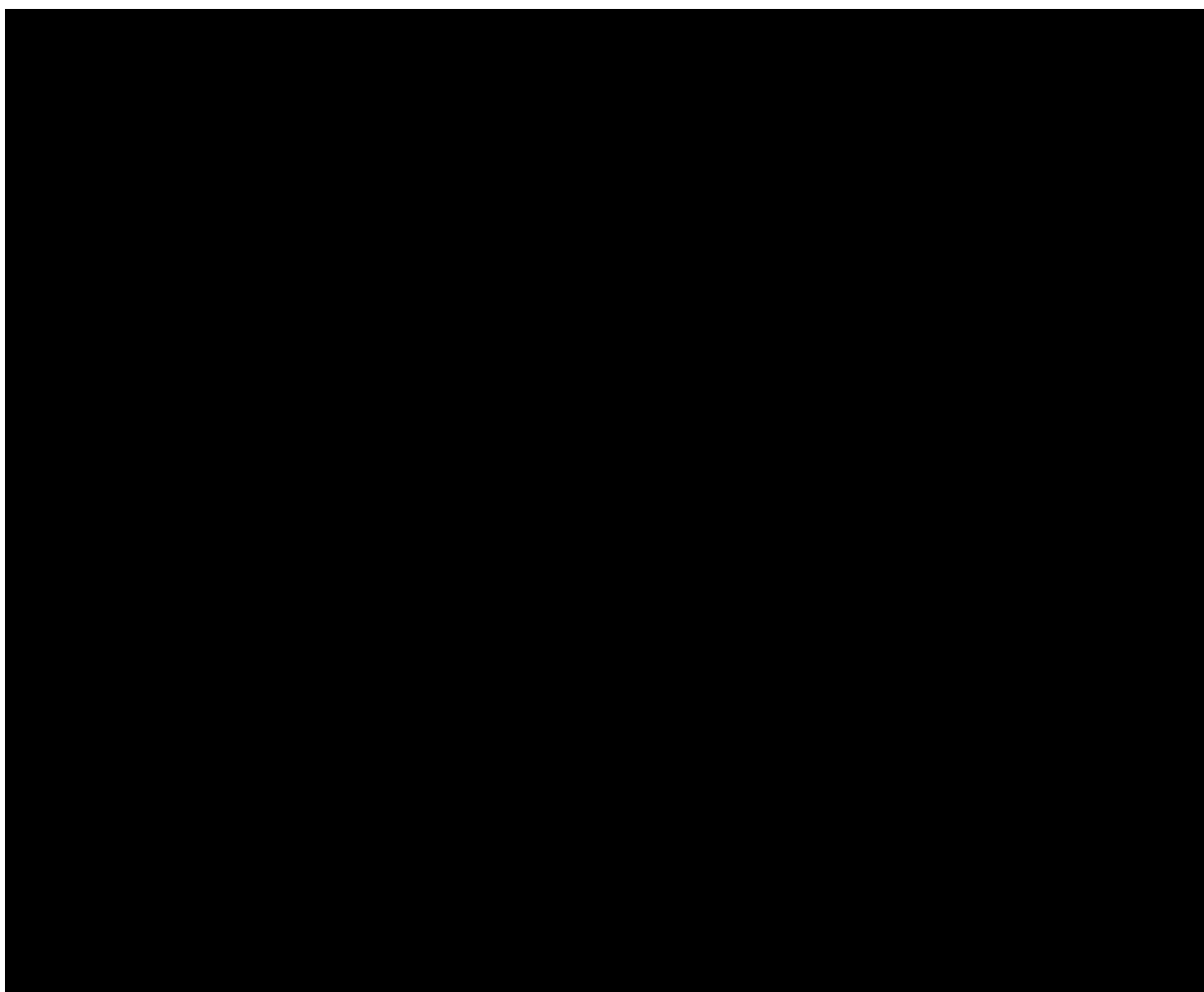




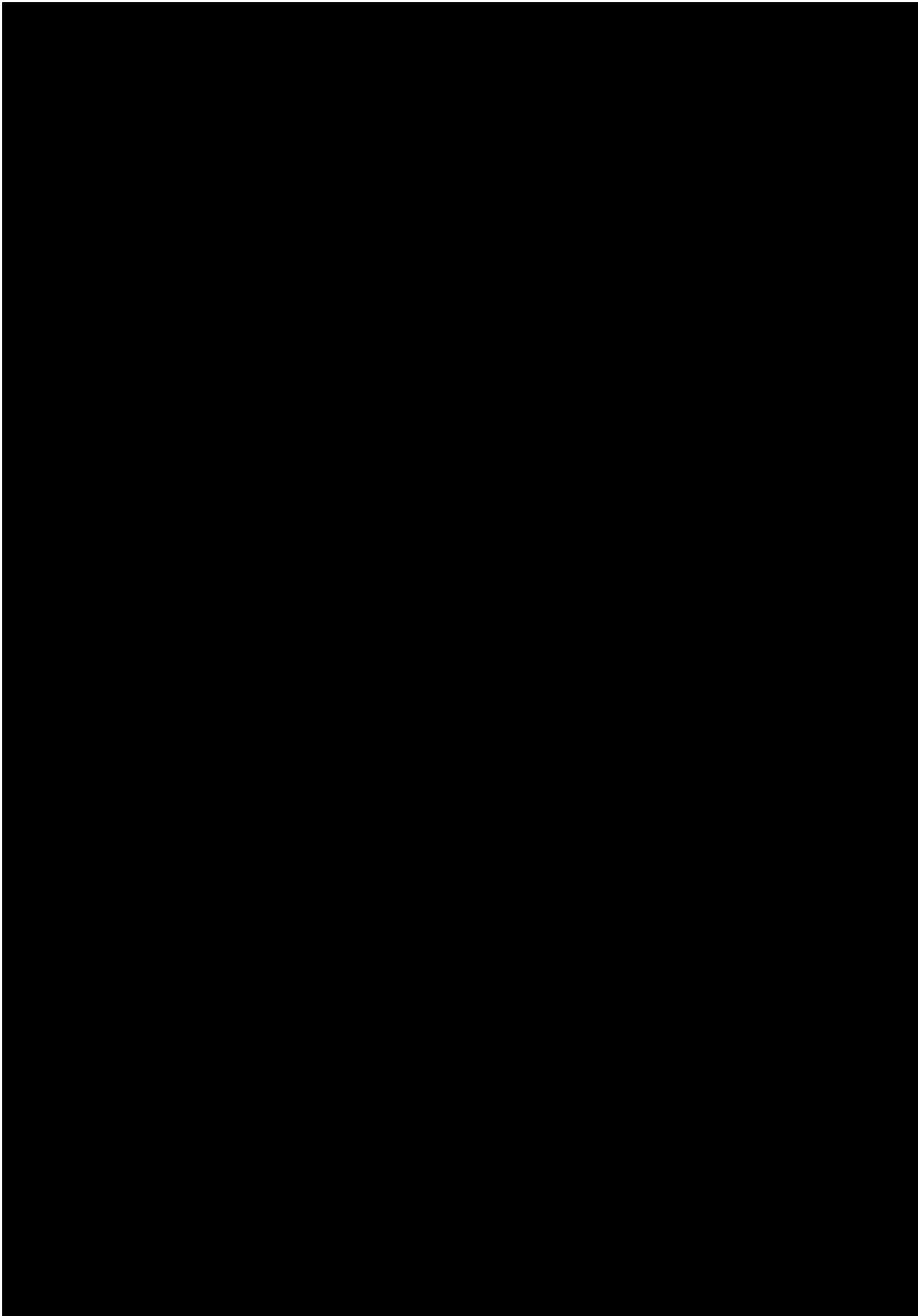
Final

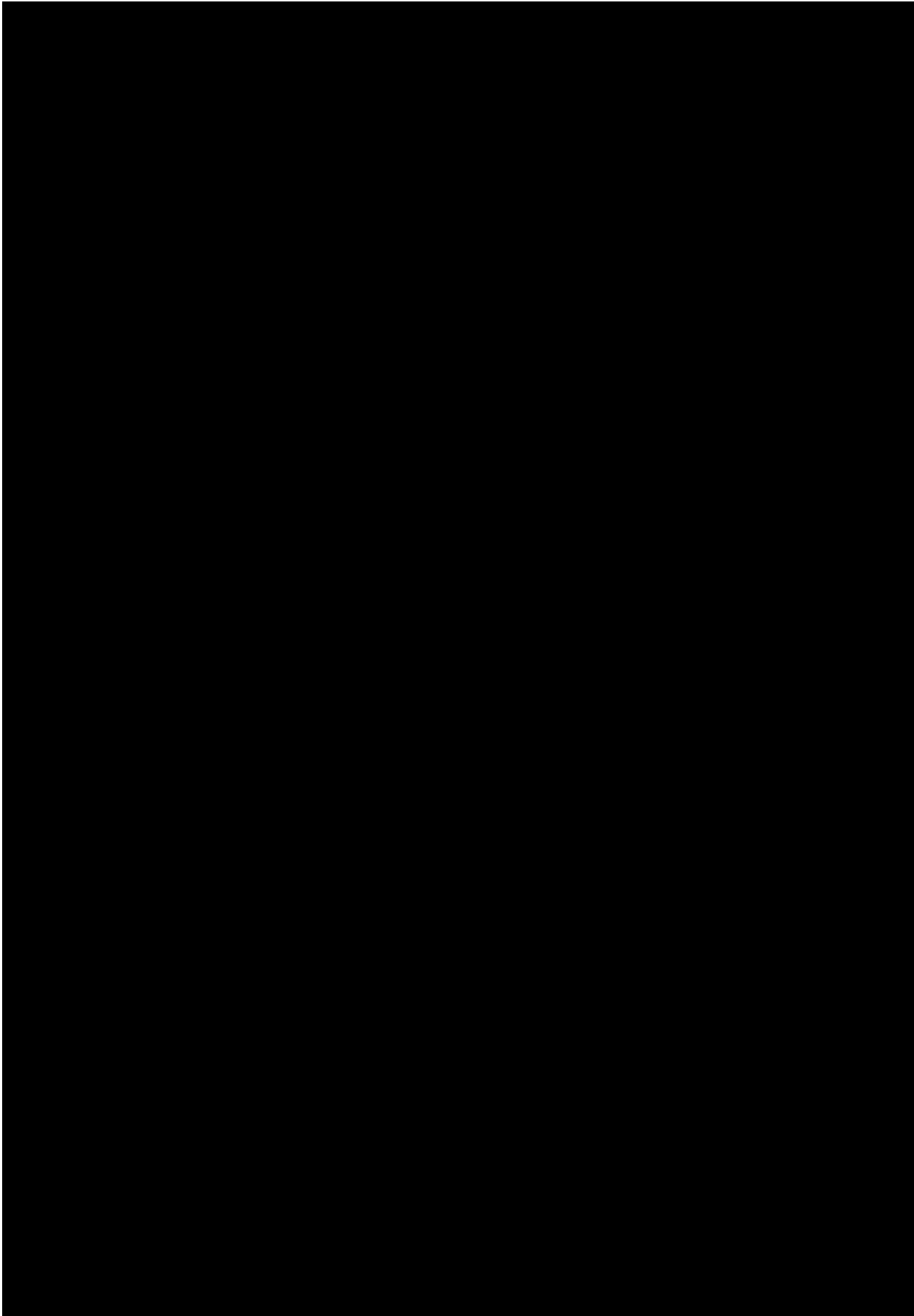
ITS Expert Subgroup meeting
6 and 12 January 2021, Remote meeting

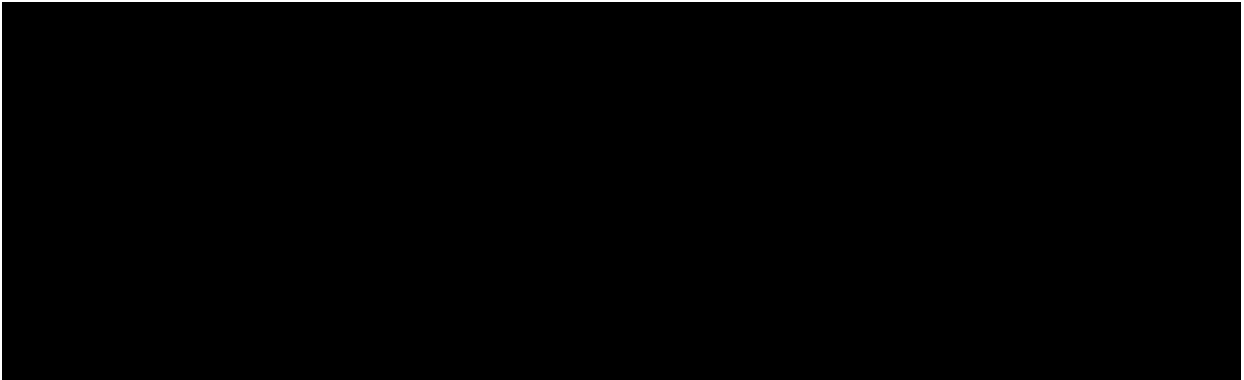
6 January 2021



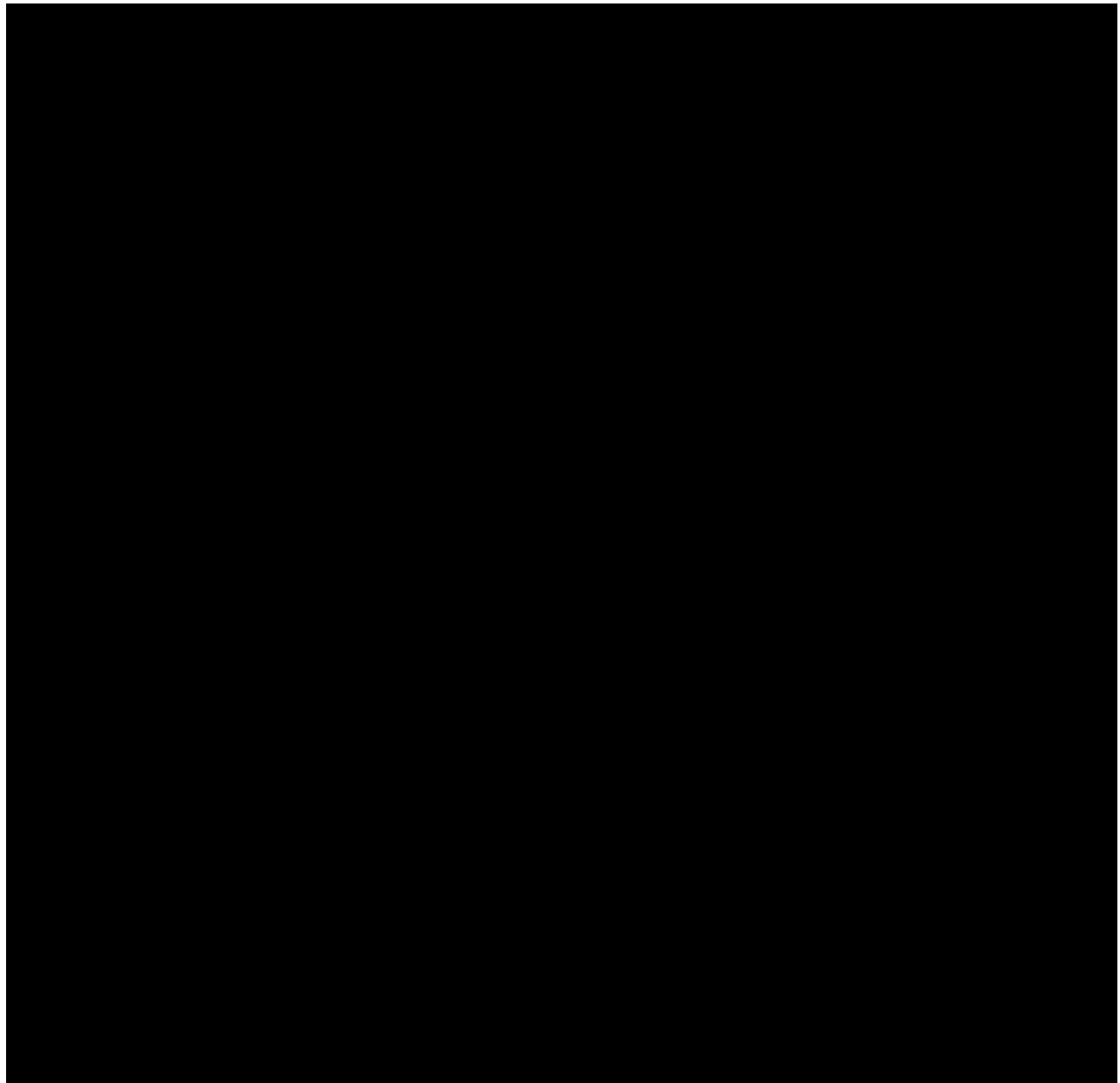
11/02/2021







12 January 2021



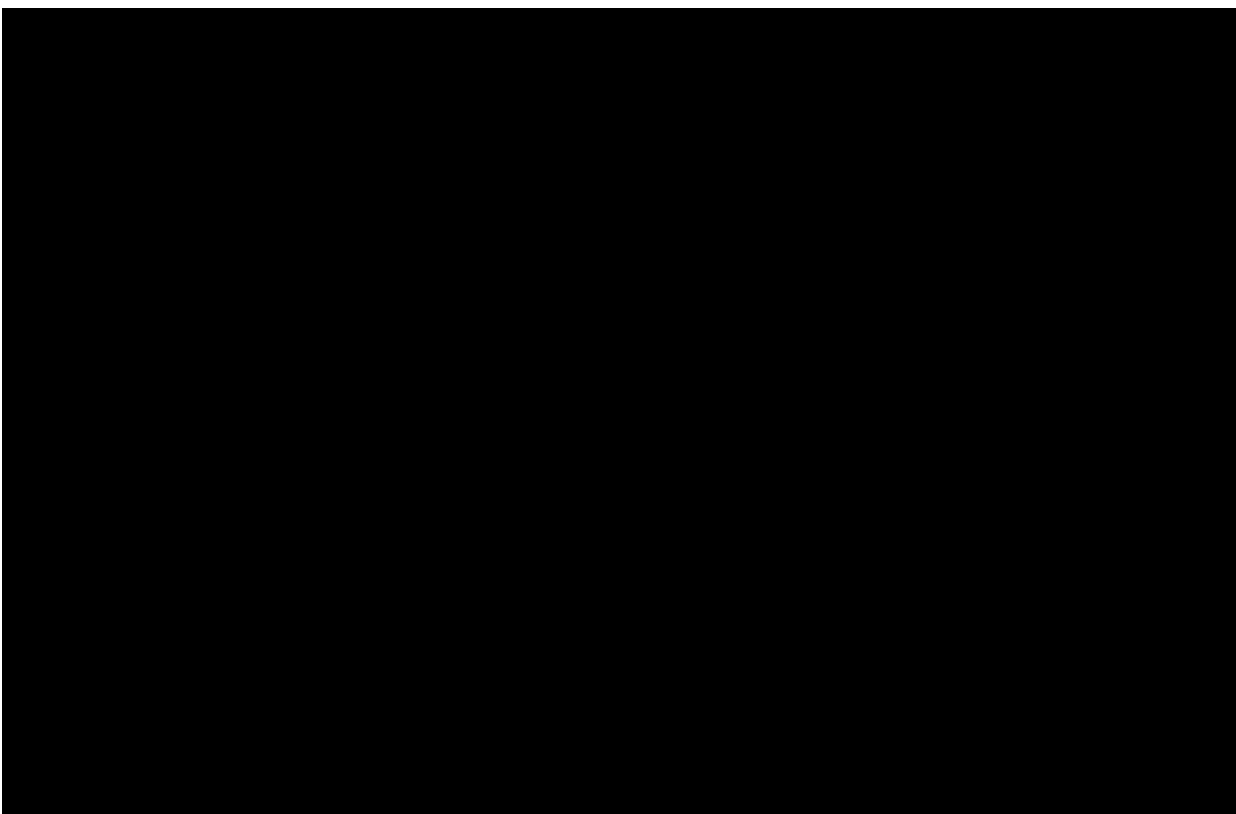
4. CRS/FATCA agreements and Article 96 of the GDPR

The ITS Coordinator presented this topic, which follows from a request from the FM ESG. The members of the ITS ESG were asked what is their understanding of Article 96 GDPR concerning CRS/FATCA agreements.

A short discussion followed on the interpretation of the meaning of “which comply with Union law as applicable prior to that date”. [REDACTED] suggested that it would refer to Directive 95/46/EC, highlighting that the need for a grandfather clause did not mean those agreements would have to remain unmodified for an indefinite period. A member of the ITS ESG added that these agreements should be revised at some point.

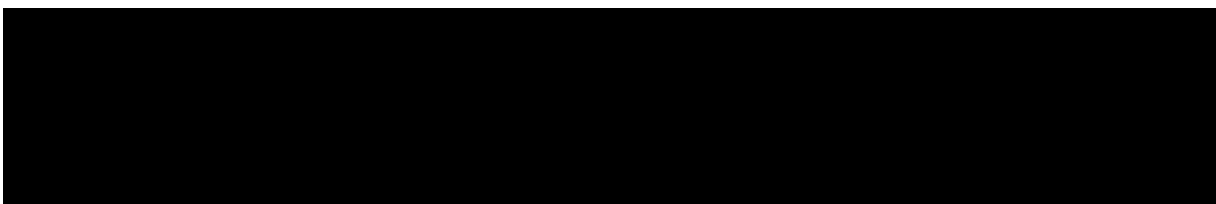
The ITS ESG members agreed to discuss again this matter once they will have a deeper knowledge on the substance of those agreements.

The members of the ITS ESG were encouraged to consult internally on this matter, which will be discussed more in depth during the next ITS ESG meeting, including whether the ITS ESG will submit to the Plenary a draft a general statement inviting governments to revise international agreements so as to align them with GDPR, and give CRS and FATCA as examples.



6. Codes of Conduct as a tool for transfers

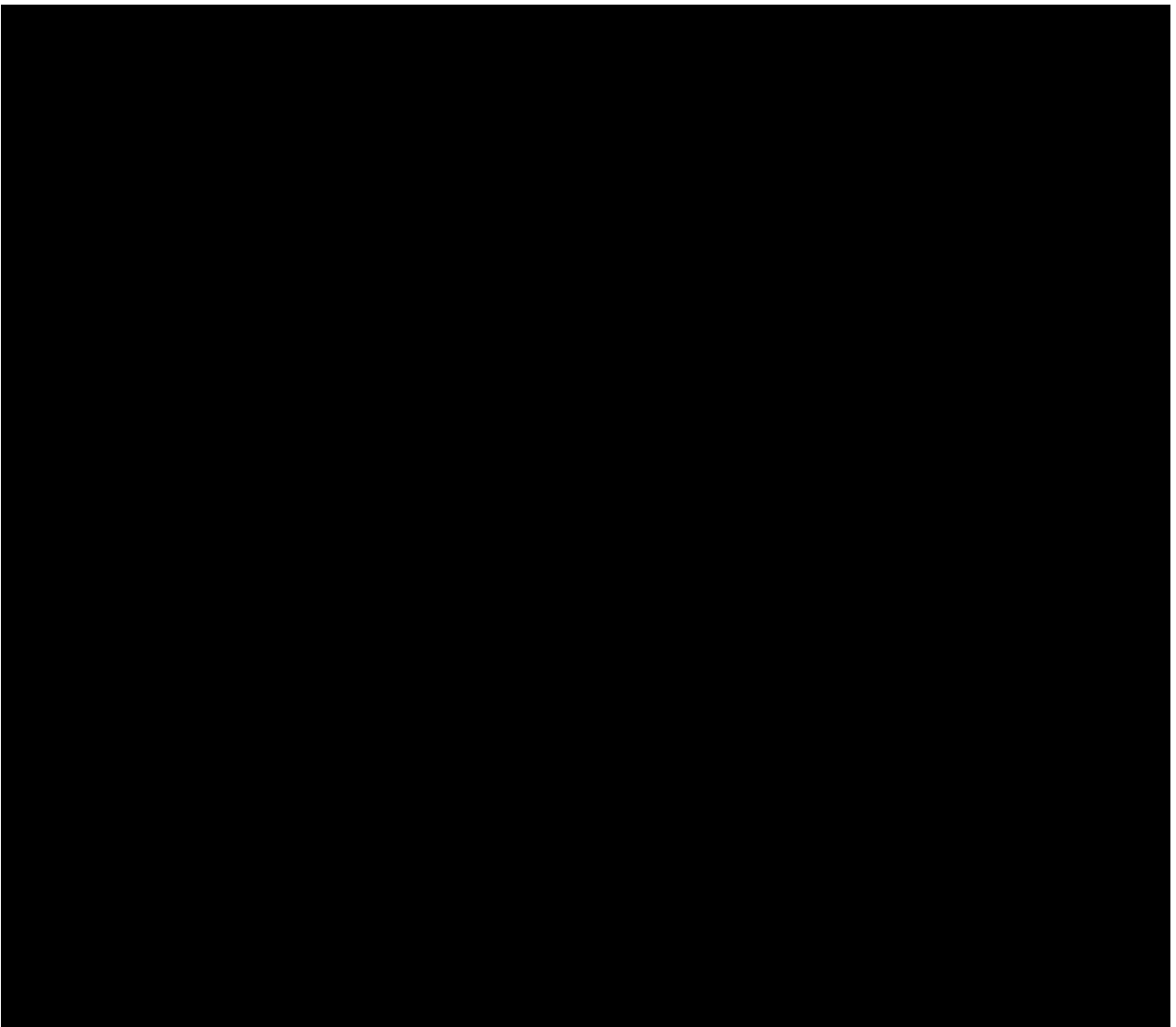
The lead rapporteur explained that there is one discussion point concerning binding and enforceable commitment, and presented an overview of possible options to facilitate discussion with the ITS ESG.





[REDACTED]

The ITS ESG members were invited to share written comments on the presented options by 19 January 2021.





Annex: Attendance List

SAs: AT SA, BE SA, CY 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, NL SA, NO SA, PL SA, SE SA, SI SA,

- European Commission

- EDPB Secretariat