



Final

## 105th Plenary meeting

5 May 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 104th Plenary meeting – adoption

The minutes of the previous EDPB plenary meeting were unanimously adopted with the editorial modifications proposed.

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

The Chair informed the members that the BE SA has a new Executive Committee with five directors, and congratulated the new Chair of the BE SA and the Head of the Litigation Chamber of the BE SA who was present at the meeting.

The Chair informed the members that the EDPB will be consulted by the European Commission on a proposal for changes to Article 30 GDPR and that the deadline to share the EDPB's views is 9 May 2025. The European Commission explained the envisaged change to Article 30(5) GDPR and corresponding recitals to be included in the simplification omnibus on Small Mid-cap Companies which is planned to be adopted by the Commission on 21 May 2025.

The EDPB members agreed that the [REDACTED] would act as lead rapporteur together with the [REDACTED] and would draft the letter in cooperation.

The Chair also informed the members about the three topics that will be discussed during the Commissioners' meeting that will take place in Helsinki at the beginning of July. The Chair invited the EDPB members to share their views. A member proposed the inclusion of a discussion on EDPB working methods to assess possible improvements. This was supported by another member, who also suggested a discussion on the strategic aims of the EDPB in a changing environment. Finally, one member suggested clarifying the formal nature of the meeting.

The Chair underlined that the working methods will be part of the proposed topics and invited the EDPB members to share their views on the suggested topics with the Chair and the EDPB Secretariat.

## I.2. Draft agenda of the 105th EDPB meeting – adoption

The draft agenda was adopted with the addition of six points under AOB (items D.3.1, D.3.2, D.3.3, D.3.4, D.3.5 and D.3.6).

The discussions relating to agenda points B.1.1, B.1.2, B.2.1 were declared confidential in accordance with Article 33 of the EDPB Rules of Procedure.

## 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. Reply to letter from MEP Körner (Enforcement ESG);
- A.2. Opinion on the draft decision of the Norwegian SA regarding the Controller Binding Corporate Rules of the Statkraft Group (International Transfers ESG);
- A.3. Opinion on the draft decision of the French SA regarding the Processor Binding Corporate Rules of the Worldline Group (International Transfers ESG); and
- A.4. Opinion on the draft decision of the French SA regarding the Controller Binding Corporate Rules of the Worldline Group (International Transfers ESG).

## B. Agenda items for discussion

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

B.1.1. Draft opinion regarding the extension of the European Commission Implementing Decisions under the GDPR and the LED on the adequate protection of personal data by the United Kingdom (International Transfers and Borders, Travel & Law Enforcement ESGs)

The Chair introduced the background of the item. The lead rapporteurs presented the work done on the draft opinion and explained that it was decided to draft one single opinion addressing both extensions of the adequacy decisions under the GDPR and the LED, highlighting that the draft opinion relates only to the technical and time limited extension of the adequacy decision.

The EDPB members adopted the opinion unanimously.

B.1.2. Draft Opinion regarding the European Commission draft implementing decision pursuant to Regulation (EU) 2016/679 on the adequate protection of personal data by the European Patent Organisation (International Transfers and Borders, Travel & Law Enforcement ESGs)

The EDPB Chair introduced the subject and highlighted the importance of this draft opinion and of the adequacy decision which, once adopted, will be the first adequacy decision regarding an International

Organisation. The Chair highlighted that this adequacy decision will help to demonstrate how the GDPR can be applied while respecting the privileges and immunities of the International Organisations. The lead rapporteur presented the request from the European Commission and the work done on the draft opinion, as well as the main points covered by the draft opinion.

The European Commission suggested a change to the executive summary of the opinion to reflect the content of the opinion more precisely.

The EDPB members agreed on the proposed modification and unanimously adopted the opinion, with the included amendment, entrusting the EDPB Secretariat to incorporate the change.

## B.2. Agenda items for discussion

### B.2.1. Request from Bosnia and Herzegovina DPA to become an observer to the EDPB's activities

The Chair introduced the subject and informed the EDPB members that the DPA of Bosnia and Herzegovina has requested to become an observer to the EDPB's activities. The EDPB Secretariat recalled that the request needs to be assessed in accordance with the criteria set out in Article 8(1) of the EDPB RoP. The EDPB Secretariat presented the analysis of the request and the conditions for granting the status of observer and elaborated on each of them, as applicable to Bosnia and Herzegovina. Following the presentation, the EDPB members exchanged on the matter and two EDPB members outlined arguments in favour of the DPA of Bosnia and Herzegovina becoming an observer to the EDPB's activities. The EDPB members unanimously agreed to grant an observer status to the DPA of Bosnia and Herzegovina.

## C. Organisational matters

### C.1. Appointment of coordinators for two taskforces (Generative AI Enforcement; International Engagement 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, and that the mandates of the coordinators of two taskforces were coming to an end in May 2025. The EDPB members unanimously reappointed the following coordinators for a renewable term of two years: [REDACTED] for International Engagement TF; [REDACTED] and [REDACTED] for Generative AI Enforcement TF.

### C.2. Appointment of EDPB representatives for DMA HLG and subgroups (Cross-Regulatory Interplay and Cooperation ESG)

The Chair recalled that the European Commission created the DMA High Level Group (HLG) to provide advice and expertise on the implementation of the Digital Markets Act. In addition, three Subgroups of the DMA High Level Group dedicated to data-related obligations, Article 7 DMA and Artificial Intelligence have been created. The Chair recalled that the two-year mandate for the representatives ends on 12 May 2025, and that the EDPB needs to appoint five representatives from the EDPB to each of the three subgroups for the term from 13 May 2025 to 13 May 2027.

In relation to the DMA HLG, the EDPB members unanimously reappointed [REDACTED] and [REDACTED], and designated [REDACTED] and [REDACTED] as main representatives. The EDPB members also designated [REDACTED] and [REDACTED] as alternate representatives.

In relation to the DMA HLG Subgroup on Article 7 DMA, the EDPB members unanimously reappointed [REDACTED] and [REDACTED] as main representatives.

In relation to the DMA HLG Subgroup on Data-Related Obligations, the EDPB Secretariat informed the members that one of the current representatives was no longer able to fulfil this role, while the others confirmed their interest in being reappointed. The EDPB members unanimously designated [REDACTED] as main representatives, and [REDACTED] as alternate representative.

Concerning the DMA HLG Subgroup on Artificial Intelligence, the EDPB Secretariat informed that three of the five current representatives expressed their interest in being reappointed, and a call for interest was circulated among the members for the two remaining posts. The EDPB members unanimously designated [REDACTED] as main representatives. The EDPB members unanimously designated [REDACTED] and [REDACTED] as alternate representatives.

All appointed representatives will be called to represent the EDPB and, consequently, to align their positions with the Cross-Regulatory Interplay and Cooperation ESG.

### C.3. Appointment of EDPB representative as observer at EDICG (Compliance, E-Government & Health ESG)

The Chair informed the members that the European Commission established the European Digital Identity Cooperation Group (EDICG) and that, following the initiative of one member, the EDPB contacted the European Commission to have an EDPB representative as an observer at this cooperation group and the potential subgroups. The European Commission agreed to have a main and an alternate representative of the EDPB as observer at the EDICG.

The EDPB members unanimously appointed [REDACTED] as the EDPB representative as observer at EDICG. The appointed representative will be called to represent the EDPB and, consequently, to align their positions with the Compliance, e-Government and Health ESG.

The EDPB Secretariat recalled that another call for interest will be launched by the EDPB Secretariat regarding a working group created in the context of EDICG on handling technical and operational tasks related to the EU Digital Identity Wallets, notified eIDs and Trust Services.

## D. Agenda items for information

### D.2. Updates from EDPB participants

#### D.2.1. Information regarding the Opinion of the Advocate General in Case C-97/23 P

The Chair provided the background of Case C-97/23 P and highlighted its importance for the EDPB. The EDPB Secretariat presented the Opinion of Advocate General in Case C-97/23 P, focusing on the concepts of 'challengeable act', 'directly concerned by the decision' and on the logic of the judicial remedies. The EDPB Secretariat explained that the Advocate General considers that the action for annulment is admissible and that the case should be sent back to the General Court to address its merits. The EDPB Secretariat highlighted that the Opinion of the Advocate General is not binding on the Court and that the timeline of the decision is not public at this stage.

The Chair further informed the EDPB members about a new order issued by the General Court in Case T-319/24 on 29 April 2025. The EDPB Secretariat provided information on the order issued by the General Court, focusing on the claim for annulment and on the claim for non-contractual liability. The

EDPB Secretariat highlighted that the General Court dismissed Meta's action and ordered it to pay the EDPB's costs, and that the deadline to appeal the order is two months and ten days.

The EDPB members took note of the information given.

### D.3. Any other business

#### D.3.1. Information on Baltic banking industry conference "Data Protection in Finance: Navigating GDPR, Artificial Intelligence, and Cybersecurity Challenges"

The LT SA provided an update on the Baltic banking industry conference "Data Protection in Finance: Navigating GDPR, Artificial Intelligence, and Cybersecurity Challenges", which took place in Vilnius on 3 April 2025. The LT SA presented the conference as a good example of cooperation between businesses and SA, and thanked the participants for their contributions.

The EDPB members took note of the information given.

#### D.3.2. Information on FATCA decision of the BE SA

The BE SA provided an update on the recent decision on the FATCA (Foreign Account Tax Compliance Act) Agreement issued by the BE SA. The BE SA provided the background to the decision and explained that the new decision was issued after the court annulled the previous decision. In the decision, the BE SA reconfirms its position, states that the transfer in this case is not in accordance with EU Law and should stop, and finds that Article 96 GDPR should be seen in light of the changing circumstances.

The EDPB members took note of the information given. Several members shared that they have received access to documents requests on this matter, and it was agreed to have a coordinated approach to address such requests.

#### D.3.3. Information on the Belgian Market Court Decision on the abuse of law by NOYB and its complainants

The BE SA provided an update on the Belgian Market Court Decision on the abuse of law by NOYB and its complainants. The BE SA explained that the Court's Decision stated that the SA needs to check every time if there is an abuse of law on the right of the complainant. As a result of the decision, the BE SA was asked to issue a new decision on the matter.

The EDPB members took note of the information given.

#### D.3.4. Update from the FR SA

The FR SA provided an update on the questionnaire sent to [REDACTED] and on the answers received, and informed that the analysis of the answers will be uploaded on IMI. The FR SA informed that it will propose a collective and coordinated action on the matter.

The EDPB members took note of the information given.

#### D.3.5. Update by the EDPS on the upcoming event

The EDPS informed the members that it will invite Commissioners to a High-level Debate on Competition, Innovation and Data Protection on 3 June 2025, and that more information on the event will be provided to the members.

The EDPB members took note of the information given.

#### D.3.6. Updates on the work of the Polish Presidency of the Council on the Procedural Regulation

The PL SA provided an update on the work of the Polish Presidency of the Council on the Proposal for a Regulation of the European Parliament and of the laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679, highlighting that 17 meetings took place and that the last meetings focused on the deadlines. The PL SA added that the aim is to conclude the negotiations on 21 May 2025. The PL SA also thanked the members for the attendance to the event in Krakow and informed that the programme will be provided in due time.

The EDPB members took note of the information given.

#### 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

European Commission

Observers:

- AL SA, in line with Art. 8 of the EDPB RoP, was present as an observer during the plenary meeting except for points A.1, A.2, A.3, A.4, B.1.1, B.1.2 and B.2.1 of the agenda.

EDPB Secretariat