

To: Fabrice Leggeri
Cc: Gasperlin MB Chair Marko - Chair.Frontex.MB ([REDACTED]);
PARIAT Monique (HOME); ONIDI Olivier (HOME); [REDACTED] (HOME);
[REDACTED] (HOME); [REDACTED] (HOME); HOME DIR B
Subject: Way forward on the data protection rules
Importance: High

Dear Fabrice,

Further to our yesterday's discussion and as already highlighted on several occasions over the last few months, it is an absolute political priority to put in place the data protection framework of the Agency without any further delays. The preparatory work on the relevant implementing measure has already started in early 2020. I therefore appreciated our principal agreement of yesterday that the adoption should be ensured before the end of this year.

In order to reach this objective, I would like to clarify what the Commission would need to receive. We have taken note of the draft implementing rules on the Data Protection Officer which were submitted yesterday morning. Thank you for this. However, we still need to receive as soon as possible the draft MB decisions on:

- Implementing rules for Operational Personal Data
- Implementing rules for the Data Protection Regulation (DPR)
- Implementing rules on restriction of rights (administrative data)
- Implementing rules on restriction of rights (returnees)
- Implementing rules on data retention

While we agree that there may be some interdependencies between the different implementing acts, this is only one more reason to look at them as a package. Therefore, we should not wait until final drafts of some of them are ready or even adopted but rather assess them all together as soon as possible. As mentioned yesterday, we would therefore be grateful to receive these drafts at the latest by mid-August (16 August 2021). This would allow us to consult the texts also internally with the other Commission services concerned.

Furthermore, I would like to reiterate our view that these drafts should also be shared with the Member States experts. Appreciating your intention to organize a 2nd workshop with Member States in September, this should be the opportunity to discuss all the planned implementing rules related to data protection. As stated yesterday, the workshop should from our perspective be used for a substantial discussion of the texts which requires that all participants have sufficient time to examine them beforehand.

To sum up, in order to be able to reach the objective to adopt the data protection framework of the Agency still this year, we propose the following timeline:

- **Mid-August:** The Agency prepares all planned draft implementing rules on data protection and shares the draft with the Commission.

- **Beginning September:** The Agency receives comments from the Commission on the implementing rules and shares the amended drafts with Member States and the Commission in preparation of the workshop.
- **Mid-September: The** Workshop should be organized with participation of Member States experts and Commission.
- **End September:** Consultation with the EDPS on the relevant rules
- **End October:** Based on the results of the workshop, the Agency finalises all the draft implementing rules on data protection.
- **November MB Meeting:** All the data protection implementing rules should be put on the agenda for adoption.

I should be grateful for your confirmation of this timing which will allow us to make sure that [on this politically very sensitive topic](#) all implementing acts are in place before the second anniversary of the entry into force of the EBCG Regulation.

Best regards,

