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Recommendations 1/2026 on the Application for Approval and on the elements and principles to be found in Processor Binding Corporate Rules (Art. 47 GDPR)

This submission welcomes the opportunity to comment on the European Data Protection Board's draft Recommendations 1/2026 on Processor Binding Corporate Rules. The initiative is a positive and timely step toward greater harmonization of international data transfer mechanisms and provides helpful clarification on approval procedures, required content, and accountability expectations for organizations.

Overall, the draft offers a clear and structured framework that strengthens legal certainty while maintaining a strong focus on data subject protection. In particular, the emphasis on enforceable rights, explicit internal commitments, and transparent governance mechanisms reflects a robust interpretation of Article 47 GDPR and supports trust in cross-border processing arrangements.

The standardized application approach is especially valuable, as it can reduce fragmentation between supervisory authorities and improve predictability for applicants. The risk-based logic underlying the requirements, including case-by-case assessments and supplementary safeguards, is also appropriate and consistent with modern compliance practice.

Some targeted refinements could further enhance the effectiveness of the final text. Additional practical guidance or illustrative examples would assist organizations in translating the requirements into operational measures. Clarification on how BCR-P interact with other transfer tools and on expectations for assessing third-country laws would also improve consistency. Finally, explicit consideration of proportionality would help ensure that implementation remains feasible for organizations of different sizes and structures.

In conclusion, the draft Recommendations represent a strong and constructive framework for regulating intra-group international transfers. With limited clarifications focused on usability and proportionality, the final instrument has the potential to become a highly effective and widely adoptable compliance mechanism.

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