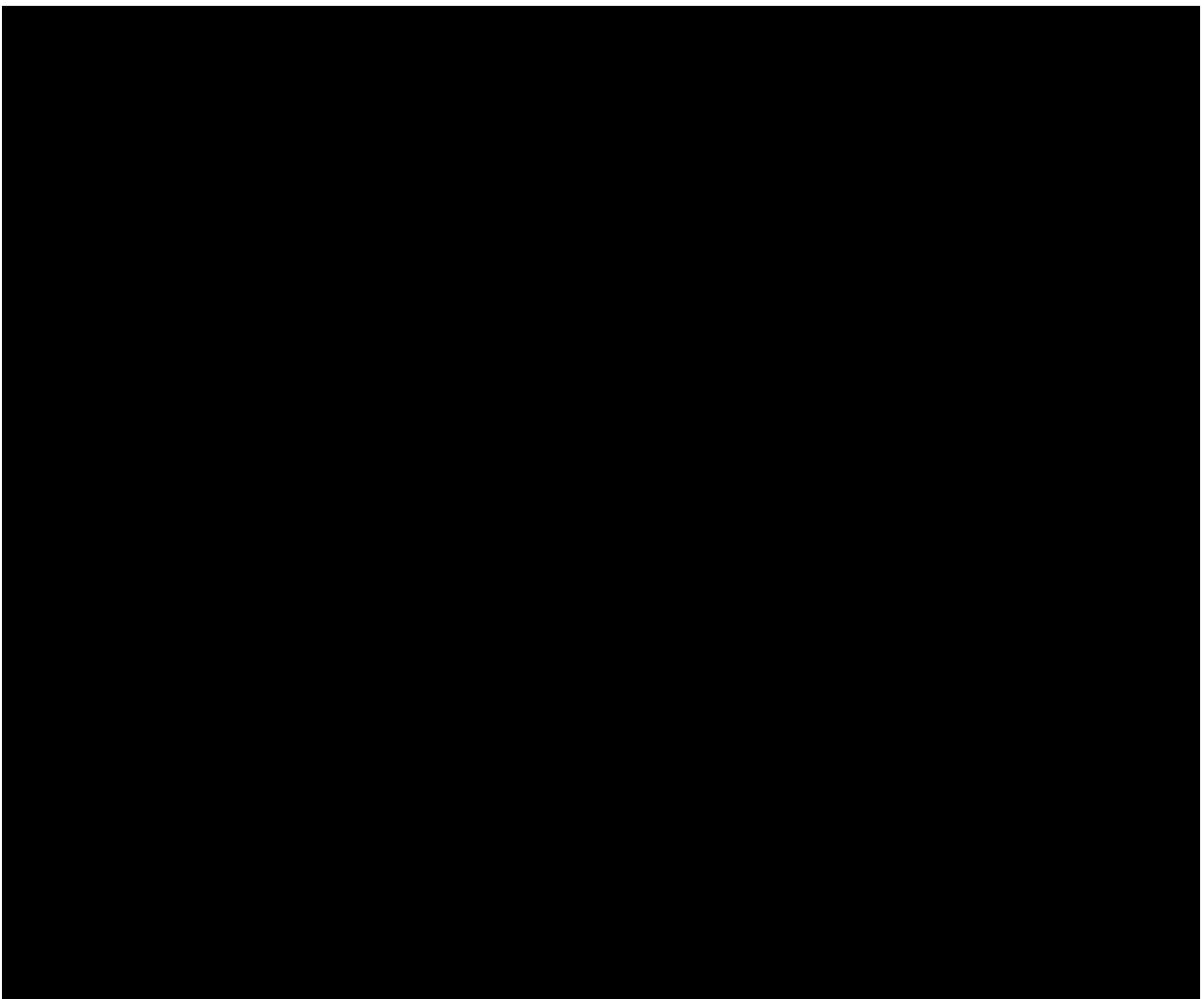




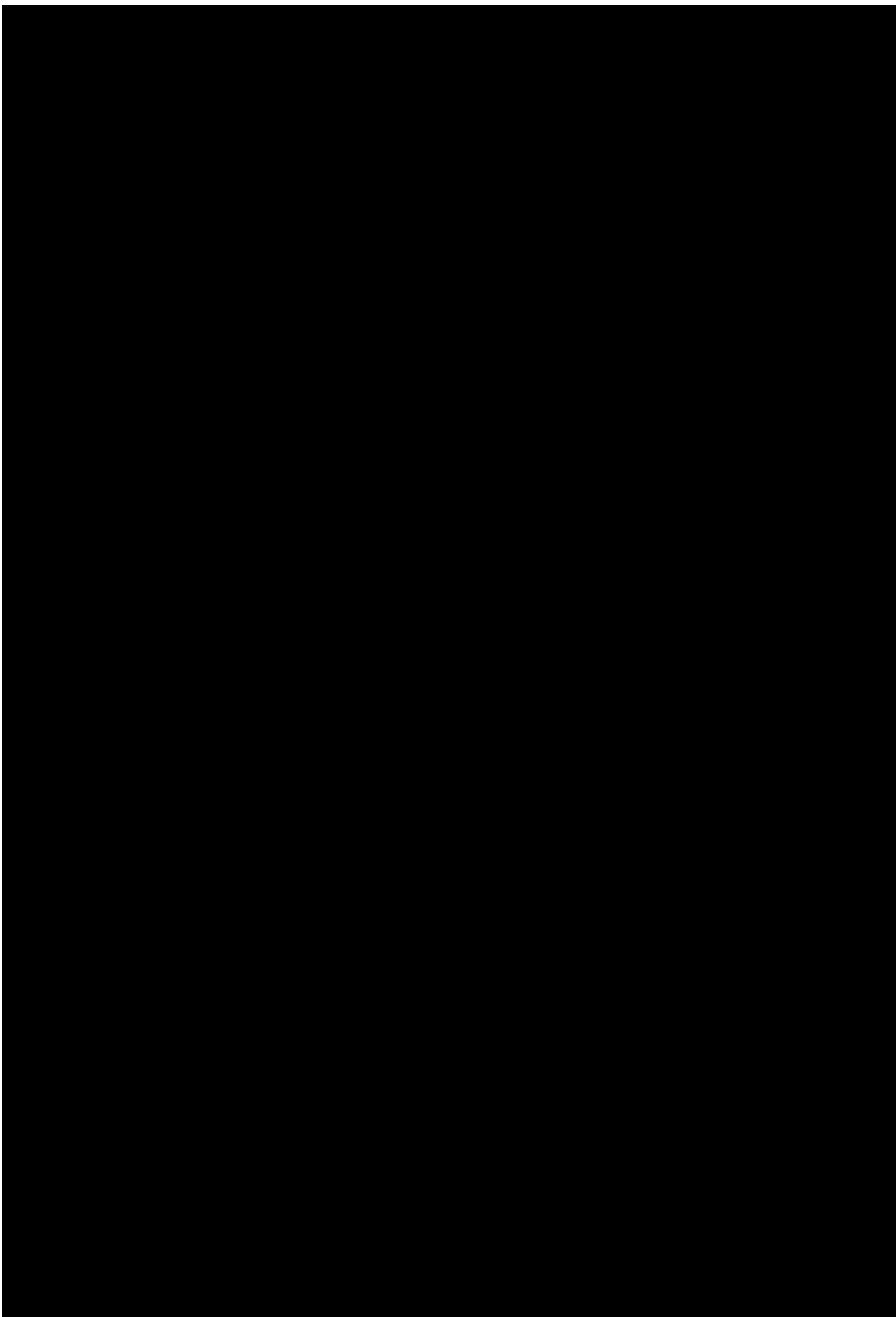
Final

ITS Expert Subgroup meeting  
3-4-5 November 2020, Remote meeting

Items



11/12/2020





## 6. FATCA /CRS

The coordinator of the ITS ESG provided an overview on the topic. Essentially, the FMES ESG has asked the BTLE and ITS ESGs to discuss on the topic, specifically with regard to the work on art. 46 Guidelines. The coordinator of the ITS ESG reminded the members of the ITS ESG of the additional information in the Confluence forum.

The original request comes from a lawyer asking the EDPB to take a position on the implications of the automatic exchange of tax information and to provide advice on the subjects of FATCA (Foreign Account Tax Compliance Act adopted in the US) and the CRS (Common Reporting Standard, developed by the OECD).

## 7. Guidelines 2/2020: update following public consultation and in light of Schrems II

The rapporteur started presenting the general part and the changes made in par. 8. No members made objections to these proposed changes.

With regard to par. 13, the members of the ITS ESG agreed that the assessment should be done, but only when the agreement contains rules on onward sharing. The members of the ITS ESG also agreed to delete the second and third sentences.

The members of the ITS ESG also agreed with the changes in par. 18, 35 and 36.

In par. 37, the members agreed to keep the paragraph as it stands, but to include archiving purposes and to delete “or” between research and statistical purposes.

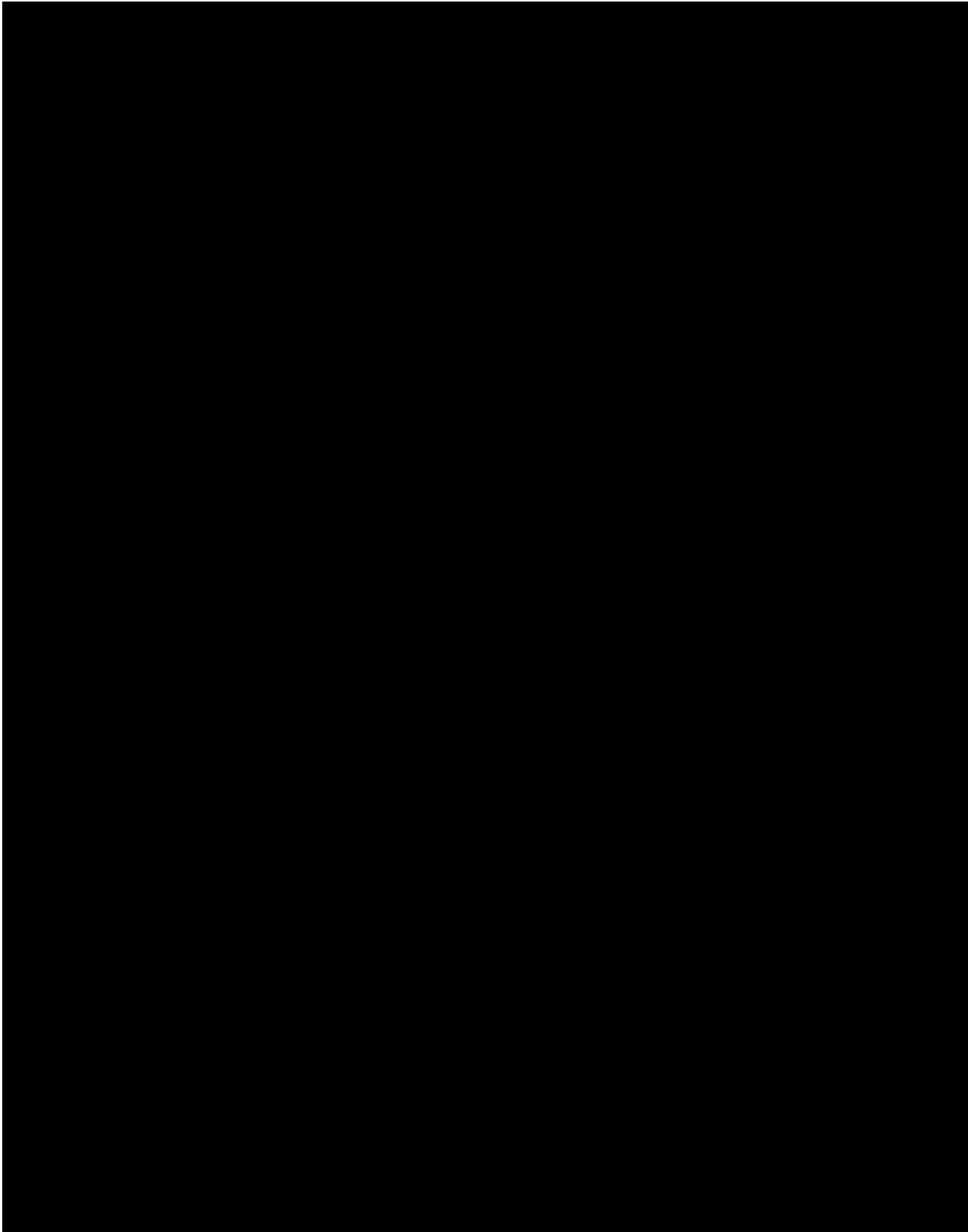
The members of the ITS ESG then discussed about the wording of par. 41. Two different wordings were discussed and also the possibility to move up par. 47, so that it applies more generally. The member of the ITS ESG who made such proposal will send it in writing.

The members of the ITS ESG further discussed the remaining points. The members of the ITS ESG agreed on the changes in par. 46, 47 and 48, including the deletion of the last sentence of par. 48.

With regard to par. 50, the members decided to keep it as it is and amend the reference to independent oversight “body” to “mechanism.”

The rapporteur proceeded to par. 59, the members of the ITS ESG agree to delete it.

The rapporteur proceeded to par. 79; the members of the ITS ESG agreed with the proposed suggestion.





## Annex: Attendance List

**SAs:** AT SA, BE SA, BG 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, MT SA, NL SA, NO SA, PL SA, SE SA, SI SA

- EDPB Secretariat

- European Commission