

Statement



Statement on enforcement cooperation

Adopted on 28 April 2022

The European Data Protection Board has adopted the following statement:

At a two-day high level meeting in Vienna, EDPB members have agreed to further enhance cooperation on strategic cases, and to diversify the range of cooperation methods used. More than ever, strong and swift enforcement is crucial for ensuring a consistent interpretation of the GDPR.

The EDPB stresses its duty to ensure that the GDPR is enforced effectively and consistently. Thus, DPAs reiterate their commitment to close cross-border cooperation and agree to further enhance it in the following manner:

- DPAs will collectively identify cross border cases of strategic importance in different Member States on a regular basis, for which cooperation will be prioritised and supported by EDPB.
 - a. Cases of strategic importance are cases which fulfil a number of quantitative and qualitative criteria (e.g. cases affecting a large number of data subjects in the EEA, cases dealing with a structural or recurring problem in several member states, cases related to the intersection of data protection with other legal fields, ...).
 - b. Under the direction of the Lead Supervisory Authority, an action plan will be established at EDPB level to ensure that the work will be conducted in the most efficient manner and within a fixed timeline.
 - c. DPAs will place particular emphasis on early and sustained sharing of all relevant information aiming at rapid informal consensus building.
 - d. Groups of DPAs may decide to join forces on investigation and enforcement activities and DPAs may share the work within these groups. Where needed, an EDPB Task force can be created.
 - e. EDPB will facilitate the use of all instruments provided for in the GDPR, including Article 62 joint investigations. The EDPB Members agreed that joint investigations

can be carried out by a limited number of DPAs for efficiency reasons. The EDPB will also streamline the use of Article 65 dispute resolution mechanism and Article 66 urgency procedures by DPAs.

- The EDPB will deal with specific legal issues on matters of general application:
 - a. by making greater use of consistency opinions to take position (Article 64(2) GDPR);
 - b. by organising regular internal workshops on these issues, to stimulate alignment.

- The DPAs commit to further exchanging information on national enforcement strategies with a view to agreeing on annual enforcement priorities at EDPB level, which can be reflected in national enforcement programmes. DPAs that wish to do so can prepare a common enforcement framework, including common instruments for inspections.

- To facilitate the cross-border exchange of information,
 - a. the EDPB will propose a template for data subjects' complaints, to be used by DPAs on a voluntary basis,
 - b. the EDPB will continue to improve its IT cooperation tools, with the support of the European Commission.

- The EDPB will identify a list of procedural aspects that could be further harmonised in EU law to maximise the positive impact of GDPR cooperation. Harmonised horizontal provisions in administrative procedural law could bridge differences in the DPAs' conduct of (cross-border) proceedings to increase efficiency. The EDPB will also collect best practices as regards the interpretation of national procedural law in a way that ensures a more effective application of the GDPR.

- Finally, the EDPB states that in the coming years, it will be crucial to solidly embed the GDPR and DPAs in the overall regulatory architecture that is being developed for the digital market (Data Act, DMA, DSA, AI Act, DGA). A clear distribution of competences among the regulators will need to be ensured, as well as efficient cooperation.

For the European Data Protection Board

The Chair

(Andrea Jelinek)