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Legislation

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Contents

([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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2020/1833

of 2 October 2020

amending the Annexes to Directive 2008/68/EC of the European Parliament and of the Council as regards adaptation to scientific and technical progress

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods ([1]), and in particular Article 8(1) thereof,

Whereas:

(1) Section I.1 of Annex I, Section II.1 of Annex II and Section III.1 of Annex III to Directive 2008/68/EC refer to provisions set out in international agreements on the inland transport of dangerous goods by road, rail and inland waterways as defined in Article 2 of that Directive.

(2) The provisions of those international agreements are updated every two years. Their last amended versions apply as from 1 January 2021, with a transitional period until 30 June 2021.

(3) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ([2]), Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.

(4) Section I.1 of Annex I, Section II.1 of Annex II and Section III.1 of Annex III to Directive 2008/68/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2008/68/EC

Directive 2008/68/EC is amended as follows:

(1) in Annex I, Section I.1 is replaced by the following:

'I.1 ADR

Annexes A and B to the ADR, as applicable with effect from 1 January 2021, it being understood that "contracting party" is replaced by "Member State" as appropriate.';

([1]) OJ L 260, 30.9.2008, p. 13.
([2]) OJ C 369, 17.12.2011, p. 14.

(2) in Annex II, Section II.1 is replaced by the following:

'II.1 RID

The Annex to the RID, as applicable with effect from 1 January 2021, it being understood that "RID Contracting State" is replaced by "Member State" as appropriate.';

(3) in Annex III, Section III.1 is replaced by the following:

'III.1 ADN

The Annexed Regulations to the ADN, as applicable with effect from 1 January 2021, as well as Articles 3(f), 3(h), 8(1) and 8(3) of the ADN, it being understood that "contracting party" is replaced by "Member State" as appropriate.'.

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2021 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 2 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/1834

of 3 December 2020

on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2018 for each Member State

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC ([1]), and in particular Article 19(6) thereof,

Whereas:

(1) Decision No 406/2009/EC of the European Parliament and of the Council ([2]) lays down annual emission allocations for each Member State for each year of the period 2013 to 2020 and a mechanism to annually assess compliance with those limits. Member States' annual emission allocations expressed in tonnes of CO_2 equivalent are contained in Commission Decision 2013/162/EU ([3]). The adjustments to the annual emission allocations for each Member State are set in Commission Implementing Decision 2013/634/EU ([4]).

(2) Article 19 of Regulation (EU) No 525/2013 provides for a procedure for the review of Member States' greenhouse gas emissions inventories for the purpose of assessing compliance with Decision No 406/2009/EC. The comprehensive review referred to in Article 19(1) of Regulation (EU) No 525/2013 was carried out on the basis of the 2018 emissions data reported to the Commission in April 2020 in accordance with the procedures laid down in Chapter III of Commission Implementing Regulation (EU) No 749/2014 ([5]) and Annex XVI to that Regulation.

(3) The total amount of greenhouse gas emissions covered by Decision No 406/2009/EC for the year 2018 for each Member State should take into consideration the technical corrections and revised estimates calculated during the comprehensive review as contained in the final review reports drawn up pursuant to Article 35(2) of Regulation (EU) No 749/2014.

(4) This Decision should enter into force on the day of its publication in order to be aligned with the provisions of Article 19(7) of Regulation (EU) No 525/2013 which sets the date of publication of this Decision as the starting point for the four-month period when Member States are allowed to use the flexibility mechanisms under Decision No 406/2009/EC,

([1]) OJ L 165, 18.6.2013, p. 13.

([2]) Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

([3]) Commission Decision 2013/162/EU of 26 March 2013 on determining Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council (OJ L 90, 28.3.2013, p. 106).

([4]) Commission Implementing Decision 2013/634/EU of 31 October 2013 on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council (OJ L 292, 1.11.2013, p. 19).

([5]) Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 203, 11.7.2014, p. 23).

HAS ADOPTED THIS DECISION:

Article 1

The total sum of greenhouse gas emissions covered by Decision No 406/2009/EC for each Member State for the year 2018 arising from the corrected inventory data upon completion of the comprehensive review referred to in Article 19(1) of Regulation (EU) No 525/2013 is set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 3 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Member State	Greenhouse gas emissions for the year 2018 covered by Decision No 406/2009/EC (tonnes of carbon dioxide equivalent)
Belgium	74 253 859
Bulgaria	26 339 231
Czechia	60 616 480
Denmark	33 142 443
Germany	434 047 773
Estonia	6 121 701
Ireland	45 378 559
Greece	44 694 510
Spain	203 029 778
France	342 199 873
Croatia	16 219 173
Italy	278 729 729
Cyprus	4 162 760
Latvia	9 126 902
Lithuania	14 283 074
Luxembourg	9 075 522
Hungary	43 249 947
Malta	1 383 374
The Netherlands	99 731 984
Austria	50 336 566
Poland	213 033 372
Portugal	40 571 864
Romania	77 639 310
Slovenia	11 033 844
Slovakia	21 065 066
Finland	29 921 574
Sweden	31 400 231
United Kingdom	329 880 406

COMMISSION IMPLEMENTING DECISION (EU) 2020/1835

of 3 December 2020

on the harmonised standards for accreditation and conformity assessment

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council [1], and in particular Article 10(6) thereof,

Whereas:

(1) In point 10 of Article 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council [2] accreditation is defined as an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity.

(2) Legal acts of the Union incorporating the reference provisions included in Annex I to Decision No 768/2008/EC of the European Parliament and of the Council [3] provide, in certain cases, for the intervention of third-party conformity assessment bodies in the relevant conformity assessment procedures. Furthermore, all such legal acts incorporate Article R17 of Annex I to Decision No 768/2008/EC, setting out the requirements that conformity assessment bodies must meet, and Article R18 of Annex I to Decision No 768/2008/EC providing that where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, it is to be presumed to comply with the requirements set out in that Union act, insofar as the applicable harmonised standards cover those requirements.

(3) There are also legal acts of the Union that do not incorporate Articles R17 and R18 of Annex I to Decision No 768/2008/EC. However, they require the intervention of third-party conformity assessment body and provide for accreditation of those bodies in accordance with Regulation (EC) No 765/2008 to demonstrate their competence.

(4) By letter M/417 of 4 December 2007 the Commission made a request to the European Committee for Standardisation (CEN), European Committee for Electrotechnical Standardisation (Cenelec) and European Telecommunications Standards Institute (ETSI) for the completion of the work on harmonised standards in support of the New Legislative Framework, in particular as regards accreditation and conformity assessment or quality assurance, as well as sectoral certification schemes. In that mandate, the Commission asked those organisations to identify all international standards that are relevant to the New Legislative Framework or certain sectoral certification schemes and to adopt them at European level as European standards. European standards in support of Regulation (EC) No 765/2008, legal acts of the Union incorporating the reference provisions of Annex I to Decision No 768/2008/EC setting out the requirements for conformity assessment bodies and legal acts of the Union which, while not incorporating Article R17 and R18 of Annex I to Decision No 768/2008/EC, require the intervention of a third-party conformity assessment body and provide for accreditation of that body in accordance with Regulation (EC) No 765/2008, therefore fall within the scope of the mandate.

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[1] OJ L 316, 14.11.2012, p. 12.

[2] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

[3] Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

(5) On the basis of the request M/417 of 4 December 2007, CEN and Cenelec adopted the standards EN ISO 14064-1:2019 - Greenhouse gases - Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals, EN ISO 14064-2:2019 - Greenhouse gases - Part 2: Specification with guidance at the project level for quantification, monitoring and reporting of greenhouse gas emission reductions or removal enhancements, EN ISO 14064-3:2019 - Greenhouse gases - Part 3: Specification with guidance for the verification and validation of greenhouse gas statements, EN ISO 15195:2019 - Laboratory medicine - Requirements for the competence of calibration laboratories using reference measurement procedures, and EN ISO/IEC 17029:2019 - Conformity Assessment - General principles and requirements for validation and verification bodies, by transposing the international standards ISO 14064-1:2018, ISO 14064-2:2019, ISO 14064-3:2019, ISO 15195:2018, and ISO/IEC 17029:2019.

(6) The Commission together with CEN and Cenelec has assessed whether standards EN ISO 14064-1:2019, EN ISO 14064-2:2019, EN ISO 14064-3:2019, EN ISO 15195:2019 and EN ISO/IEC 17029:2019 drafted by CEN comply with the request M/417 of 4 December 2007.

(7) Harmonised standards EN ISO 14064-1:2019, EN ISO 14064-2:2019 and EN ISO 14064-3:2019 satisfy the requirements which they aim to cover for conformity assessment bodies for the purposes of performing quantification, monitoring and reporting of activities intended to cause greenhouse gas and of conducting or managing the validation and verification of greenhouse gas assertions as provided for in Regulation (EC) No 1221/2009 of the European Parliament and of the Council ([4]).

(8) Harmonised standard EN ISO 15195:2019 satisfies the requirements which it aims to cover for conformity assessment bodies acting as notified bodies for the purposes of performing calibration using reference measurement procedures, as provided for in Directive 98/79/EC of the European Parliament and of the Council ([5]).

(9) Harmonised standard EN ISO 17029:2019 satisfies the requirements which it aims to cover for conformity assessment bodies acting as verifiers for the purposes of performing validation and verification of conformity assessment activities as provided for in Commission Implementing Regulation (EU) 2018/2067 ([6]).

(10) It is therefore appropriate to publish the reference of those standards in the *Official Journal of the European Union*.

(11) Harmonised standards EN ISO 14064-1:2019, EN ISO 14064-2:2019, EN ISO 14064-3:2019 and EN ISO 15195:2019 are revised versions of and thus supersede standards EN ISO 14064-1:2012, EN ISO 14064-2:2012, EN ISO 14064-3:2012 and EN ISO 15195:2003, the references of which are published in the C series of the *Official Journal of the European Union* ([7]). It is therefore necessary to withdraw the references to harmonised standards EN ISO 14064-1:2012, EN ISO 14064-2:2012, EN ISO 14064-3:2012 and EN ISO 15195:2003 from the *Official Journal of the European Union*. In order to give economic operators and third-party conformity assessment bodies the necessary time to adapt their monitoring, reporting, measuring and verifying methods to the revised harmonised standards, it is necessary to defer the withdrawal of the references to harmonised standards EN ISO 14064-1:2012, EN ISO 14064-2:2012, EN ISO 14064-3:2012 and EN ISO 15195:2003.

(12) Harmonised standard EN ISO/IEC 17025:2017 is a revised version of and thus supersedes standard EN ISO/IEC 17025:2005. The reference of the harmonised standard EN ISO/IEC 17025:2017 is published in the C series of the *Official Journal of the European Union* ([8]) with the 31.12.2020 as the date of cessation of effect of superseded standard EN ISO/IEC 17025:2005. Due to the global impact of the coronavirus outbreak, in order to ensure that all accreditation bodies and the accredited bodies are able to accomplish their tasks in a robust and reliable manner, and in line with the international practice, an extension of the transition period should be warranted,

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([4]) Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

([5]) Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (OJ L 331, 7.12.1998, p. 1).

([6]) Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).

([7]) OJ C 209, 15.6.2018, p. 12.

([8]) OJ C 209, 15.6.2018, p. 12.

HAS ADOPTED THIS DECISION:

Article 1

The references of the harmonised standards for accreditation of conformity assessment bodies listed in Annex II, drafted in support of the legal acts listed in Annex I, are hereby published in the *Official Journal of the European Union*.

Article 2

The references of the harmonised standards listed in Annex III are hereby withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.

Article 3

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

Done at Brussels, 3 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

1. Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (OJ L 331, 7.12.1998, p. 1).

2. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

3. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

4. Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).

ANNEX II

No	Reference of the standard
1.	EN ISO 14064-1:2019 Greenhouse gases - Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals (ISO 14064-1:2018)
2.	EN ISO 14064-2:2019 Greenhouse gases - Part 2: Specification with guidance at the project level for quantification, monitoring and reporting of greenhouse gas emission reductions or removal enhancements (ISO 14064-2:2019)
3.	EN ISO 14064-3:2019 Greenhouse gases - Part 3: Specification with guidance for the verification and validation of greenhouse gas statements (ISO 14064-3:2019)
4.	EN ISO 15195:2019 Laboratory medicine - Requirements for the competence of calibration laboratories using reference measurement procedures (ISO 15195:2018)
5.	EN ISO/IEC 17029:2019 Conformity Assessment - General principles and requirements for validation and verification bodies (ISO/IEC 17029:2019)

ANNEX III

No	Reference of the standard	Date of withdrawal
1.	EN ISO 14064-1:2012 Greenhouse gases - Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals (ISO 14064-1:2006)	1.7.2022
2.	EN ISO 14064-2:2012 Greenhouse gases - Part 2: Specification with guidance at the project level for quantification, monitoring and reporting of greenhouse gas emission reductions or removal enhancements (ISO 14064-2:2006)	1.7.2022
3.	EN ISO 14064-3:2012 Greenhouse gases - Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions (ISO 14064-3:2006)	1.7.2022
4.	EN ISO 15195:2003 Laboratory medicine - Requirements for reference measurement laboratories (ISO 15195:2003)	1.7.2022
5.	EN ISO/IEC 17025:2005 General requirements for the competence of testing and calibration laboratories (ISO/IEC 17025:2005) EN ISO/IEC 17025:2005/AC:2006	1.7.2021

RULES OF PROCEDURE

DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN CENTRE FOR THE DEVELOPMENT OF VOCATIONAL TRAINING (CEDEFOP)

of 6 May 2020

adopting 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 Cedefop

THE MANAGEMENT BOARD,

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) 2019/128 of the European Parliament and of the Council of 16 January 2019 establishing the European Centre for the Development of Vocational Training ('Cedefop'), and repealing Council Regulation (EEC) No 337/75 ([2]), and in particular Article 23(4) thereof,

Having regard to the opinion of the European Data Protection Supervisor (EDPS) of 12 December 2019 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules ([3]),

WHEREAS:

(1) Cedefop carries out its activities in accordance with Regulation (EU) 2019/128.

(2) In accordance with Article 25(1) of Regulation (EU) 2018/1725, restrictions of the application of Articles 14 to 22, 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 22, should be based on internal rules to be adopted by Cedefop, where these are not based on legal acts adopted on the basis of the Treaties.

(3) These internal rules, including 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 the data subject's rights.

(4) Where Cedefop 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, Cedefop 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.

Cedefop 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).

([1]) . OJ L 295, 21.11.2018, p. 39.
([2]) . OJ L 30, 31.1.2019, p. 90.
([3]) . https://edps.europa.eu/sites/edp/files/publication/18-12-20_guidance_on_article_25_en.pdf

(6) Cedefop, represented by its Executive Director, acts as the (data) controller irrespective of further delegations of the controller role within Cedefop 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 by or transfer of data to persons who do not have a need to know. The medical files are stored by the external service provider used by Cedefop. 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 Cedefop.

(8) These internal rules should apply to all processing operations carried out by Cedefop 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 of internal and external complaints, internal audits, 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 Cedefop to national authorities and international organisations outside of its administrative investigations.

(10) In the cases where these internal rules apply, Cedefop 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, Cedefop 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, Cedefop 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) Cedefop 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 there is an intention to apply a restriction 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 Cedefop 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 Cedefop, this Decision applies to the processing operations on personal data carried out by Cedefop 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 Cedefop 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, 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.

Article 2

Specification of the controller and safeguards

1. Cedefop 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 Cedefop'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 Cedefop 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;

(e) the external service provider storing the medical files shall be bound by contractual clauses regarding confidentiality and processing of personal data.

2. The controller of the processing operations is Cedefop, represented by its Executive Director, who may delegate the function of the controller. Data subjects shall be informed of the delegated controller by means of data protection notices or records published on the website and intranet of Cedefop.

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 Cedefop 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 Cedefop'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 Cedefop 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), (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, Cedefop 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 Cedefop 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 ([4]), 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 ([5]) and the purpose of such a restriction by that competent authority of a Member State would be jeopardised were Cedefop not to apply an equivalent restriction in respect of the same personal data;

(c) where the exercise of these rights would jeopardise Cedefop'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, Cedefop shall consult the relevant Union institution, body, office or agency or the competent authority of a Member State unless it is clear to Cedefop that the application of a restriction is provided for by one of the acts referred to in those points.

([4]) 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).

([5]) 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. Cedefop 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), Cedefop, 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.

Article 4

Review by the Data Protection Officer

1. The Data Protection Officer of Cedefop ('the DPO') shall be informed without undue delay whenever the controller intends to restrict 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 Cedefop 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, Cedefop shall provide information to the data subject on the principal reasons on which the application of a restriction is based. At the same time, Cedefop 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').

Cedefop 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, Cedefop shall limit its assessment of the request to such personal data only.

2. Where Cedefop 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.

Cedefop 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) 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 Cedefop 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) internal audits;

(e) investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;

(f) (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 of internal and external complaints;

(f) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

3. Where Cedefop 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 twentieth day following that of its publication in the *Official Journal of the European Union*.

Done on 6 May 2020.

For the Management Board
Barbara DORN
Chairperson of the Management Board

CORRIGENDA

Corrigendum to Council Decision (EU) 2020/1815 of 23 November 2020 on the conclusion of the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications

(Official Journal of the European Union L 407 of 3 December 2020)

This publication should be considered null and void.

Corrigendum to Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications

(Official Journal of the European Union L 407 of 3 December 2020)

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