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**LIMITE**

**DATAPROTECT 184  
JAI 885  
MI 961  
DRS 164  
DAPIX 185  
FREMP 207  
COMIX 649  
CODEC 2393**

**NOTE**

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From: German delegation  
To: Working Group on Information Exchange and Data Protection (DAPIX)  
Subject: Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)  
- Article 76, paragraph 2

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The German delegation proposes the following changes to the draft General Data Protection Regulation:

(The proposals refer to the Presidency's document 11028/14 which is only available in English. New text is in **bold print**.)

## Recital 117 a (new)

**Few data subjects will want to put the effort in lodging an objection to data processing that violates this Regulation. In order to improve compliance with this Regulation, the Member States may therefore provide for appropriate and effective legal remedies enabling any body, organization or association to take action against unlawful processing of personal data by private bodies, independent of a specific complaint by a data subject or a specific mandate. In line with Directive 93/13/EEC on unfair terms in consumer contracts, this may be the case if a controller provides the data subject with a pre-formulated declaration of consent that puts the data subject at an unreasonable disadvantage.**

A new paragraph 2 will be added to Article 76:

### Article 76

#### Representation of data subjects

**2. Member States may provide adequate and effective legal remedies for any body, organization or association to ensure full implementation of this regulation, especially if a pre-formulated declaration of consent of a data subject which has been provided by the controller is considered void according to Article 7 (2a)<sup>1</sup>.**

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<sup>1</sup> Refers to German Note on Consent, 27 October 2014, 14707/14.