

Info note



EDPB Plenary meeting, 9 March 2021

ITEM - 09/03 - INFO NOTE – Statement on International Agreements - Adoption

I. Background

The ITES ESG submits the draft of the Statement on International Agreements for adoption by the plenary. This statement is proposed by the ITES as a response to the request of the FMES ESG in respect of FATCA and CRS. More specifically, the FMES ESG invited the ITES ESG to examine the international transfers issues relating to FATCA and CRS.

As such the ITES ESG decided to prepare and propose for adoption this statement making reference to all international agreements concluded before the coming into force of the GDPR and the Law Enforcement Directive (LED). Indeed, the ITES invites Member States to assess and where necessary review these agreements when they involve the transfers of personal data to third countries in order to align them with the current EU data protection framework, case law and EDPB guidance. Examples of such international agreements are provided in the statement including ones relating to taxation and the automatic exchange of personal data for taxation purposes.

Finally, the statement informs the public that Supervisory Authorities are available to assist Member States in this process.

This statement also comes as a response to the request of the FMES ESG on the issues of FATCA and CRS raised at the October 2020 plenary. The questions included the possible relevance of Article 96 of the GDPR as well as the impact of Schrems II. Of course, the ITES ESG remains at the FMES's disposal for any further contribution.

II. Request to the Plenary:

The ITES ESG requests the plenary to discuss and adopt this statement.

Annex: Statement on International Agreements