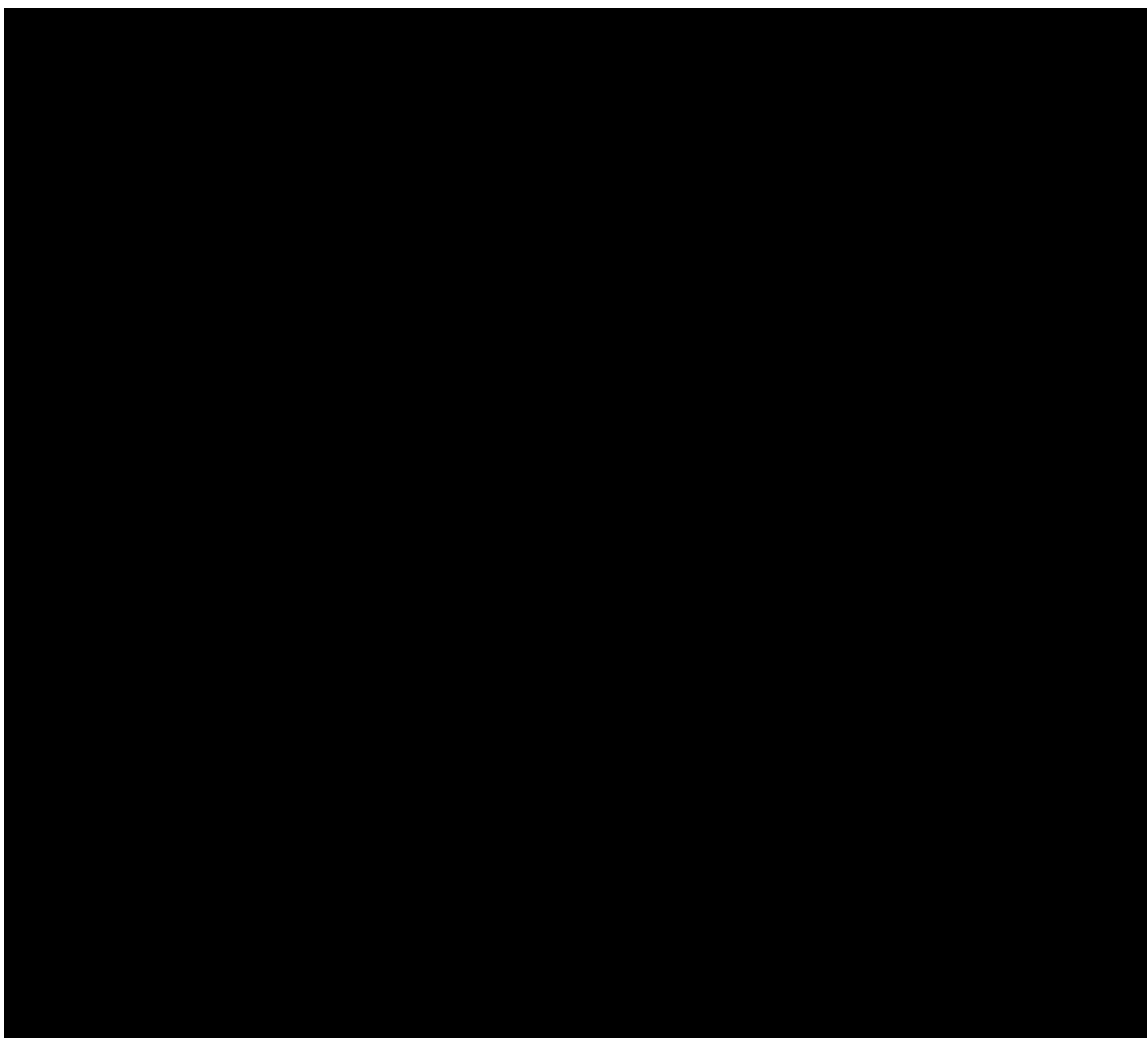




Final

ITS Expert Subgroup meeting
15-16 March 2021, Remote meetings





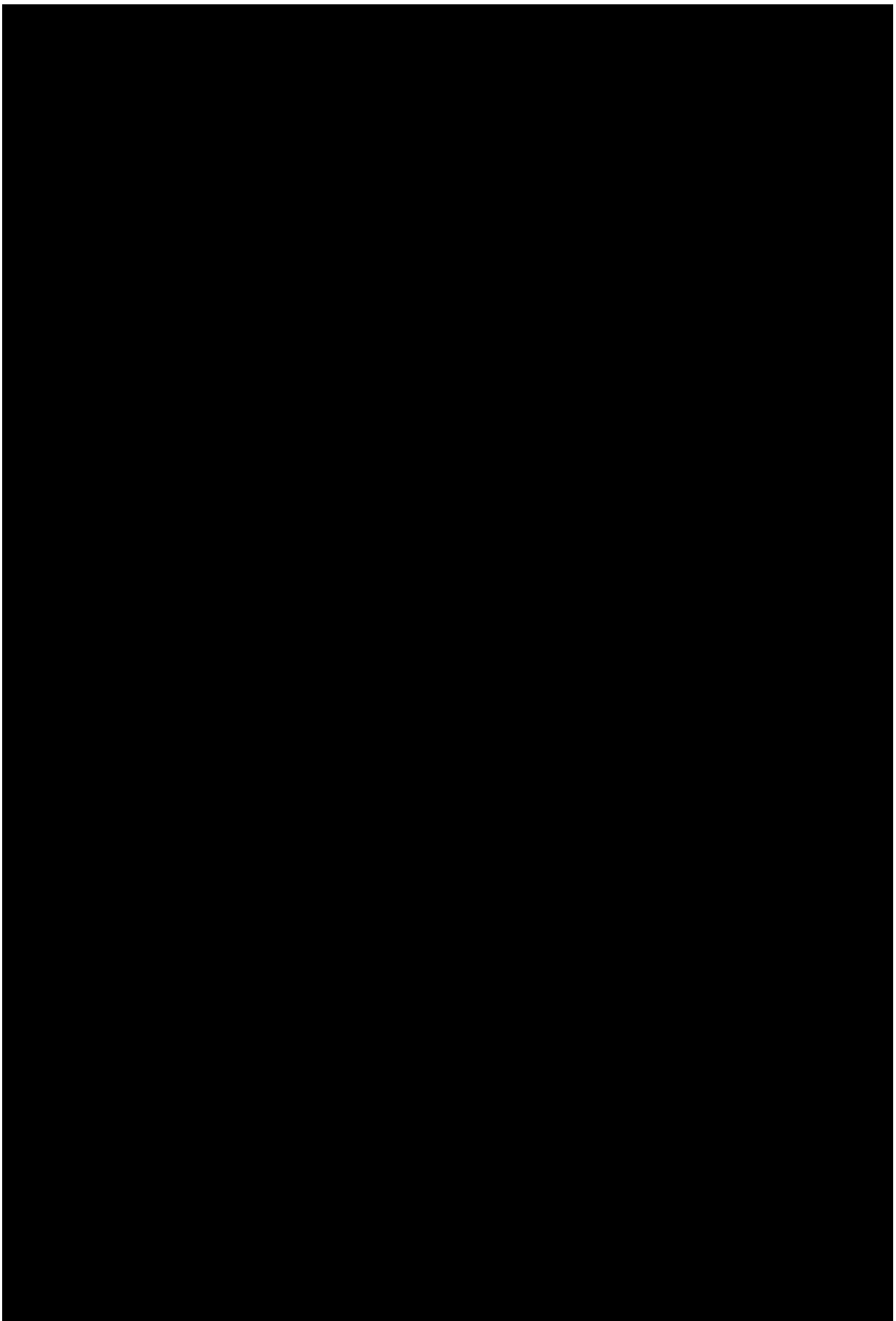
4. Certification as a tool for transfers

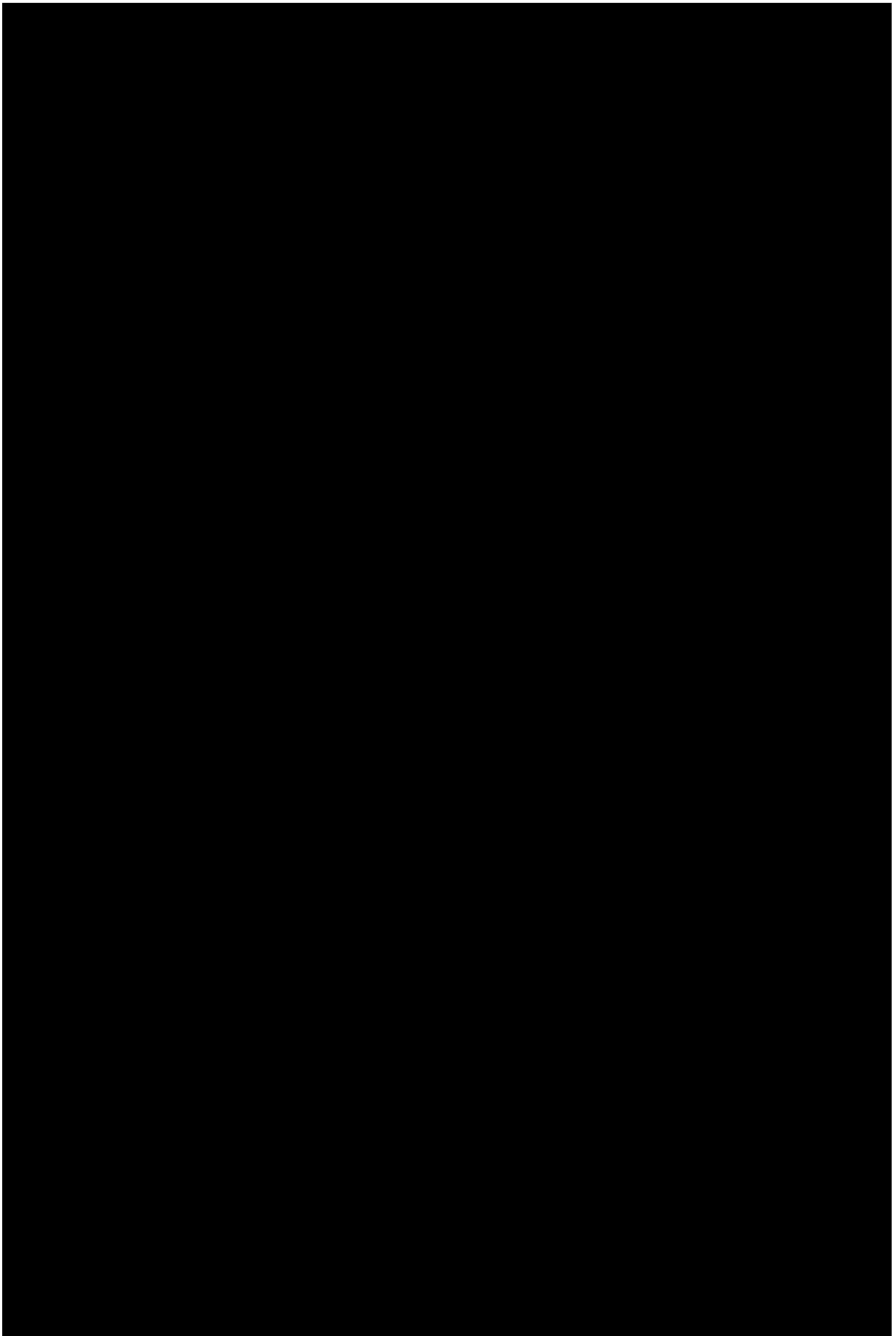


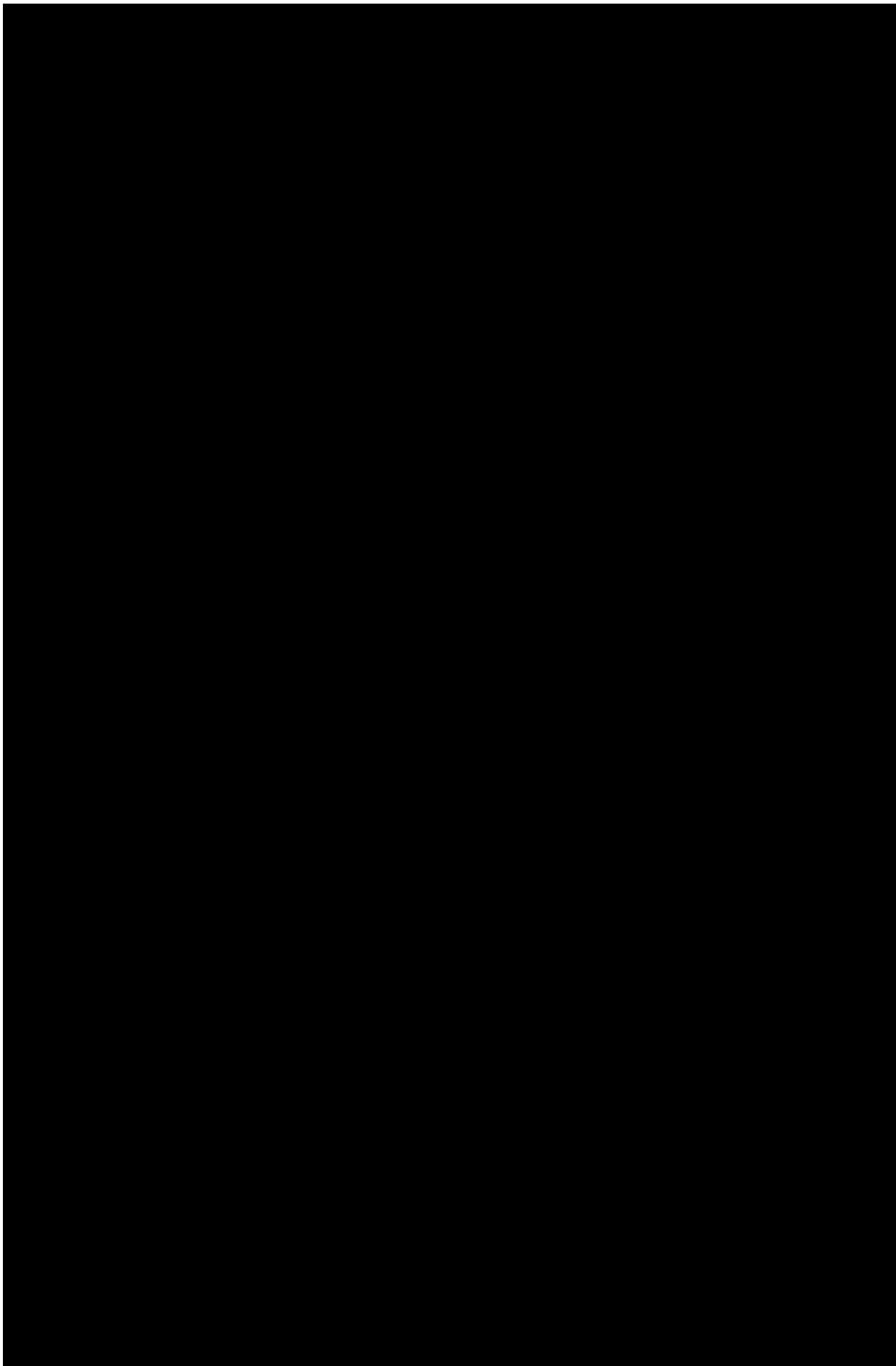
The ITS ESG members moved to the next point on the agenda - Biding and Enforcement commitments. The co-rapporteur recalled that the topic had already been discussed in past ITS ESG meetings in relation to codes of conduct for transfers, but presented the content of the document 'Certification as a tool for transfers - binding and enforceable commitments' sent to the ITS ESG members ahead of the meeting. The co-rapporteur went through the 3 options outlined in the document. The discussions mainly focused on the allocation of liability and *Schrems II*- related considerations. The ITS ESG members acknowledged that there was a need to reflect further on the matters, notably how the *Schrems II* ruling should be applied more specifically in the context of certification for transfers. The drafting team will further reflect on possible ways to adapt the exporter's obligations in the context of certification as a tool for transfers.

The ITS ESG members were invited to share input on use-cases and written comments on the draft guidelines by Monday 29 March 2021.











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, LU SA, NL SA, NO SA, PL SA, SE SA, SI SA.

- European Commission

- EDPB Secretariat