

## CEP OVERVIEW

### GENERAL DATA PROTECTION REGULATION: THE COMMISSION'S REGULATORY POWERS

#### 1. Delegated legal acts

The Commission is empowered to regulate non-essential aspects of legislation itself (Art. 290 TFEU; see [CEP Analysis](#)). This is mainly meant to complement or amend basic decisions, taken by the European legislator, technically. Under national law, this corresponds to legislation by regulations.

Power	Object
Art. 6 (5)	Admissibility to process personal data subject to special rules.
Art. 8 (3)	Consent of a parent or custodian to process the data of a child
Art. 9 (3)	Admissibility to process so-called sensitive data
Art. 12 (5)	Remuneration of controllers for the processing of applications by data subjects
Art. 14 (7)	Information obligations of controllers
Art. 15 (3)	Content of information to data subjects
Art. 17 (9)	Right to be forgotten and to erasure
Art. 20 (5)	Admissibility to create user profiles (so-called profiling)
Art. 22 (4)	Monitoring of data processing; controlling and auditing procedures
Art. 23 (3)	Data protection by design and by default
Art. 26 (5)	Requirements as to processors; data processing in company groups
Art. 28 (5)	Documentation requirements
Art. 30 (3)	Safety standards for data processing
Art. 31 (5)	Reporting requirements vis-à-vis the supervisory authority in cases of data protection infringements
Art. 32 (5)	Reporting requirements vis-à-vis data subjects in cases of data protection infringements
Art. 33 (6)	Requirement and content of data protection impact assessments

Art. 34 (8)	Obligation to consult supervisory authorities before data processing
Art. 35 (11)	Professional qualification of the data protection officer; designation requirement below a threshold of 250 employees
Art. 37 (2)	Duties and powers of data protection officers
Art. 39 (2)	Certification procedure for data processing
Art. 43 (3)	Requirements as to corporate rules regarding data processing to third countries
Art. 44 (7)	Requirements as to the transmission of data to third countries or international organisations subject to special rules
Art. 79 (7)	Updating the amount of fines
Art. 81 (3)	Admissibility of processing data related to health
Art. 82 (3)	Admissibility of processing personal data of employees
Art. 83 (3)	Admissibility and publication of personal data for scientific and statistical purposes

## 2. Implementing acts

The Commission may harmonise the execution of European Union law on the basis of implementing acts (Art. 291 TFEU; see [CEP Policy Brief](#)). This is meant to apply Union law consistently despite the decentralised execution by Member States. Under national law, this corresponds to the harmonisation of administrative execution through administrative rules.

Power	Object
Art. 8 (4)	Standard forms for the consent of a parent or custodian to process the data of a child
Art. 12 (6)	Standard forms and procedures for the communication to data subjects
Art. 14 (8)	Standard forms for the provision of information
Art. 15 (4)	Standard forms and procedures for requesting and granting access to the information provided to data subjects
Art. 18 (3)	Standard forms and procedures for the portability of personal data
Art. 23 (4)	Standard forms for data protection by design and by default
Art. 28 (6)	Standard forms for the compliance with documentation requirements
Art. 30 (4)	Safety standards for data processing

Art. 31 (6)	Standard forms and procedures for reporting requirements vis-à-vis the supervisory authority in cases of data protection infringements
Art. 32 (6)	Standard forms and procedures for reporting requirements vis-à-vis data subjects in cases of data protection infringements
Art. 33 (7)	Standards and procedures for carrying out the internal and external control of data protection impact assessments
Art. 34 (9)	Standard forms and procedures for the approval by and consultation with the supervisory authority
Art. 38 (4)	Declaration of general applicability of codes of conduct
Art. 39 (3)	Standards for certification procedures and data protection labels
Art. 41 (3)	Admissibility of transmitting personal data to third countries or international organisations (so-called adequacy decision)
Art. 41 (5)	Inadmissibility of transmitting personal data to third countries or international organisations
Art. 41 (5) *	Inadmissibility of transmitting personal data to third countries or international organisations in urgent cases
Art. 42 (2) lit. b	Standard data protection clauses for the transmission of personal data to third countries or to international organisations
Art. 43 (4)	Forms and procedures for IT-based information exchange through corporate rules for personal data transmission to third countries
Art. 55 (10)	Forms and procedures of IT-based information exchange between supervisory authorities
Art. 62 (1) lit. a	Commission's final decision vis-à-vis supervisory authorities
Art. 62 (1) lit. b	Approval of standard data protection clauses of supervisory authorities for the transmission of personal data to third countries or to international organisations
Art. 62 (1) lit. c	Form and procedure of cooperation between supervisory authorities and the Commission (consistency mechanism)
Art. 62 (1) lit. d	Specifying IT-based information exchanges under the consistency mechanism
Art. 62 (2) *	Commission's final decision vis-à-vis supervisory authorities in urgent cases

All implementing acts are adopted upon the examination procedure attended by a committee [Art. 5 REG (EU) No. 129/2011]. With regard to the cases marked by \*, the implementing act may initially take legal effect without prior submission to a committee [Art. 8 REG (EU) No. 128/2011].