



EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

EDPS DECISION 63/2025 ON THE EDPS MODEL ADMINISTRATIVE ARRANGEMENT FOR A TRANSFER OF PERSONAL DATA UNDER REGULATION (EU) 2018/1725 FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES TO PUBLIC AUTHORITIES IN THIRD COUNTRIES (Case 2025-0584)

1. Transfers of personal data from Union institutions, bodies, offices and agencies to international organisations

1. Transfers of personal data to recipients outside the European Union ('the Union') may generate additional risks for data subjects, as the applicable data protection rules in the recipient's jurisdiction may be less protective than inside the Union. European Union institutions, bodies, offices and agencies ('EUIs') have to comply with specific requirements under Regulation 2018/1725¹ ('the Regulation') subject to a two-steps test: first, the processing must be lawful and second, there must be a suitable ground for transfer in place in line with Chapter V of the Regulation (Articles 46 to 51).
2. The first mechanism provided for by the Union legislator is the adoption of an adequacy decision by the European Commission (Article 47 of the Regulation). Such a decision recognises that a third country or an international organisation ensures to personal data a protection which is essentially equivalent to that within the EU. There are [adequacy decisions](#) in force for a limited number of third countries often covering only specific sectors.

¹ 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 (Text with EEA relevance.) OJ L 295, 21.11.2018, p. 39–98.

3. In the absence of an adequacy decision, a transfer can take place through the provision of appropriate safeguards and on the condition that enforceable rights and effective legal remedies are available for individuals (Article 48 of the Regulation). A legally binding and enforceable instrument between public authorities or bodies may provide for such appropriate safeguards without any further authorisation by the European Data Protection Supervisor ('EDPS'). Pursuant to Article 48(3)(b) of the Regulation, another mechanism that may be used to ensure continuity of protection, through appropriate data protection safeguards is an administrative arrangement ('AA') concluded between an EUI and a public authority or an international organisation, subject to the authorisation of the EDPS.
4. The European Data Protection Board ('EDPB') has issued Guidelines 2/2020² clarifying the safeguards to be included in an AA ('the 2/2020 EDPB Guidelines'). Pursuant to Recital 5 of the Regulation, whenever the Regulation follows the same principles as the General Data Protection Regulation³ ('GDPR'), the two sets of provisions should be interpreted homogeneously under the case law of the Court of Justice of the European Union (the 'Court of Justice'), so the Regulation should be understood for EUIs as the equivalent of the GDPR. Since the provisions of Article 48(3) of the Regulation and Article 46(3) GDPR set the same criteria for appropriate safeguards, the 2/2020 EDPB Guidelines are also relevant for AAs concluded between EUIs and other public authorities or international organisations.
5. EUIs cooperate and often work together with third country public authorities and international organisations insofar as they regularly need to exchange personal data to fulfil their mandates based on the Treaty on the Functioning of the European Union⁴. In order to facilitate these exchanges with international organisations, the EDPS adopted on 31 July 2024 a specific [model administrative arrangement](#) tailored for transfers to international organisations, taking into account their specific status under international law intended to ensure their independent and effective functioning.
6. Following several consultation requests from EUIs and to further facilitate data exchanges between EUIs and third country public authorities, the EDPS decided to adopt a model AA for transfers to third country public authorities, which is attached to the present decision as Annex I.
7. The model AA for transfers from EUIs to third country public authorities relies largely on the model AA for transfers to international organisations. Since that model was tailored for the specificities of the importer international organisations, the model for third country public authorities was adapted to reflect their legal framework and general obligations under domestic laws. In particular, optional clauses have been inserted in the text on privileges and immunities (P&Is) of the transferring EUI, to cover cases where the third country of destination made international commitments to accord P&Is to the transferring EUI (in accordance with the customary privileges, immunities and facilities accorded to international organisations by international public law) and enacted in its

² [Guidelines 2/2020 on articles 46 \(2\) \(a\) and 46 \(3\) \(b\) of Regulation 2016/679 for transfers of personal data between EEA and non-EEA public authorities and bodies](#)

³ 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, pp. 1–88

⁴ [Consolidated version of the Treaty on the Functioning of the European Union OJ C 326, 26.10.2012.](#)

national legislation.⁵ In addition, this model AA introduces tailored provisions for public authorities to handle requests to access personal data from national authorities as well as to guarantee that national laws and practices in the third country of destination would not prevent the data importer from complying with its obligations.

2. Proceedings

8. This Decision lays down the EDPS model AA for transfers of personal data from an EUI⁶ to a public authority in a third country (the ‘model AA’) based on Article 48(3)(b) of the Regulation.
9. The EDPS adopts this Decision and the model AA in annex 1 in accordance with Article 57(1) (g) of the Regulation.
10. The Decision is addressed to EUIs as defined in Article 3(10) of the Regulation.
11. The model AA is a tool provided to assist controller in fulfilling the minimum requirements for appropriate safeguards pursuant to Article 48(3) (b) of the Regulation and it is in line with the interpretation set out in the 2/2020 EDPB Guidelines for transfers of personal data between EEA and non-EEA public authorities and bodies.
12. The Regulation does not provide for a definition of public authorities. There is no such definition in the GDPR either. The EDPB considers⁷ that in third countries the notion of public bodies is to be determined under domestic law. Accordingly, public bodies have a broad interpretation including government authorities at national, regional and local level, but may also include other bodies governed by public law (e.g. executive agencies, universities, hospitals, etc.).⁸
13. To be used by the parties, the model AA must be **duly completed with information** in Articles 3(3), 8(3), 9(3) and in the annexes about the transfers to be covered. The four annexes form integral part of the AA and provide for specific details on the transfers. Indicating the requested information for these sections is a pre-condition to assess an authorisation request.

⁵ The clauses do not refer to any of the Protocols on P&Is of the EU to the Treaties (Protocol (No 7) to the [Treaty on European Union \(consolidated version\) OJ C 326, 26.10.2012, pp. 13–390](#), Protocol (No 7) to the [Treaty on the Functioning of the European Union \(consolidated version\) OJ C 326, 26.10.2012 \(TFEU\)](#) and Protocol (No 4) to the [Treaty establishing the European Atomic Energy Community \(consolidated version\) OJ C 327, 26.10.2012, pp. 1–107](#)) as these protocols are EU law not recognised by the law of the third countries and apply only in the EU. This model AA includes the commitments to respect P&Is of the transferring EUI (where the third country in question has accorded such P&Is to the EUI) as an additional safeguard contributing to ensuring an essentially equivalent level of protection in the sense of use case 4 of [EDPB Recommendations 1/2020](#).

⁶ As defined in Article 3(10) of the Regulation.

⁷ Paragraph 8 of the of the 2/2020 EDPB Guidelines.

⁸ See, for example the definition of ‘public sector body’ and ‘body governed by public law’ in Article 2 (1) and (2) of Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public-sector information (OJ L 345, 31.12.2003, page 90).

14. The model AA **may, where necessary, be adapted** considering the **specific circumstances of the transfers**, by using the **optional clauses** in the text. For example, it may be adapted to reflect if special categories or personal data are transferred (see optional clauses 2 and 8) or if the third country of destination made international commitments to accord P&Is to the transferring EUI (in accordance with the customary privileges, immunities and facilities accorded to international organisations by international public law) and enacted in its national legislation (see optional clauses 1, 6 and 7). In case the optional clauses are not included in the text, they should be deleted. Other instructions in blue, explanatory notes in the annexes should be deleted from the final text.
15. Pursuant to Article 48(3) (b) of the Regulation, AAs are subject to the **authorisation of the EDPS**. While this model AA provides for a template setting out the minimum requirements, its use does not automatically imply the EDPS authorisation. For all AAs based on this model, an EDPS authorisation must be requested by the relevant EUI in line with the requirements of the Regulation.
16. In order for the EDPS to grant the authorisation pursuant to Article 48(3)(b) of the Regulation, the following **requirements** need to be cumulatively fulfilled:
- the Regulation must apply to the transfer in question;
 - no Commission adequacy decision exists in relation to the third country of destination or international organisation receiving the data
 - the specific purpose limitation for the EU public administration is complied with,
 - the controller provides appropriate safeguards with enforceable data subject rights as well as effective legal remedies for data subjects
 - an EDPS authorisation is required.
17. Pursuant to the Schrems II judgment⁹ of the Court of Justice, a transfer subject to appropriate safeguards must benefit from the same level of protection as a transfer under an adequacy decision. For EUIs, that level of protection includes the purpose limitation under Article 47(1) of the Regulation,¹⁰ otherwise personal data transferred based on appropriate safeguards could be subject to a lesser level of protection than personal data transferred under an adequacy decision. Therefore, even a transfer subject to appropriate safeguards should take place ‘solely to allow tasks within the competence of the controller to be carried out.’ It is therefore incumbent on the EUI to limit the purposes for which it or its (sub-)processors transfer data out of the EEA to purposes without which the EUI cannot carry out its tasks.

⁹ Judgment of 16 July 2020, Data Protection Commissioner v. Facebook Ireland and Maximilian Schrems (‘Schrems II’), [C-311/18](#), ECLI:EU:C:2020:559 (Paras. 92 to 94 and 96).

¹⁰ This reading is also supported by Article 94(1) of the Regulation which clearly imposes a similar purpose limitation condition for transfers of operational data under an adequacy decision (point a) of Article 94(1)) and for transfers of operational data under appropriate safeguards transfer tools (points b) and c) of Article 94(1)).

18. To facilitate the issuance of an authorisation the EUI should:

- provide a **transfer impact assessment**¹¹ that covers all transfers of personal data from the EUI to the third country public authority envisaged under the AA, as well as onward transfers to third parties in the third country of destination or in other third countries or to international organisations. The transfer impact assessment should also verify whether the laws of the third countries referred to above, applicable to the transferred personal data, respect the essence of the fundamental rights and freedoms recognised by the Charter and where those laws provide limitations to the exercise of the fundamental right to data protection, they do not exceed what is necessary and proportionate in a democratic society to safeguard one of the important objectives as also recognised in EU or Member State law, such as those listed in Article 25(1) of the Regulation. Should the laws of those third countries not fulfil the above criteria, either the transfer cannot take place, or effective supplementary measures should be identified and implemented by the transferring EUI;
- **duly fill out the model AA and its annexes** to provide details on the transfer and list relevant security measures, including the supplementary measures, if necessary;
- indicate if applicable where the parties **deviate** from the provisions of the model, and the reasons for that deviation;
- provide **other relevant documents** (e.g. if the AA is an annex to a wider agreement the text should be provided for information).

19. In all cases EUIs are encouraged to informally consult the EDPS already during the negotiations to accelerate the authorisation procedure.

20. The model AA aims at providing an example on how the requirements of the EUDPR and the 2/2020 EDPB Guidelines can be implemented in practice by an EUI in its relations with a third country public authority. **There is no obligation to use the model AA**, but by following it, EUIs can streamline the negotiations between the parties and help accelerate the EDPS authorisation procedure.

21. During the authorisation process the EDPS will verify if, considering the specific circumstances of the transfer, the requirements of the Regulation listed in paragraph 16 are met, appropriate safeguards are provided and if an essentially equivalent level of protection is ensured for the data transferred outside of the EEA. The EDPS will focus, indicatively, on the specific circumstances of the transfer, the transfer impact assessment provided by the EUI, the adaptations made to the text and the completeness of the annexes. Therefore, the time necessary for the authorisation process depends on the complexity of the transfer at stake, the completeness of the authorisation request, whether the model AA has been followed, scope and number of changes made to the text, level of details and supporting documents provided.

¹¹ The Court of Justice clarified in the Schrems II judgment of 16 July 2020 (C-311/18) that before a transfer takes place, data controllers must assess whether, in the context of the specific transfer, the third country of destination affords the transferred data an essentially equivalent level of protection to that in the European Union and determine the need to put in place additional safeguards. Such assessment is known as a Transfer Impact Assessment.

22. Pursuant to Article 1(3) of the Regulation, the EDPS monitors processing operations carried out by an EUI. The EDPS has however no competence to assess or authorise transfers from third country public authorities to EUIs. The **scope of the authorisation issued under Article 48(3) (b) is therefore limited to transfers from EUIs to third country public authorities**. However, this **does not prevent the parties** from including **the model AA as an annex of a wider arrangement, governing also transfers from third country public authorities to EUIs, provided that the other provisions do not contradict the AA**.
23. The model AA provides for a template for appropriate safeguards pursuant to Article 48(3) (b) of the Regulation for **transfers between separate controllers**. The model does not ensure compliance with Article 29 of the Regulation, covering cases where the receiving public authority is also a processor for the transferring EUI. Considering the nature of cooperation between public authorities and EUIs, the most likely scenarios appear to concern controller to controller transfers. Should the transfer take place in the context of an (EUI) controller - (public authority) processor relationship, or where the parties involved are joint controllers -, the specific requirements of the Regulation¹² should be addressed separately.
24. The EDPS highlights that the model AA is an instrument under the Regulation, aimed at helping controllers in fulfilling their tasks of ensuring an essentially equivalent level of protection as it is guaranteed in the EU when EUIs transfer personal data to third country public authorities. Therefore, the provisions of the model AA should be interpreted in line with the Regulation.
25. The EDPS **recommends** that EUIs use the model AA adapted and filled out as necessary when requesting an authorisation from the EDPS under Article 48(3)(b) of the Regulation for transfers to third country public authorities.

Done at Brussels, 16 December 2025

[e-signed]
Wojciech Rafal WIEWIÓROWSKI

Annex 1: EDPS Model administrative arrangement for a transfer of personal data under Regulation (EU) 2018/1725 from European Union Institutions, bodies, offices and agencies to international organisations

¹² Article 28 for joint controllership and Article 29 for controller-processor relationships.