

Brussels, 23 February – The EDPB adopted a letter in response to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) regarding the Second Additional Protocol to the Convention on Cybercrime, and with regard to two European Commission proposals for Council Decisions member states are authorized to sign and ratify the Protocol. In its response, the EDPB reminds that the level of protection of personal data transferred to third countries resulting from the Protocol must be substantially equal to the level of protection of the European Union. The EDPB also refers to the opinion of the EDPS on the Commission's proposals and highlights some of the key points.

The EDPB welcomes the safeguards included in the Protocol, such as the supervision provisions. However, the EDPB expressed regret that the Protocol does not ensure that information related to the data subject's right to access personal data is provided free of charge.

The EDPB recommends that Member States retain the right not to apply the direct cooperation provision which allows third country authorities to directly request from EU service providers the disclosure of certain types of data (access numbers). This would help ensure a more meaningful involvement of judicial or other independent EU bodies in the review of such requests. Following a public consultation, the EDPB adopted the final version of the Guidelines on Codes of Conduct as a tool for transfers of personal data, taking into account the feedback received from stakeholders. The main purpose of the guidelines is to clarify the application of Articles 40 (3) and 46 (2) (e) GDPR. These provisions stipulate that, after approval by the competent supervisory authority and after the European Commission approves the general validity of the code of conduct within the European Economic Area (EEA), the code can also be used by managers and processors in third countries to ensure adequate safeguards for the transfer of data outside the EEA.

The EDPB has adopted a letter on liability for artificial intelligence. In its letter, the EDPB welcomes the European Commission's initiative to adapt liability rules to the digital age and artificial intelligence (AI), in light of the assessment of the Product Liability Directive. Among other things, the EDPB considers it relevant to strengthen the liability regime of providers of artificial intelligence systems, so that controllers and processors can have confidence in such systems. In addition, artificial intelligence systems must take into account the principles of technical and integrated protection of personal data throughout the life cycle of the artificial intelligence system.

Finally, the EDPB appointed Georgia Panagopoulou as a representative and Konstantinos Limniotis as an alternate to participate in ENISA's newly formed Cybersecurity Certification Group (SCCG). SCCG will advise ENISA and the European

Commission on strategic issues related to cybersecurity certification.