



Final

ITS Expert Subgroup meeting
16, 27, 28 April 2021, Remote meetings

16 April 2021

Revision of the WP256/257 referentials on BCR-C and BCR-P

The rapporteurs updated the members of the ITS ESG on recent progress concerning the draft revised WP256. [REDACTED]

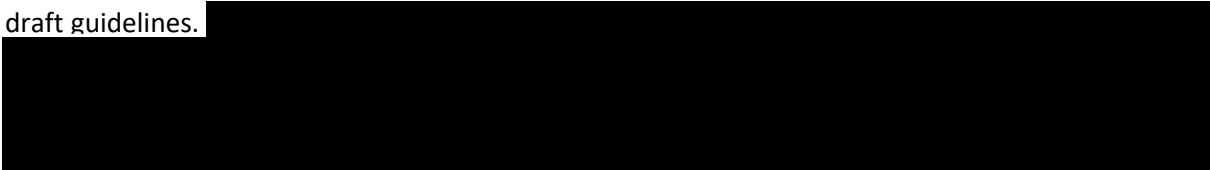


27-28 April 2021



4. Codes of Conduct as a tool for transfers

The lead rapporteur provided an overview of the previous discussions and resulting changes in the draft guidelines.



Discussions also covered the amendment made in example No 1 on p. 2 of the draft guidelines (i.e., cloud service provider located outside of the EEA who has adhered to a code of conduct).

[REDACTED]

[REDACTED]

The ITS ESG members were invited to share written comments by 7 May 2021.

5. Certification as a tool for transfers

The lead rapporteur recalled that the discussion point relates to the implementation of the Schrems II requirements in the context of certification for transfers

[REDACTED]

Two questions were given more attention, namely who should bear the Schrems II obligations and what should be the scope of the certification/assessment to be done by the certification body. The first question was narrowed to asking who should be assessing the circumstances of the transfer and of the third country legislation - the certified entities (i.e. the data importer) and/or the data exporter.

[REDACTED]

[REDACTED]

Overall, the ITS ESG members agreed on the fact that the certification body itself does not have a role in the assessment [REDACTED]

[REDACTED]

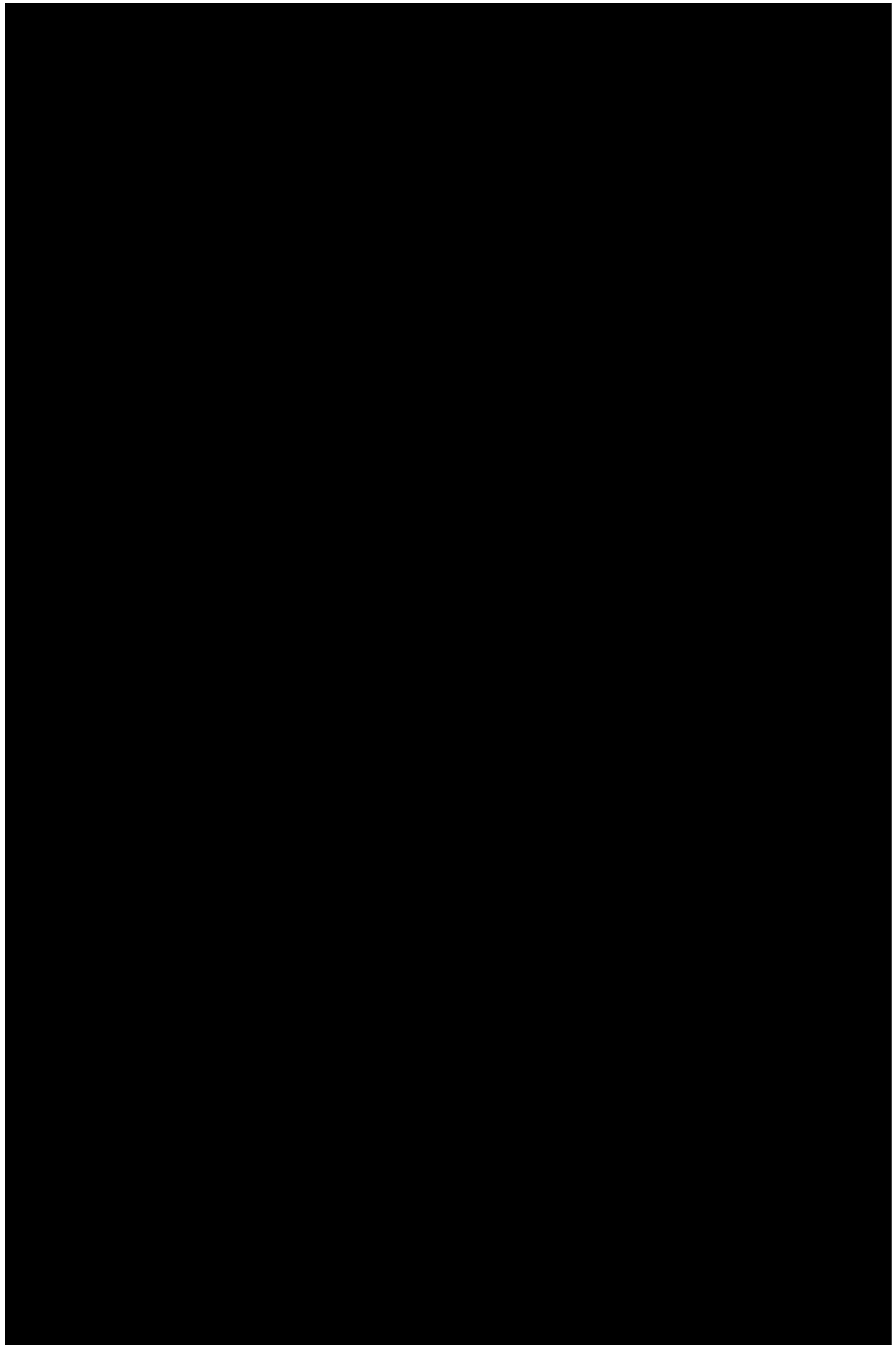
The ITS ESG members then proceeded to the second question regarding what should be assessed by the certification body and used the scenario in which the obligation to make an assessment and to implement supplementary measures lies with the data importer. [REDACTED]

[REDACTED]

The ITS ESG members agreed on the importance of answering this question, since its implications are significant, but also recognised the fact that it is complex and requires further reflection. It was decided to continue the discussions during a subsequent ITS ESG meeting - probably not in June 2021 but after.

The ITS ESG members were invited to share comments until 11 May 2021.

[REDACTED]



Annex: Attendance List

SAs: AT, BG, CY, CZ, DE, DK, EDPS, EL, ES, FI, FR, HR, IE, IT, LU, MT, NL, NO, PL, SE, SI

- European Commission

- EDPB Secretariat