

EN
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Answer given by Mr Várhelyi
on behalf of the European Commission
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The requirements of Regulation (EC) No 1598/2002¹ systematically cover all movements of forest reproductive material between two Member States.

Based on the principle of lawfulness enshrined in Article 5(1)(a) of Regulation (EU) 2016/679 (the ‘GDPR’)² in conjunction with Article 6 (1)(c) and (e) thereof, the processing of personal data shall be based on Union or Member State Law, and be necessary for compliance with a legal obligation to which the controller is subject and/or for the performance of a task carried out in the public interest or in the exercise of an official authority vested in the controller. In the context of the cross-border movement of forest reproductive material, Article 16 of Council Directive 1999/105/EC³ read together with Commission Regulation (EC) No 1598/2002⁴, provides for the administrative cooperation and the exchange of information between the competent authorities of the Member States concerned in order to ensure traceability and the proper application of the legislation in question. Furthermore, the Annex to Commission Regulation (EC) No 1598/2002 expressly establishes a standardised ‘Information Document’ for movements of forest reproductive material between Member States, including fields relating to the name and address of the supplier and of the receiver.

In that context, this EU legal framework at hand imposes the legal obligation for the exchange of such personal data, thereby complying with the lawfulness requirement under Regulation (EU) 2016/679. It should nevertheless be recalled that compliance with Regulation (EU) 2016/679 remains the responsibility of the competent authorities of the Member States, acting as controllers within the meaning of Article 4(7) thereof.

¹ ELI: <http://data.europa.eu/eli/reg/2002/1598/oj>.

² General Data Protection Regulation; 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, pg. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0105>.

⁴ ELI: <http://data.europa.eu/eli/reg/2002/1598/oj>.