted with the inclusion of one additional AOB (item D3.3.).

The discussions relating to agenda items D.3.1 were declared confidential according to Art. 33 EDPB RoP.

A. Agenda items for adoption

There was no request to discuss the following A item and it was adopted unanimously:

- Opinion on the SE SA's draft decision regarding the BCR-C of Alfa Laval Group.

B. Agenda items for discussion

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

B.1.1. Statement on the implementation of the PNR Directive in light of CJEU judgment C-817/19 (Borders, Travel & Law Enforcement)

The EDPB Chair recalled the background of this file and the EDPB's previous statement on the implementation of the PNR Directive in light of the judgment of the Court of Justice (C-817/19), which was adopted in December 2022. She thanked the members of the Borders, Travel and Law Enforcement expert subgroup, and in particular the members of the drafting team and then gave the floor to the lead rapporteur. The lead rapporteur explained that this second statement addresses areas where more guidance is needed, as regards six topics: categories of persons, objective link, intra

Adopted on 08/04/2025

EU-flights, data subject rights and automated processing, independent prior review and retention period.

The EDPB members adopted the statement unanimously.

B.1.2. EDPB Document setting forth a procedure for the approval of “Binding Corporate Rules” for controllers and processors under the GDPR (International Transfers ESG)

The EDPB Chair explained that if adopted, this document will supersede the document prepared by the Article 29 Working Party (WP263 rev.01), endorsed by the EDPB in 2018, and will be published on website.

The lead rapporteur explained that the updated procedure aims at reducing the approval time while streamlining the cooperation among SAs.

The EDPB members adopted the statement unanimously.

B.2. Agenda items for discussion

B.2.1. Annual report on the use of external experts

The EDPB Secretariat presented the report which summarises the activities carried out in 2024 within the Support Pool of Experts (SPE) project. The EDPB Secretariat explained that 17 projects had been completed at the end of 2024, and 9 projects were launched during 2024. The EDPB Secretariat encouraged the EDPB members to continue using the deliverables internally within their SA, and to propose new projects, which can be either to support the SA in the work at national level or in the context of activities with an EDPB expert subgroup, underlining that it is still possible to propose projects for 2025.

The public report on the use of external experts will be made available on the EDPB website. Lastly, the EDPB Secretariat proposed, considering its success and level of maturity, to stop considering the project as a pilot. This was accepted by the EDPB members.

Several EDPB members intervened to express their thanks for the work done and stressed the usefulness of this instrument. Some EDPB members shared information about projects which are in the process of being launched.

One EDPB member recalled that the initial intention of the SPE project was to provide support for investigations and enforcement actions. In this respect, the EDPB Secretariat recalled the finalised and ongoing actions.

The EDPB Secretariat thanked the EDPB members for their positive feedback, and informed the EDPB members that the SPE list of experts will expire by the beginning of next year and that a new call for experts will be launched.

The EDPB members took note of the information provided.

C. Organisational matters

C.1. EDPB Quick Response Team

The EDPB Chair recalled discussion at the last plenary meeting, where it was decided to create a quick response team (QRT) to coordinate among SAs when urgent and sensitive matters occur. The EDPB Chair then gave the floor to one of the rapporteurs to present the proposal.

The rapporteur explained that the goal of the QRT is to be able to get in touch with each other quickly in the scenarios mentioned by the EDPB Chair, so that members can help support each other and present a united front. The rapporteur stressed that, even if specific cases prompted the idea for the QRT, the QRT is not intended for substantive work on these particular items. The rapporteur then presented the two discussion points with regard to the level of representation, as well as the mode of communication.

Several EDPB members expressed support for the initiative and underlined the importance of early communication in order to ensure consistency among SAs' actions. One SA recalled that the QRT is not intended to replace existing cooperation mechanisms within the EDPB, and that it would be beneficial to clearly delineate when to use the QRT and when to use other existing EDPB channels.

The rapporteur also underlined that it was not the intention that SAs interrupt their national procedures in order to inform the QRT, but that this can be done in parallel.

The EDPB members agreed to create the QRT as proposed, and that the precise representation in the QRT should be determined by each SA and limited to two persons. As regards the mode of communication, most EDPB members were in favour of using a messaging application, possibly combined with email. The precise mode of communication will be determined after a DPO assessment has been conducted.

The EDPB members agreed to have a pilot phase of 6 months, after which the QRT initiative will be discussed.

C.2. Request for mandate of AI Enforcement TF (formerly ChatGPT TF)

The EDPB Chair recalled the discussion at the last plenary meeting, where it was decided to prepare an extended mandate for the ChatGPT task force. She then gave the floor to the coordinator of the task force to describe the suggested way forward.

The ChatGPT task force coordinator explained that exchanges within the task force should focus on cases where controllers do not have establishment in EU/EEA, i.e. on cases which are outside the One Stop Shop mechanism. The task force will, in the future, prepare a report on its work, as has been done in the past for other cases. The new name proposed for the task force is "Generative AI enforcement Task Force."

One EDPB member suggested to slightly modify the wording in point B of the draft mandate, so that it reads "generative AI". There were no objections to this proposal.

The EDPB members agreed to adopt mandate with the amendment proposed.

C.3. Visual identity of the EDPB

The EDPB Secretariat shared an update regarding the refresh of the EDPB visual identity, consisting of an update to the logo and a tagline. The objective of this update is to have a visual identity which is more recognisable and engaging, and to ensure consistency across all platforms. This will be gradually rolled out over the next few months.

The EDPB members took note of info provided.

D. Agenda items for information

D.3. Any other business

D.3.1. U.S. "Presidential Action on Defending American Companies and Innovators from Overseas Extortion and Unfair Fines and Penalties"

The EDBP Chair reminded the EDPB members of the confidentiality of discussions.

One EDPB member referred to the U.S. memorandum "Presidential Action on Defending American Companies and Innovators from Overseas Extortion and Unfair Fines and Penalties", dated 21 February 2025 and published on the website of the White House. The EDPB members took note of the information provided.

D.3.2. Recent developments regarding disinformation on social media platforms

One EDPB member raised the matter that several online platforms have decided to stop fact checking the content on their platforms, and raised concerns of the implications of these developments and their impact on the right to protection of personal data. Several EDPB members intervened to express their concerns. One member underlined the need for an inter-regulatory approach in this matter. The member also cited the recent opinion of the Advocate General in case C-492/23 regarding the obligation of online platforms. As regards cross-regulatory cooperation, the EDPB Secretariat recalled the past exchanges with the European Cooperation Network on Elections and the Authority for European Political Parties and European Political Foundations. The EDPB Secretariat also referred to the Regulation 2024/900 on political advertising for which the EDPB has to work on guidelines in close cooperation with the European Commission.

D.3.3. Judgment of the CJEU in case C-203/22

One EDPB member drew attention to this recent judgement and underlined its importance, where the Court provided an interpretation of Article 15(1)(h) GDPR for the first time. The Court also ruled that, if a controller claims that this information cannot be shared with a data subject because it is a trade secret, that controller is obliged to share this information with the SA, which should decide whether this is the case.

Closing information

The EDPB Chair reminded the members that at the next plenary meeting the appointment of coordinators will be discussed. In this regard, the EDPB Chair informed the members that a candidate is still needed for the ENF ESG and the CEH ESG. The EDPB Chair invited the members to consider whether their SA is in a position to propose a candidate for this important work.

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

LV SA delegated its vote to the Estonian SA.

European Commission

Observers:

- AL SA, GE SA, XK SA. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting for all items of the agenda.

- CH SA (Federal) was present during the plenary meeting for item B.1.1 of the agenda.

EDPB Secretariat