

Official Journal of the European Union

L 279



English edition

Legislation

Volume 63

27 August 2020

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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1221

of 26 August 2020

fixing the import duties in the cereals sector applicable from 27 August 2020

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183 thereof,

Whereas:

- (1) Article 1(1) of Commission Regulation (EU) No 642/2010 ⁽²⁾ states that the import duty on products falling within CN codes 1001 11 00, 1001 19 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high-quality common wheat other than seed), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55%, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Article 1(2) of Regulation (EU) No 642/2010 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products referred to in that paragraph.
- (3) Under Article 2(1) of Regulation (EU) No 642/2010, the import price to be used for the calculation of the import duty on products referred to in Article 1(1) of that Regulation is the daily cif representative import price determined using the method provided for in Article 5 of that Regulation.
- (4) From 21 September 2017 the import duty on products originating in Canada and falling within CN codes 1001 11 00, 1001 19 00, ex 1001 99 00 (high quality common wheat other than seed), 1002 10 00 and 1002 90 00 is to be calculated in accordance with Article 2(5) of Regulation (EU) No 642/2010.
- (5) Import duties should be fixed for the period from 27 August 2020 and should apply until a new import duty is fixed and enters into force.
- (6) Under Article 2(2) of Regulation (EU) No 642/2010, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 27 August 2020, the import duties in the cereals sector referred to in Article 1(1) of Regulation (EU) No 642/2010 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 August 2020.

*For the Commission,
On behalf of the President,
Wolfgang BURTSCHER
Director-General
Directorate-General for Agriculture and Rural
Development*

ANNEX I

Import duties on the products referred to in Article 1(1) of Regulation (EU) No 642/2010 applicable from 27 August 2020

CN code	Description	Import duties ⁽¹⁾ ⁽²⁾ (EUR/tonne)
1001 11 00	Durum wheat seed	0,00
1001 19 00	High-quality durum wheat, other than seed	0,00
	Medium-quality, other than seed	0,00
	Low-quality, other than seed	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High-quality common wheat, other than seed	0,00
1002 10 00	Rye seed	0,00
1002 90 00	Rye, other than seed	0,00
1005 10 90	Maize seed, other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽³⁾	0,00
1007 10 90	Grain sorghum, other than hybrids for sowing	0,00
1007 90 00	Grain sorghum, other than seed	0,00

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/tonne, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea and where the goods arrive in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/tonne, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula and where the goods arrive in the Union via the Atlantic Ocean.

⁽²⁾ For products originating in Canada and falling within CN codes 1001 11 00, 1001 19 00, ex 1001 99 00 (high-quality common wheat other than seed), 1002 10 00 and 1002 90 00, the duty is calculated in accordance with Article 2(5) of Regulation (EU) No 642/2010.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24/tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/tonne)

	Common wheat ⁽¹⁾	Maize
Exchange	Minneapolis	Chicago
Quotation	171,012	108,779
Gulf of Mexico premium	-	28,281
Great Lakes premium	28,148	-

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam:	20,631
Freight costs: Great Lakes-Rotterdam:	40,839

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/1222

of 24 August 2020

on the approval of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from internal combustion engine powered light commercial vehicles with regard to NEDC conditions pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 ⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

- (1) On 19 December 2019, the manufacturers Toyota Motor Europe, Opel Automobile GmbH-PSA, FCA Italy S.p.A., Automobiles Citroën, Automobiles Peugeot, PSA Automobiles SA, Audi AG, Ford-Werke GmbH, Jaguar Land Rover Ltd., Hyundai Motor Europe Technical Center GmbH, Škoda Auto a.s., BMW AG, Renault SA, Honda Motor Europe Ltd, Volkswagen AG and Volkswagen AG Nutzfahrzeuge submitted a joint application ('the application') for the approval, in accordance with Article 11 of Regulation (EU) 2019/631, of efficient vehicle exterior lighting using light emitting diodes ('efficient exterior LED light') as an innovative technology for reducing CO₂ emissions from internal combustion engine powered light commercial vehicles capable of running on petrol, diesel and certain alternative fuels.
- (2) The application has been assessed in accordance with Article 11 of Regulation (EU) 2019/631, Commission Implementing Regulation (EU) No 427/2014 ⁽²⁾ as well as with the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽³⁾ (July 2018 version) ⁽⁴⁾. In accordance with Article 11(3) of Regulation (EU) 2019/631, the application was accompanied by a verification report undertaken by an independent and certified body.
- (3) The application refers to CO₂ emission savings that cannot be demonstrated by measurements performed in accordance with the New European Driving Cycle ('NEDC test') set out in Commission Regulation (EC) No 692/2008 ⁽⁵⁾.

⁽¹⁾ OJ L 111, 25.4.2019, p. 13.

⁽²⁾ Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 125, 26.4.2014, p. 57).

⁽³⁾ Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).

⁽⁴⁾ <https://circabc.europa.eu/sd/a/a19b42c8-8e87-4b24-a78b-9b70760f82a9/july%202018%20Technical%20Guidelines.pdf>

⁽⁵⁾ Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

- (4) The use of light emitting diodes for improving the efficiency of exterior vehicle lighting has already been approved for certain exterior lights of passenger cars by Commission Implementing Decisions 2014/128/EU ⁽⁶⁾, (EU) 2015/206 ⁽⁷⁾, (EU) 2016/160 ⁽⁸⁾ and (EU) 2016/587 ⁽⁹⁾ (jointly referred to as 'past approval Implementing Decisions') as an innovative technology capable of reducing CO₂ emissions in a way that is not covered by the measurements performed as part of the NEDC test.
- (5) Based on the experience gained from the assessment of the applications in the framework of the past approval Implementing Decisions as well as on the reports and information provided with the application, it has been satisfactorily and conclusively demonstrated that an efficient exterior LED light or appropriate combinations thereof meet the eligibility criteria referred to in Article 11 of Regulation (EU) 2019/631 and Implementing Regulation (EU) No 427/2014 and provide a reduction in CO₂ emissions of at least 1 g CO₂/km as compared to the same set of baseline exterior lights.
- (6) In addition to the exterior vehicle lighting for which the use of efficient LED lights has already been approved in the past approval Implementing Decisions, the application also refers to the use of efficient exterior LED lights in cornering, static bending, end-outline marker and side marker lights. As those lights are not turned on during the measurements performed as part of the NEDC test, it is appropriate to approve the use of efficient exterior LED lights also in those lights.
- (7) The application sets out a methodology for determining the CO₂ savings from the use of efficient exterior LED lights in a range of vehicle lights for use in light commercial vehicles powered by internal combustion engines capable of running on petrol, diesel, liquefied petroleum gas (LPG), compressed natural gas (CNG) or E85.
- (8) In view of the limited availability of E85 on the Union market as a whole, it is not considered justified to distinguish this fuel from petrol for the purpose of the testing methodology.
- (9) The applicants have provided studies supporting that the usage patterns of light commercial vehicles and those of passenger cars, with regard to the use of exterior vehicle lighting, are sufficiently similar to allow the same methodology to be applied for light commercial vehicles as the one set out in the past Implementing Decisions.
- (10) However, with regard to the cornering lamps, the static bending lamps, end-outline marker lights and side marker lights, which have not been covered by the past Implementing Decisions, the applicants have proposed to include specific usage factors and power consumption values in the testing methodology. As the usage factors and power consumption values proposed by the applicants for those lights result in values that can be considered conservative, it is appropriate to add those factors and values to the testing methodology.
- (11) The methodology should also be complemented to ensure that the presence of adaptive front lighting systems (AFS) used in low beam lights can be taken into account.
- (12) Taking into account those additions, the testing methodology should be considered appropriate for determining the CO₂ savings from the use of the innovative technology in light commercial vehicles.
- (13) Manufacturers should have the possibility to apply to a type-approval authority for the certification of CO₂ savings from the use of efficient exterior LED lights where the conditions laid down in this Decision are met. Manufacturers should for that purpose ensure that the application for certification is accompanied by a verification report from an independent and certified body confirming that the innovative technology complies with the conditions laid down in this Decision and that the savings have been determined in accordance with the testing methodology set out in the Annex of this Decision.

⁽⁶⁾ Commission Implementing Decision 2014/128/EU of 10 March 2014 on the approval of the light emitting diodes low beam module 'E-Light' as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 70, 11.3.2014, p. 30).

⁽⁷⁾ Commission Implementing Decision (EU) 2015/206 of 9 February 2015 on the approval of the Daimler AG efficient exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 33, 10.2.2015, p. 52).

⁽⁸⁾ Commission Implementing Decision (EU) 2016/160 of 5 February 2016 on the approval of the Toyota Motor Europe efficient exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 31, 6.2.2016, p. 70).

⁽⁹⁾ Commission Implementing Decision (EU) 2016/587 of 14 April 2016 on the approval of the technology used in efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 101, 16.4.2016, p. 17).

- (14) In order to facilitate a wider deployment of the innovative technology in new vehicles, a manufacturer should also have the possibility to submit a single application for the certification of the CO₂ savings from several efficient exterior LED lights by a single certification application. It is, however, appropriate to ensure that where this possibility is used a mechanism is applied that incentivises the deployment of only those efficient exterior LED lights that offer the highest efficiency.
- (15) It is the responsibility of the type-approval authority to verify thoroughly that the conditions for certifying the CO₂ savings from the use of an innovative technology as specified in this Decision are met. Where the certification is granted, the responsible type-approval authority should ensure that all elements considered for the certification are recorded in a test report and kept together with the verification report and that this information is made available to the Commission on request.
- (16) For the purpose of determining the general eco-innovation code to be used in the relevant type-approval documents in accordance with Annexes I, VIII and IX to Directive 2007/46/EC of the European Parliament and of the Council ⁽¹⁰⁾, it is necessary to attribute an individual code to the innovative technology.
- (17) From 2021, manufacturers' compliance with their specific CO₂ emission targets is to be established on the basis of the CO₂ emissions determined in accordance with the Worldwide Harmonised Light Vehicle Test Procedure (WLTP) set out in Commission Regulation (EU) 2017/1151 ⁽¹¹⁾. CO₂ savings from the innovative technology certified by reference to this Decision may therefore be taken into account for the calculation of manufacturers' average specific CO₂ emissions only for the calendar year 2020,

HAS ADOPTED THIS DECISION:

Article 1

Innovative technology

The use of efficient light emitting diodes in vehicle exterior lighting is approved as an innovative technology within the meaning of Article 11 of Regulation (EU) 2019/631 for use in light commercial vehicles powered by internal combustion engines that are capable of running on petrol, diesel, liquefied petroleum gas (LPG), compressed natural gas (CNG) or E85, or a combination of those fuels, where it is used in one or several of the following exterior vehicle lights:

- (a) Low beam headlamp (including Adaptive Front Lighting system);
- (b) High beam headlamp;
- (c) Front position lamp;
- (d) Front fog lamp;
- (e) Rear fog lamp;
- (f) Front turn signal lamp;
- (g) Rear turn signal lamp;
- (h) License plate lamp;
- (i) Reversing lamp;
- (j) Cornering lamp;
- (k) Static Bending light;
- (l) End-Outline marker lights;
- (m) Side markers lights.

⁽¹⁰⁾ Directive 2007/46/EC of the European Parliament and the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

⁽¹¹⁾ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).

*Article 2***Application for certification of CO₂ savings**

1. A manufacturer may apply to a type-approval authority for certification of the CO₂ savings from the use of one or several efficient exterior LED light by reference to this Decision.
2. The manufacturer shall ensure that the application for the certification is accompanied by a verification report from an independent and certified body confirming that the conditions set out in Article 1 have been met.
3. Where the savings have been certified in accordance with Article 3, the manufacturer shall ensure that the certified CO₂ savings and the eco-innovation code referred to in Article 4(1) are recorded in the certificate of conformity of the vehicles concerned.

*Article 3***Certification of CO₂ savings**

1. The type-approval authority shall ensure that CO₂ savings achieved from the use of the innovative technology have been determined using the methodology set out in the Annex.
2. Where a manufacturer applies for the certification of the CO₂ savings from more than one efficient exterior LED light referred to in Article 1 in relation to one vehicle version, the type approval authority shall determine which of the efficient exterior LED lighting tested delivers the lowest CO₂ savings, and record the lowest value in the relevant type approval documentation. That value shall be used for the purpose of paragraph 4.
3. Where the innovative technology is fitted in a bi-fuel or flex-fuel vehicle, the approval authority shall record the CO₂ savings as follows:
 - (a) for bi-fuel vehicles using petrol and gaseous fuels, the CO₂ savings value with regard to LPG or CNG fuels;
 - (b) for flex-fuel vehicles using petrol and E85, the CO₂ savings value with regard to petrol.
4. The type approval authority shall record the certified CO₂ savings determined in accordance with paragraphs 1 and 2, and the eco-innovation code referred to in Article 4(1) in the relevant type-approval documentation.
5. The type-approval authority shall record all the elements considered for the certification in a test report and keep that together with the verification report referred to in Article 2(2), and shall make that information available to the Commission on request.
6. The type-approval authority shall only certify CO₂ savings, if it finds that the innovative technology complies with the conditions set out in Article 1, and if the CO₂ savings achieved are 1 g CO₂/km or higher, as specified in Article 9(1)(a) of Implementing Regulation (EU) No 427/2014.

*Article 4***Eco-innovation code**

1. The innovative technology approved by this Decision is attributed with the eco-innovation code 34.
2. The certified CO₂ savings recorded by reference to that eco-innovation code may only be taken into account for the calculation of the average specific emissions of manufacturers for the calendar year 2020.

*Article 5***Entry into force**

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 24 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Methodology to determine the CO₂ savings of Efficient Exterior LED Lighting under NEDC for use in light commercial vehicles

1. INTRODUCTION

This Annex sets out the methodology to determine the CO₂ (carbon dioxide) emission savings to be attributed to the use of efficient vehicle exterior lighting using one or an appropriate combination of LED lights listed in Article 1, for use in light commercial N₁ vehicles powered by an internal combustion engine.

2. TESTING CONDITIONS

The testing conditions shall fulfil the requirements of UN/ECE Regulations Nos 4 ⁽¹⁾, 6 ⁽²⁾, 7 ⁽³⁾, 19 ⁽⁴⁾, 23 ⁽⁵⁾, 38 ⁽⁶⁾, 48 ⁽⁷⁾, 91 ⁽⁸⁾, 100 ⁽⁹⁾, 112 ⁽¹⁰⁾, 119 ⁽¹¹⁾ and 123 ⁽¹²⁾ ⁽¹⁾. The power consumption shall be determined in accordance with point 6.1.4 of UN/ECE Regulation No 112, and points 3.2.1 and 3.2.2 of Annex 10 to that Regulation.

For the low beam adaptive front lighting system (AFS) falling within at least two of the Classes C, E, V or W as defined in Regulation UN/ECE No 123 (see Table 1), the power consumption measurements shall be done at the LED intensity of each class (P_k), where k corresponds to each class specified at Table 1 as defined in Regulation UN/ECE 123.

If it is agreed with the technical service that Class C is the representative/average LED intensity for the vehicle application, power consumption measurements shall be done in the same way as for any other exterior LED light included in the combination.

Table 1

Classes of Low beam AFS

Class	See point 1.3 and footnote 2 of UN/ECE Regulation 123	% LED Intensity	Activation Mode (*)
C	Base Passing Beam (Country)	100	50 km/h < speed < 100 km/h Or when no mode of another passing beam class is activated (V, W, E)
V	Town	85	Speed < 50 km/h
E	Motorway	110	Speed > 100 km/h
W	Adverse Conditions	90	Windshield wiper active > 2 minutes

(*) Activation speeds shall be checked for each vehicle application in accordance with UN/ECE Regulation No 48 section 6, chapter 6.22, paragraphs 6.22.7.4.1 (class C), 6.22.7.4.2 (class V), 6.22.7.4.3 (class E), 6.22.7.4.4 (class W).

2.1. Test equipment

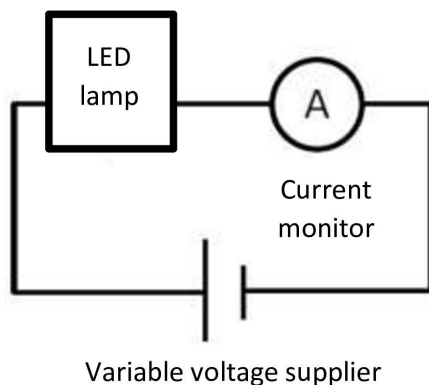
The following test equipment shall be used:

- a power supply unit (i.e. variable voltage supplier);
- two digital multimeters, one for measuring the DC-current, and the other for measuring the DC-voltage.

Figure 1 shows a possible test set-up, with the DC-voltage meter integrated in the power supply unit.

⁽¹⁾ ⁽¹⁾ OJ L 4, 7.1.2012, p. 17, ⁽²⁾ OJ L 213, 18.7.2014, p. 1, ⁽³⁾ OJ L 285, 30.9.2014, p. 1, ⁽⁴⁾ OJ L 250, 22.8.2014, p. 1, ⁽⁵⁾ OJ L 237, 8.8.2014, p. 1, ⁽⁶⁾ OJ L 148, 12.6.2010, p. 55, ⁽⁷⁾ OJ L 323, 6.12.2011, p. 46, ⁽⁸⁾ OJ L 164, 30.6.2010, p. 69, ⁽⁹⁾ OJ L 302, 28.11.2018, p. 114, ⁽¹⁰⁾ OJ L 250, 22.8.2014, p. 67, ⁽¹¹⁾ OJ L 89, 25.3.2014, p. 101, ⁽¹²⁾ OJ L 222, 24.8.2010, p. 1.

Figure 1

Illustration of test set-up**2.2. Determination of the power savings****2.2.1. Measurement of the power consumption**

For each efficient exterior LED light included in a combination, the measurement of the current shall be performed at a voltage of 13,2 V. LED module(s) operated by an electronic light source control gear, shall be measured as specified by the applicant.

The manufacturer may request that additional measurements of the current shall be performed at other voltages, where the necessity to do so can be demonstrated on the basis of verified documentation.

In any case the measurements (n) shall be performed for each voltage at least five times consecutively. The applied voltage and the measured current shall be recorded in four decimals.

The power consumption shall be determined by multiplying the voltage with the measured current. The average of the power consumption for each efficient exterior LED light (\bar{P}_{Eli}) [W] shall be calculated as set out in Formula 1 with four decimals to be taken into account in the calculations. When a stepper motor or electronic controller is used for the supply of the electricity to the LED lamps, then the electric load of this component is to be excluded from the measurement.

Formula 1

$$\bar{P}_{Eli} = \frac{\sum_{j=1}^n (V_{Eli_j} \cdot I_{Eli_j})}{n}$$

where,

- V_{Eli_j} is the tested voltage of each LED vehicle light i
- I_{Eli_j} is the measured current of each LED vehicle light i
- n is the number of measurements of the sample
- j refers to an individual measurement of power consumption

In case of low beam AFS, the power consumption (P_{EIAFS}) [W] shall be calculated as the average of the LED power consumption for each class k, weighted according to the NEDC time share per speed range, in accordance with Formula 2.

Formula 2

$$P_{EIAFS} = \sum_{k=1}^K \text{NEDC_share} \cdot \bar{P}_k$$

where,

- \bar{P}_k is the power consumption at the LED intensity for each class k as the average of n consecutive measurements.
- K is the number of classes associated with the low beam AFS.
- NEDC_share is the NEDC time share per speed range in each class as defined in Table 2.

Table 2

NEDC time share per speed range

Speed range	NEDC_share
< 50 km/h	0,6805
50 – 100 km/h	0,2881
> 100 km/h	0,0314

When the low beam AFS does not fall within all four classes specified in Table 1, the NEDC_share of the missing classes shall be attributed to class C.

2.2.2. Calculation of the power savings

The power savings of each efficient exterior LED light (ΔP_i) [W] shall be calculated in accordance with Formula 3.

Formula 3

$$\Delta P_i = P_{B_i} - \bar{P}_{Ei_i}$$

where,

- P_{B_i} is the power consumption of the baseline vehicle light i [W]
- \bar{P}_{Ei_i} is the average power consumption of the eco-innovative vehicle light i [W]

The power consumption of the different baseline vehicle lights is defined in Table 3.

Table 3

Power consumption for different baseline vehicle lights

Vehicle light	Power consumption (P_B) [W]
Low beam headlamp	137
High beam headlamp	150
Front position	12
License plate	12
Front fog lamp	124
Rear fog lamp	26
Front turn signal lamp	13
Rear turn signal lamp	13
Reversing lamp	52
Cornering lamp	44

Vehicle light	Power consumption (P _B) [W]
Static Bending lamp	44
End-outline marker lamps (vehicles width > 2,1 m)	12
Side marker lamps (vehicles length > 6 m)	24

3. CALCULATION OF THE CO₂ SAVINGS

The CO₂ savings shall be calculated in accordance with Formula 4.

Formula 4

$$C_{CO_2} = \left(\sum_{i=1}^m \Delta P_i \cdot UF_i \right) \cdot \frac{V_{Pe} \cdot CF}{\eta_A \cdot v}$$

where,

v is the mean driving speed of the NEDC, which is 33,58 km/h

η_A is the efficiency of the alternator, which is 0,67

UF_i is the usage factor of the vehicle light i as defined in Table 4

V_{Pe} is the consumption of effective power for each fuel approved, as defined in Table 5

CF is the fuel conversion factor as defined in Table 6.

Table 4

Usage factor for different vehicle lights

Vehicle light	Usage factor (UF)
Low beam headlamp	0,33
High beam headlamp	0,03
Front position	0,36
License plate	0,36
Front fog lamp	0,01
Rear fog lamp	0,01
Front turn signal lamp	0,15
Rear turn signal lamp	0,15
Reversing lamp	0,01
Cornering lamp	0,025
Static Bending lamp	0,039
End-outline marker lamps (vehicles width > 2,1 m)	0,36
Side marker lamps (vehicles length > 6 m)	0,36

Table 5

Consumption of effective power

Type of Engine	Consumption of effective power V_{pe} [l/kWh]
Petrol/E85	0,264
Petrol/E85 Turbo	0,280
Diesel	0,220
LPG	0,342
LPG Turbo	0,363
	Consumption of effective power V_{pe} [m ³ /kWh]
CNG (G20)	0,259
CNG (G20) Turbo	0,275

Table 6

Fuel Conversion Factor

Type of fuel	Conversion factor (CF) [g CO ₂ /l]
Petrol/E85	2 330
Diesel	2 640
LPG	1 629
	Conversion factor (CF) [g CO ₂ /m ³]
CNG (G20)	1 795

4. CALCULATION OF THE UNCERTAINTY OF THE CO₂ SAVINGS4.1. **General methodology**

The uncertainty of the CO₂ savings ($\delta^{c_{CO_2}}$) [W] shall be calculated in accordance with Formula 5.

Formula 5

$$s_{C_{CO_2}} = \frac{V_{pe} \cdot CF}{\eta_A \cdot v} \cdot \sqrt{\sum_{i=1}^m (UF_i \cdot s_{P_{EI_i}})^2}$$

where,

m is the number of exterior LED lights in the combination tested.

$s_{P_{EI_i}}$ is the statistical margin of the power consumption of each i -th LED light fitted in the eco-innovative vehicle which shall be calculated in accordance with Formula 6.

Formula 6

$$s_{P_{EI_i}} = \sqrt{\frac{\sum_{j=1}^n (P_{EI_{ij}} - \overline{P_{EI_i}})^2}{n(n-1)}}$$

In case of a low beam AFS the statistical margin of the power consumption ($\delta^{P_{EIAFS}}$) [W] shall instead be calculated in accordance with Formulas 7 and 8.

Formula 7

$$s_{\bar{P}_k} = \sqrt{\frac{\sum_{j=1}^n (P_{c_j} - \bar{P}_k)^2}{n(n-1)}}$$

Formula 8

$$s_{\bar{P}_{E!AFS}} = \sqrt{\sum_{k=1}^K (\text{NEDC_share} \cdot s_{\bar{P}_k})^2}$$

where,

- n is the number of power consumption measurements, which is at least 5 as indicated in section 2.2.1
- i corresponds to each vehicle light
- j refers to an individual measurement of power consumption
- \bar{P}_k is the average of the n values of P_k
- K is the number of classes associated with the low beam AFS.

5. ROUNDING

The CO₂ savings (C_{CO_2}) and the uncertainty of the CO₂ savings ($s_{C_{CO_2}}$) shall be rounded to two decimal places.

Each value used in the calculation of the CO₂ savings shall either be applied unrounded or be rounded to the minimum number of decimal places which allows the maximum total impact (i.e. combined impact of all rounded values) on the savings to be lower than 0,25 [g CO₂/km].

6. CHECK AGAINST THE MINIMUM CO₂ SAVINGS THRESHOLD

The type-approval authority shall ensure for each type, variant and version of a vehicle fitted with the efficient exterior LED lights that the minimum threshold criterion as specified in Article 9(1)(a) of Implementing Regulation (EU) No 427/2014 is met.

When verifying whether the minimum threshold criterion is met, the type-approval authority shall take into account, in accordance with Formula 9, the CO₂ savings determined in point 3 and the uncertainty determined in point 4.

Formula 9

$$C_{CO_2} - s_{C_{CO_2}} \geq MT$$

where,

- MT is the minimum threshold equal to 1 g CO₂/km
- C_{CO_2} is the CO₂ savings [g CO₂/km] as defined in point 3
- $s_{C_{CO_2}}$ is the uncertainty of the CO₂ savings calculated in accordance with point 4 [g CO₂/km].

7. CERTIFICATION OF THE CO₂ SAVINGS

The type approval authority is to certify the CO₂ savings in accordance with point 3 based on measurements of the LED Lighting system and the baseline halogen lamps using the test methodology set out in this Annex. Where the CO₂ emission savings are below the threshold specified in Article 9(1) of Implementing Regulation (EU) No 427/2014, the second subparagraph of Article 11(2) of that Regulation shall apply.

RULES OF PROCEDURE

DECISION No 64 OF THE MANAGEMENT BOARD OF THE EUROPEAN ASYLUM SUPPORT OFFICE

of 6 July 2020

on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of the functioning of EASO

THE MANAGEMENT BOARD OF THE EUROPEAN ASYLUM SUPPORT OFFICE, hereafter EASO,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC⁽¹⁾, and in particular Article 25 thereof,

Having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office⁽²⁾, and in particular to Article 29 thereof,

Having regard to the opinion of the European Data Protection Supervisor (EDPS) of 20 May 2020 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules,

After consulting the Staff Committee,

Whereas:

- (1) EASO carries out its activities in accordance with Regulation (EU) No 439/2010.
- (2) In accordance with Article 25(1) of Regulation (EU) 2018/1725 restrictions of the application of Articles 14 to 21, 35 and 36, as well as Article 4 of that Regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 21 should be based on internal rules to be adopted by the EASO, where these are not based on legal acts adopted on the basis of the Treaties.
- (3) These internal rules, including its provisions on the assessment of the necessity and proportionality of a restriction, should not apply where a legal act adopted on the basis of the Treaties provides for a restriction of data subject's rights.
- (4) Where EASO performs its duties with respect to the data subject's rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
- (5) Within the framework of its administrative functioning, EASO may conduct administrative inquiries, disciplinary proceedings, carry out preliminary activities related to cases of potential irregularities reported to OLAF, process whistleblowing cases, implement (formal and informal) procedures of harassment, process internal and external complaints, conduct internal audits, carry out investigations by the Data Protection Officer in line with Article 45 (2) of Regulation (EU) 2018/1725 and internal (IT) security investigations and handle requests of staff members for access to their medical files.

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 132, 29.5.2010, p. 11.

EASO processes several categories of personal data, including hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).

- (6) EASO, represented by its Executive Director, acts as the data controller irrespective of further delegations of the controller role within EASO to reflect operational responsibilities for specific personal data processing operations.
- (7) The personal data are stored securely in an electronic environment or on paper preventing abuse or unlawful access or transfer of data to persons who do not have a need to know. The personal data processed are retained for no longer than necessary and appropriate for the purposes for which the data are processed for the period specified in the data protection notices or records of the EASO.
- (8) These internal rules should apply to all processing operations carried out by EASO in the performance of administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, whistleblowing procedures, (formal and informal) procedures for cases of harassment, processing internal and external complaints, internal audits, the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, (IT) security investigations handled internally or with external involvement (e.g. CERT-EU) and the handling of requests for access by staff members to their medical files.
- (9) These internal rules should apply to processing operations carried out prior to the opening of the procedures referred to above, during these procedures and during the monitoring of the follow-up to the outcome of these procedures. They should also include assistance and cooperation provided by EASO to national authorities and international organisations outside of its administrative investigations.
- (10) In the cases where these internal rules apply, EASO should provide justifications explaining why the restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.
- (11) Within this framework EASO is bound to respect, to the maximum extent possible, the fundamental rights of the data subjects during the above procedures, in particular, those relating to the right of information to be provided to the data subject, right of access by the data subject, rights of the data subject to rectification, erasure and restriction of processing and rights to communication of a personal data breach to the data subject and confidentiality of electronic communications as enshrined in Regulation (EU) 2018/1725.
- (12) However, EASO may be obliged to restrict the right of information to be provided to the data subject and other data subject's rights to protect, in particular, its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons involved in its investigations or other procedures.
- (13) EASO should periodically monitor whether the conditions which justify the restriction continue to apply and lift the restriction as soon as they no longer apply.
- (14) The Controller should inform the Data Protection Officer at the moment when the restriction is applied and during subsequent reviews and involve him or her throughout the entire procedure until the restriction has been lifted,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision lays down rules relating to the conditions under which EASO may restrict the application of the rights enshrined in Articles 14 to 21, 35 and 36, as well as Article 4 of Regulation (EU) 2018/1725 in the context of the procedures set out in paragraph 2 in accordance with Article 25 of that Regulation.

2. Within the framework of the administrative functioning of EASO, this Decision applies to the processing operations on personal data carried out by the Agency for the purposes of: conducting administrative inquiries and disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, processing whistleblowing cases, implementing (formal and informal) procedures for cases of harassment, processing internal and external complaints, conducting internal audits, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU) and the handling of requests for access by staff members to their medical files.
3. The categories of data concerned are hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, data related to performance and conduct and data related to or brought forward in connection with the subject matter of the procedure or activity).
4. Where EASO performs its duties with respect to the data subject's rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
5. Subject to the conditions set out in this Decision, the restrictions may apply to the following rights: right of information to be provided to the data subject, right of access by the data subject, right of the data subject to rectification, erasure and restriction of processing and rights to communication of a personal data breach to the data subject and confidentiality of electronic communications.

Article 2

Specification of the controller and safeguards

1. EASO shall put in place the following safeguards to prevent abuse or unlawful access or transfer:
 - (a) Paper documents shall be kept in secured cupboards and only accessible to authorised staff;
 - (b) All electronic data shall be stored in a secure IT application according to EASO's security standards, as well as in specific electronic folders accessible only to authorised staff. Appropriate levels of access shall be granted individually;
 - (c) The IT environment of EASO shall be accessible via a single sign-on system and connected automatically to the user's ID and password. E-records shall be held securely to safeguard the confidentiality and privacy of the data therein;
 - (d) All persons having access to the data shall be bound by the obligation of confidentiality.
2. The controller of the processing operations is EASO, represented by its Executive Director, who may delegate the function of the controller. In cases where the Executive Director is subject to administrative inquiry, disciplinary proceeding or internal investigation, the Management Board shall represent EASO as the data controller (as appointing authority for the Executive Director). Data subjects shall be informed of the delegated controller by means of data protection notices or records published on the EASO's website and intranet.
3. The retention period of the personal data referred to in Article 1(3) of this Decision shall be no longer than necessary and appropriate for the purposes for which the data are processed. It shall in any event not be longer than the retention period specified in the data protection notices, or records referred to in Article 3(3) of this Decision.
4. Where the Agency considers applying a restriction, the risk to the rights and freedoms of the data subject shall be weighed, in particular, against the risk to the rights and freedoms of other data subjects and the risk of undermining the effectiveness of EASO's investigations or procedures in particular by destroying evidence. The risks to the rights and freedoms of the data subject concern primarily, but are not limited to, reputational risks and risks to the right of defence and the right to be heard.

*Article 3***Restrictions**

1. Any restriction shall only be applied by EASO on the basis of one or more of the grounds listed in points (a) to (i) of Article 25(1) of Regulation (EU) 2018/1725. In particular, in the context of the purposes of processing personal data indicated in Article 1(2) of this Decision, restrictions may be based on the following grounds:

- (a) for the performance of administrative inquiries and disciplinary proceedings, restrictions may be based on Article 25(1) points (b), (c), (g) and (h) of Regulation (EU) 2018/1725;
- (b) for preliminary activities related to cases of potential irregularities reported to OLAF, restrictions may be based on Article 25(1) points (b), (c), (f), (g) and (h) of Regulation (EU) 2018/1725;
- (c) for whistleblowing procedures, restrictions may be based on Article 25(1) points (b), (c), (f), (g) and (h) of Regulation (EU) 2018/1725;
- (d) for (formal and informal) procedures for cases of harassment, restrictions may be based on Article 25(1) points (b), (f), (h) and (i) of Regulation (EU) 2018/1725;
- (e) for the processing of internal and external complaints, restrictions may be based on Article 25(1) points (c), (e), (g) and (h) of Regulation (EU) 2018/1725;
- (f) for internal audits, restrictions may be based on Article 25(1) points (c), (g) and (h) of Regulation (EU) 2018/1725;
- (g) for investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, restrictions may be based on Article 25(1) points (c), (g) and (h) of that Regulation;
- (h) for (IT) security investigations handled internally or external involvement (e.g. CERT-EU), restrictions may be based on Article 25(1) points (c), (d), (g) and (h) of Regulation (EU) 2018/1725;
- (i) for the handling of requests for access by staff members to their medical files, restrictions may be based on Article 25(1) point (h) of Regulation (EU) 2018/1725.

2. As a specific application of the purposes described in paragraph 1 above, EASO may apply restrictions on the rights referred to in Article 1(5) of this Decision in the following circumstances:

- (a) where another Union institution, body, office or agency is entitled to restrict the exercise of these rights on the basis of other acts provided for in Article 25 of Regulation (EU) 2018/1725 or in accordance with Chapter IX of that Regulation or with their founding acts and the purpose of such a restriction by that other Union institution, body, office or agency would be jeopardised were EASO not to apply an equivalent restriction in respect of the same personal data;
- (b) where the competent authority of a Member State is entitled to restrict the exercise of these rights on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽³⁾, or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾ and the purpose of such a restriction by that competent authority of a Member State would be jeopardised were EASO not to apply an equivalent restriction in respect of the same personal data;
- (c) where the exercise of these rights would jeopardise EASO's cooperation with third countries or international organisations in the performance of its tasks.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, EASO shall consult the relevant Union institution, body, office or agency or the competent authority of a Member State unless it is clear to EASO that the application of a restriction is provided for by one of the acts referred to in those points.

⁽³⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁴⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

3. EASO shall include in the data protection notices or records in the sense of Article 31 of Regulation (EU) 2018/1725, published on its website and intranet, informing data subjects of their rights in the framework of a given procedure, information relating to the potential restriction of these rights. The information shall indicate which rights may be restricted, the reasons and the potential duration.

Without prejudice to the provisions of Article 5(2), EASO, where proportionate, shall also inform individually all data subjects, which are considered persons concerned in the specific processing operation, of their rights concerning present or future restrictions without undue delay and in a written form.

4. Any restriction shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects and respect the essence of the fundamental rights and freedoms in a democratic society.

5. If the application of restriction is considered, a necessity and proportionality test shall be carried out on the basis of the present rules. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.

6. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

Article 4

Review by the Data Protection Officer

1. The Data Protection Officer of EASO ('the DPO') shall be informed without undue delay whenever the controller restricts the application of data subjects' rights, or extends the restriction, in accordance with this Decision. The controller shall provide the DPO access to the record containing the assessment of the necessity and proportionality of the restriction and document the date of informing the DPO in the record. The DPO shall be involved throughout the entire procedure until the restriction has been lifted.

2. The DPO may request the controller in writing to review the application of the restrictions. The controller shall inform the DPO in writing about the outcome of the requested review.

3. The controller shall inform the DPO when the restriction has been lifted.

Article 5

Restriction of the right of information to be provided to the data subject

1. In duly justified cases and under the conditions stipulated in this Decision, the right of information to be provided to the data subject may be restricted by the controller in the context of the following processing operations:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing of internal and external complaints;
- (f) internal audits;
- (g) investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. Where EASO restricts, wholly or partly, the right of information to be provided to the data subjects referred to in Articles 14 to 16 of Regulation (EU) 2018/1725, it shall record the reasons for the restriction, the legal ground(s) in accordance with Article 3 of this Decision, including an assessment of the necessity and proportionality of the restriction.

The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

3. The restriction referred to in paragraph 2 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, EASO shall provide information to the data subject on the principal reasons on which the application of a restriction is based. At the same time, EASO shall inform the data subject of the right of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy before the Court of Justice of the European Union (the 'Court of Justice').

EASO shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry, procedure or investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months. The necessity and proportionality test referred to in Article 3(5) shall also be conducted in the context of each periodic review, following an assessment of whether the factual and legal reasons for a restriction still apply.

Article 6

Restriction of the right of access by the data subject

1. In duly justified cases and under the conditions stipulated in this Decision, the right of access by the data subject may be restricted by the controller in the context of the following processing operations, where necessary and proportionate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing of internal and external complaints;
- (f) internal audits;
- (g) investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (i) handling of requests for access by staff members to their medical files.

Where data subjects request access to their personal data processed in the context of one or more specific cases or to a particular processing operation, in accordance with Article 17 of Regulation (EU) 2018/1725, EASO shall limit its assessment of the request to such personal data only.

2. Where EASO restricts, wholly or partly, the right of access, referred to in Article 17 of Regulation (EU) 2018/1725, it shall take the following steps:

- (a) it shall inform the data subject concerned, in its reply to the request, of the restriction applied and of the principal reasons thereof, and of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy before the Court of Justice;
- (b) it shall document in an internal assessment note the reasons for the restriction, including an assessment of the necessity and proportionality of the restriction and its duration.

Restrictions imposed on the right of access of staff members to their medical files shall only concern requests for direct access by staff members to medical data of psychological or psychiatric nature where an assessment made on a case-by-case basis reveals that indirect access is necessary for the protection of the data subject. Access to such data shall be given through the intermediary of a doctor appointed by the data subject concerned. The doctor of the data subject's choice shall be given access to all the information and discretionary power to decide how and what access to provide to the data subject.

The provision of information referred to in point (a) may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725.

EASO shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry, procedure or investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months.

The necessity and proportionality test referred to in Article 3(5) shall also be conducted in the context of each periodic review, following an assessment of whether the factual and legal reasons for a restriction still apply

3. The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor upon request.

Article 7

Restriction of the rights of the data subject to rectification, erasure and restriction of processing

1. In duly justified cases and under the conditions stipulated in this Decision, the rights of the data subject to rectification, erasure and restriction of processing may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing of internal and external complaints;
- (f) internal audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. Where EASO restricts, wholly or partly, the application of the rights of the data subject to rectification, erasure and restriction of processing referred to in Articles 18, 19(1) and 20(1) of Regulation (EU) 2018/1725 respectively, it shall take the steps set out in Article 6(2) of this Decision and register the record in accordance with Article 6(3) thereof.

Article 8

Restriction of the rights to communication of a personal data breach to the data subject and confidentiality of electronic communications

1. In duly justified cases and under the conditions stipulated in this Decision, the right to communication of a personal data breach to the data subject may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) processing of internal and external complaints;
- (e) internal audits;
- (f) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (g) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. In duly justified cases and under the conditions stipulated in this Decision, the right to confidentiality of electronic communications may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) formal procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

3. Where EASO restricts the rights to communication of a personal data breach to the data subject or confidentiality of electronic communications referred to in Articles 35 and 36 of Regulation (EU) 2018/1725 respectively, it shall record and register the reasons for the restriction in accordance with Article 5(2) of this Decision. Article 5(3) of this Decision shall also apply.

Article 9

Entry into force

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Valletta Harbour, 6 July 2020.

For the European Asylum Support Office
David COSTELLO
Chairperson of the Management Board

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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