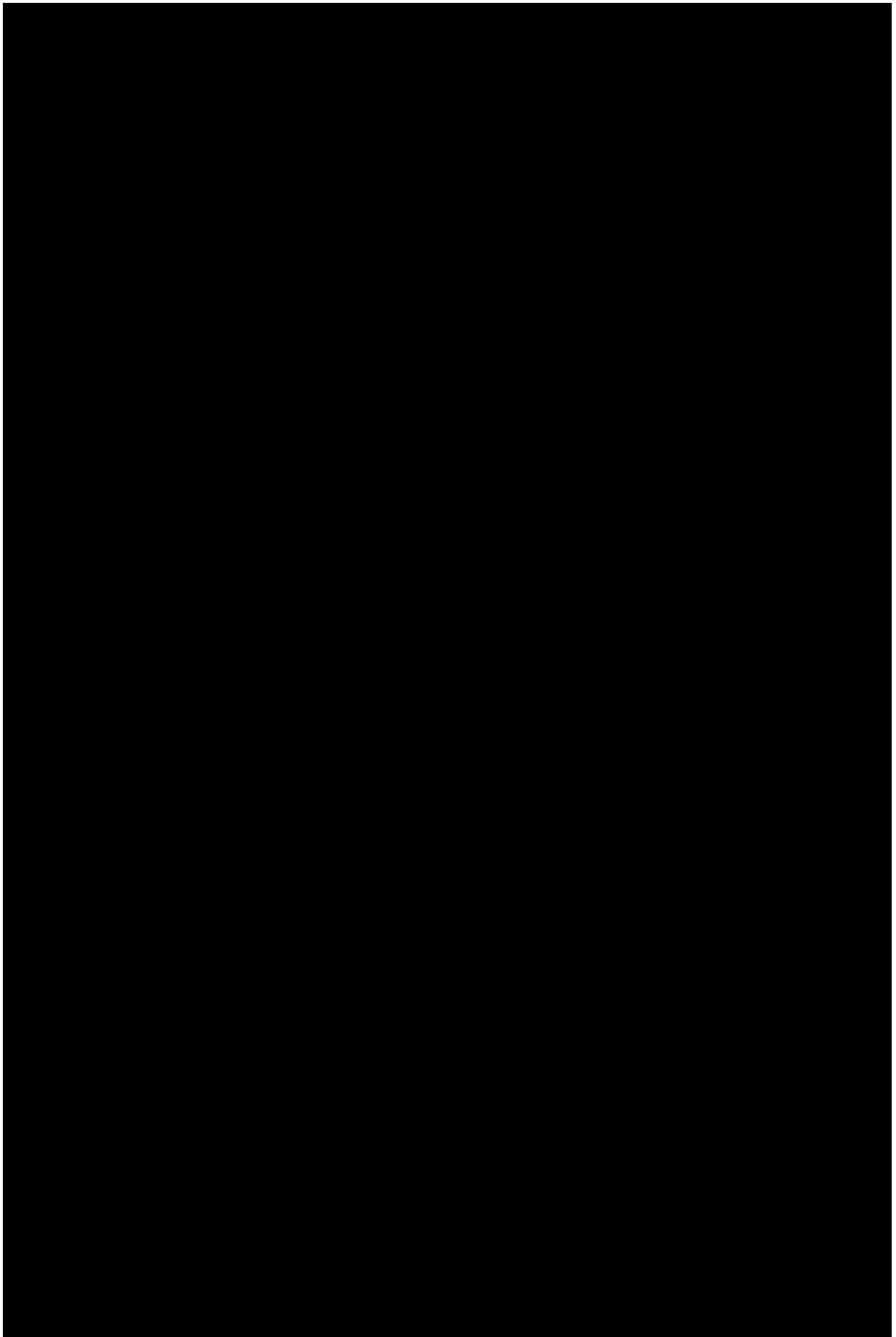




Final

ITS Expert Subgroup meeting
9-10 February 2021, Remote meeting

9 February 2021



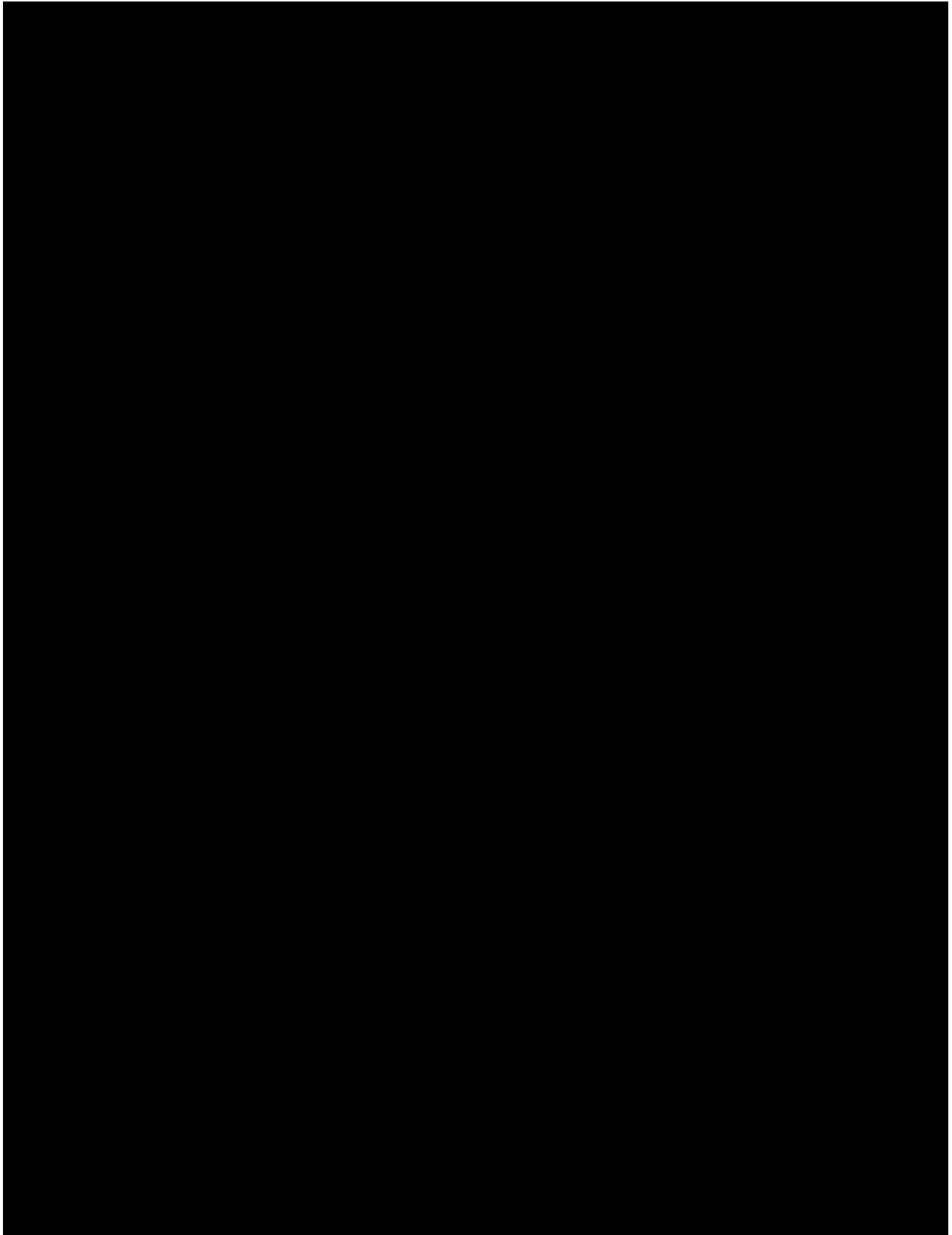
7. CRS/FATCA agreements and Article 96 of the GDPR

The ITS Coordinator presented a draft EDPB statement that invites Member States to review their international agreements concluded before GDPR to align them with GDPR requirements, and remind them that, according to Article 96 GDPR, international agreements currently in place, would still remain valid until amended. The ITS ESG members were invited to discuss this draft.

One ITS ESG member proposed to change the structure and provide additional examples to the automatic exchange of data for tax purposes. Another member of the ITS ESG suggested changing the way the issue is presented by starting with the fact the EDPB issued guidelines on transfers between public authorities, which also cover international agreements, and carry on with Article 96 GDPR, calling on Member States to review, and if necessary align, their international agreements against the GDPR framework and the relevant EDPB guidelines.

██████████ suggested that the draft statement refers to data protection law in general to also cover the LED, and questioned the relevance of specifically highlighting the automatic exchange of data for tax purposes in a general statement. The ITS Coordinator expressed the view that this example should be kept as part of the statement, but suggested adding additional ones. On that point, one ITS ESG member suggested the area of social security as another example.

The ITS ESG members were invited to share written comments on the draft statement by 19 February 2021. The ITS Coordinator will then circulate a new version of the statement for a possible adoption at the March 2021 Plenary, or, if not possible, at the April one. The members of the ITS ESG considered that the supporting information provided EDPB members ahead of the Plenary should clarify that the draft statement is a contribution provided by the ITS ESG, upon request of the FMESG.





Annex: Attendance List

SAs: AT SA, BE SA, BG SA, CZ SA, DE SA, DK SA, EDPS, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IT SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, SE SA

- European Commission
- EDPB Secretariat