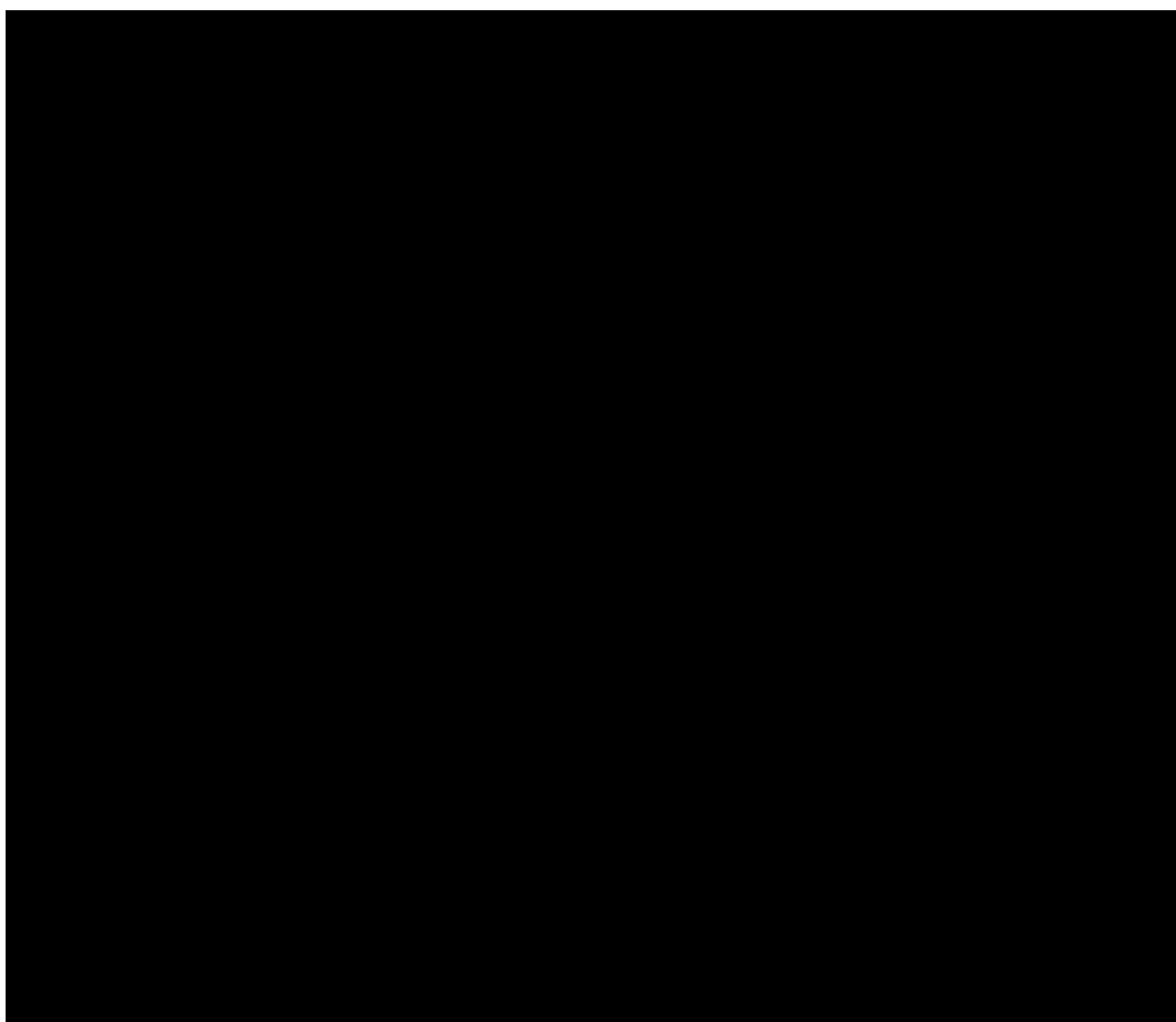


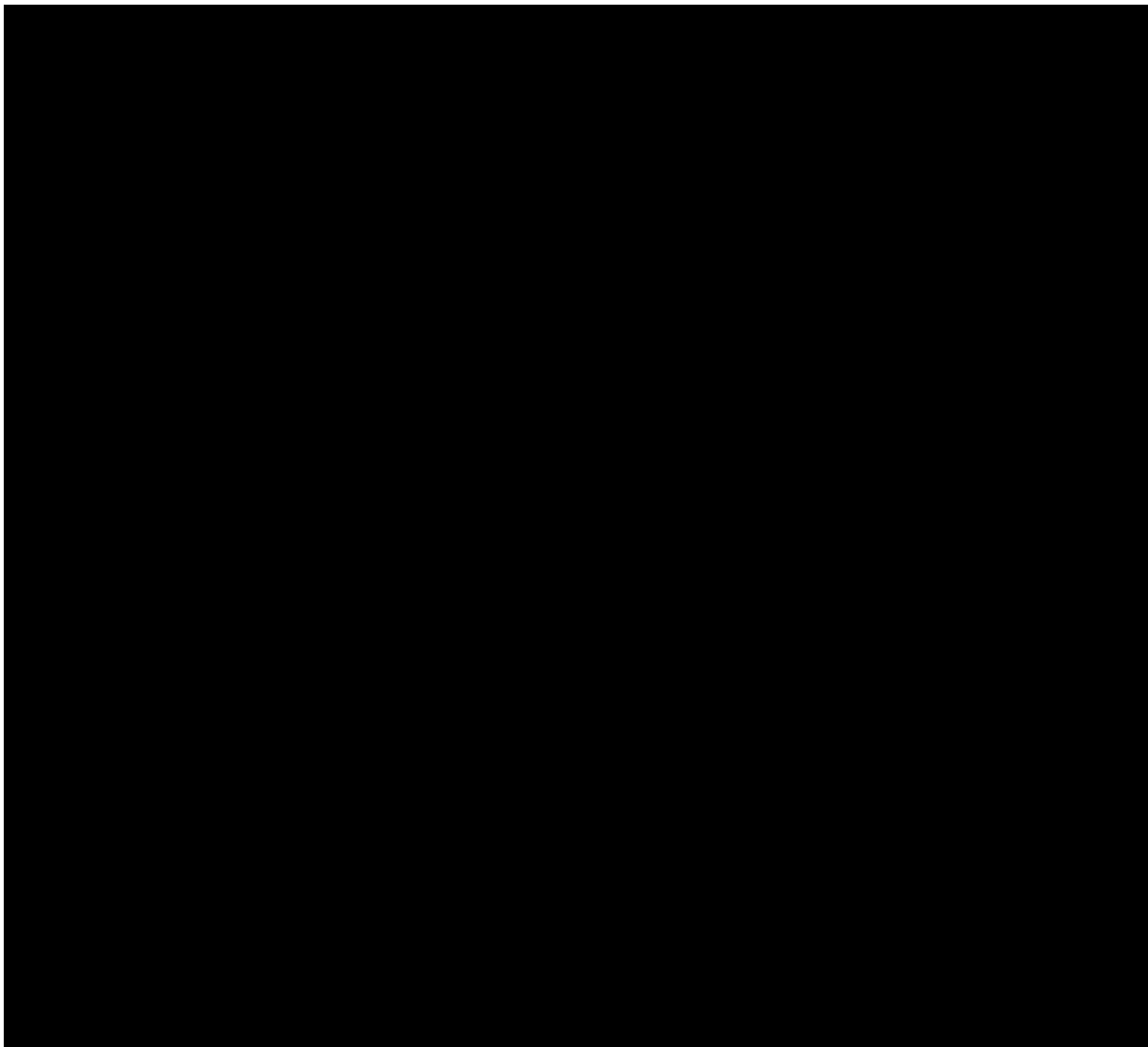


Final

ITS Expert Subgroup meeting

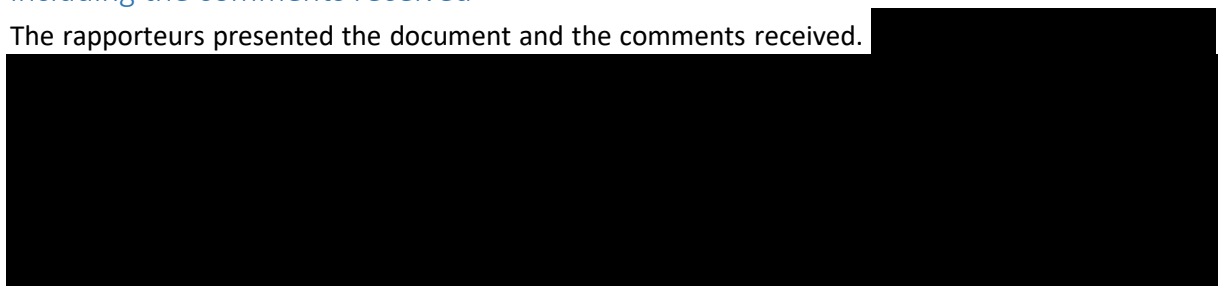
26 January 2022, Remote





Item 5. Codes of conduct as tools for transfers: finalisation of the new version of the GL including the comments received

The rapporteurs presented the document and the comments received.



Regarding the right of the exporter to enforce the code in case of non-compliance of the importer, the ITS ESG agreed to specify that, when the code member acting as an importer violates the Code, the exporter has 3rd party beneficiary rights that can be enforced.

The discussion then revolved around the scope of the notification. The ITS ESG agreed that the notification of the violation of the code of conduct means that there should be safeguards and they should be carried out by the code member acting as an importer. They must inform the exporter and then the exporter will inform the relevant monitoring body.

[REDACTED] The rapporteurs will prepare an updated version in light of the discussion and feedback received.

Item 2. Certification as a tool for transfers: discussion on comments received and finalisation

The rapporteur presented the points for discussion. The first one was about the possibility for the certification to include the supplementary measures. In this regard, the respective responsibilities of the exporter and the importer were also discussed. The members of the ITS ESG agreed that the assessment regarding supplementary measures should be part of the certification process, in order to make it a practical and useful transfer tool.

[REDACTED] The ITS ESG members were invited to share their comments within one week. Another meeting will take place, once the feedback has been gathered, in order to decide on the next steps.

Annex: Attendance List

AT SA, BE SA, BG SA, CZ SA, DE SA, EDPS, EE SA, ES SA, FI SA, FR SA, HR SA, IE SA, IT SA, LI SA, LT SA, LU SA, MT SA, NO SA, PL SA, PT SA, SE SA, SI SA,

- European Commission

- EDPB Secretariat