



Final

## 104th Plenary meeting

8 April 2025, 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 103rd Plenary meeting – adoption

The minutes of the previous EDPB plenary meeting were adopted unanimously with the editorial changes agreed.

The members of the EDPB also agreed on the public version of the minutes.

The Chair informed the members of her meetings with Commissioners Virkkunen and McGrath.

The Chair also informed the members that she was invited by the Brazilian DPA to join a meeting of the Ibero-American network of DPAs. The Chair took part to the event remotely and the Head of the EDPB Secretariat presented the EDPB work on AI.

The Chair further informed the members of her meeting with the Japanese DPA.

The Chair also communicated to the members that the South Korean DPA has recently opened the KISA Data Protection Cooperation Center in EU in Brussels and that she had had a meeting with the South Korean DPA. The EDPB Secretariat also presented the EDPB opinion on AI models to the South Korean DPA.

The Austrian and Hungarian SAs informed the members that this year marked the 45<sup>th</sup> anniversary of data protection in Austria and the 30<sup>th</sup> anniversary of data protection in Hungary, and invited them to celebrate the occasion.

## I.2. Draft agenda of the 104th EDPB meeting – adoption

The draft agenda was adopted with the addition of one additional AOB (item D.3.1).

## I.3. State of play of the EU-U.S. DPF under the new U.S. administration - information

The Chair introduced the item on the state of play of the EU-U.S. DPF under the new U.S. administration.

The European Commission informed the members that Executive Order 14086 remains fully in place and that the European Commission will continue to monitor the situation, in particular following the dismissal of three members of the PCLOB and two FTC Commissioners.

The EDPB members took note of the information given.

## A. Agenda items for adoption

There was no request to discuss the proposed A items. A single vote was organised for the four A agenda items, which were all adopted unanimously:

- A.1. Opinion on the draft decision of the French Supervisory Authority regarding the "Lexing GDPR certification criteria"(Compliance, E-Government and Health ESG);
- A.2. Opinion on the draft decision of the Finnish SA regarding the Controller Binding Corporate Rules of the Nokia Group (International Transfers ESG);
- A.3. Opinion on the draft decision of the Finnish SA regarding the Processor Binding Corporate Rules of the Nokia Group (International Transfers ESG); and
- A.4. Request for an Article 64(2) Opinion on Cyprus Public Audit Oversight Board (CyPAOB)/Public Company Accounting Oversight Board (PCAOB) Administrative Arrangement - decision to not adopt an opinion on the same matter as Opinion 5/2021 (International Transfers ESG).

## B. Agenda items for discussion

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

#### B.1.1. Guidelines on processing of personal data through blockchain technologies (Technology ESG)

The Chair introduced the item and its background, and thanked the lead rapporteurs and drafting team for their work on this file. The lead rapporteur presented the work done and the main focus of the Guidelines.

A member pointed out the need to proceed to an editorial change to ensure the internal consistency of the document.

The EDPB members adopted unanimously the guidelines, entrusting the EDPB Secretariat with incorporating the changes agreed into the final version of the guidelines.

The guidelines will be submitted to a public consultation for a period of 8 weeks. The EDPB Secretariat will prepare an explanatory factsheet to be published on the EDPB website.

## B.2. Agenda items for discussion

### B.2.1. Cooperation with the AI Office in relation to guidelines on the interplay of the AI Act with other Union law such as EU Data Protection Law (Technology, and Borders, Travel & Law Enforcement ESGs)

The Chair introduced the item specifying that the current draft guidelines cover both the GDPR and the LED directive. The Chair introduced this item, noting that strong, cross-regulatory cooperation are part of the EDPB strategy 2024/2027. The Chair further informed the members that there was an opportunity for closer cooperation on the Guidelines with the AI Office.

The lead rapporteur presented the state of play of the guidelines and asked the Members to consider whether the drafting team should employ closer cooperation with the AI Office during the drafting of these Guidelines. The Members discussed this matter. All Members agreed on the importance of cooperation with the AI Office, with many members and the European Commission outlining the benefits of close cooperation and the opportunity for strong legal clarity and certainty, and others emphasising the importance of retaining the EDPB's independence during any cooperation.

The Members decided to closely cooperate with the AI Office in relation to the drafting of the guidelines on the interplay between the AI Act and EU data protection legislation, and that the drafting team will contact the AI office in order to define the working methods.

## C. Organisational matters

### C.1. Appointment of coordinators for several expert subgroups and a task force (Borders, Travel & Law Enforcement; Compliance, E-Government & Health; Cross-Regulatory Interplay & Cooperation; Enforcement; Financial Matters; International Transfers; Key Provisions; Social Media; and Technology ESGs, and Fining TF)

The Chair introduced the subject, recalling that article 25.3 of the Rules of procedure of the EDPB provides for a designation of coordinators for a renewable term of two years, that the EDPB members decided that each expert subgroup and taskforce should have two co-coordinators, and that the mandates of many coordinators had come to an end in April 2025.

The EDPB members unanimously designated the following coordinators for a renewable term of two years: [REDACTED] for Key Provisions; [REDACTED] for Enforcement; [REDACTED] for Technology; [REDACTED] for International transfers; [REDACTED] and [REDACTED] for Financial matters; [REDACTED] and [REDACTED] for Border, Travel & Law enforcement; [REDACTED] for Compliance, E-Gov and Health; [REDACTED] and [REDACTED] for Fining TF; [REDACTED] and [REDACTED] for Social Media; [REDACTED] and [REDACTED] for Cross-regulatory interplay and cooperation.

Other coordinators will have their mandate ending in May 2025 and therefore further appointment will be made during next plenary meeting.

### C.2. DMA Subgroup on data-related obligations (Cross-Regulatory Interplay and Cooperation ESG)

The Chair recalled that the EDPB needs to appoint one representative to the DMA Subgroup on data related obligations of the High-Level Group for the DMA following the resignation of [REDACTED] from this role. The Chair thanked the resigning representative for the work done.

The EDPB Secretariat informed the members that, following the call for expression of interest, one candidate expressed an interest to represent the EDPB at the DMA Subgroup on data related

obligations of the High-Level Group for the DMA, [REDACTED] (IE SA). The appointed representative will be called to represent the EDPB and, consequently, to align their positions with the Cross-Regulatory Interplay and Cooperation ESG. The EDPB members officially appointed [REDACTED] (IE SA) as EDPB representative.

The EDPB Secretariat gave further information to the members regarding the timeline for (re-)appointing representatives to the DMA High-Level Group and to the different DMA HLG subgroups.

Regarding the DMA High-Level Group, the EDPB Secretariat will soon circulate a call for volunteers to appoint or reappoint the representatives. The Members took note of the information given. Further, regarding the three subgroups of the DMA High-Level Group, the EDPB Secretariat informed the members that, given the recency of the relevant appointments, the Chair proposed to reappoint the current EDPB representatives. Where a representative does not wish to be reappointed, a call for volunteers will be circulated, following the normal procedure. The members agreed with the approach.

## D. Agenda items for information

### D.1. Information on decisions taken in written procedure

The Chair reminded the members about the adoption via written procedure of a letter addressed to the co-legislators in the context of the ongoing trilogues on the Proposal for a Regulation laying down additional procedural rules relating to the enforcement of the GDPR. In the letter, the EDPB underlines both its wish to be informed about the negotiations and its availability to contribute to the work.

The Chair further informed the members that the LIBE Secretariat recently contacted the EDPB Secretariat to discuss Article 24 of the draft regulation concerning the right to be heard for Article 65 GDPR procedures. The Chair informed the members that the LIBE Secretariat had prepared a new draft Article 28.b about DPA statistics and that the EDPB Secretariat, together with the Enforcement ESG drafting team which had worked on the EDPB Questionnaire for GDPR statistics, had worked to provide written comments on the proposal.

The EDPB members took note of the information given.

### D.2. Updates from EDPB participants

#### D.2.1. SPE project on risks associated with Large Language Models (LLMs) and mitigation measures

The Chair informed the members that a report on risks associated with Large Language Models (LLMs) and mitigation measures had been commissioned as part of the Support Pool of Experts at the request of the HR SA.

The HR SA intervened to share its appreciation for this work and provided information about the SPE project report.

The EDPB members took note of the information and decided to publish the report on the EDPB website.

## D. Agenda items for information

### D.3. Any other business

#### D.3.1. Election of the new Commissioner for the BG SA

The Chair gave the floor to the BG SA who informed the members about the current procedure of appointment of the new commissioner in Bulgaria, as well as about the Bulgarian parliament's current approach to the nomination. The Bulgarian Commissioner committed to inform the Chair and the other members in due time of any development of the situation.

The BG Commissioner, which is currently Chair of the Executive Committee of the GPA, also provided an update from GPA regarding the organisation of the annual meeting.

The Chair thanked the BG Commissioner for the work done and for his commitment within the GPA.

## 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, SE SA, SI SA, SK SA

European Commission

Observers:

- AL SA, GE SA, MK SA, RS SA and XK SA. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting except for points I.3, A.1, A.2, A.3 and A.4 of the agenda.
- CH SA (Federal) was present during the plenary meeting for item B.2.1 of the agenda.

EDPB Secretariat