

# Articles 40-41 of the EU's General Data Protection Regulation:

## Codes of (Mis)conduct?

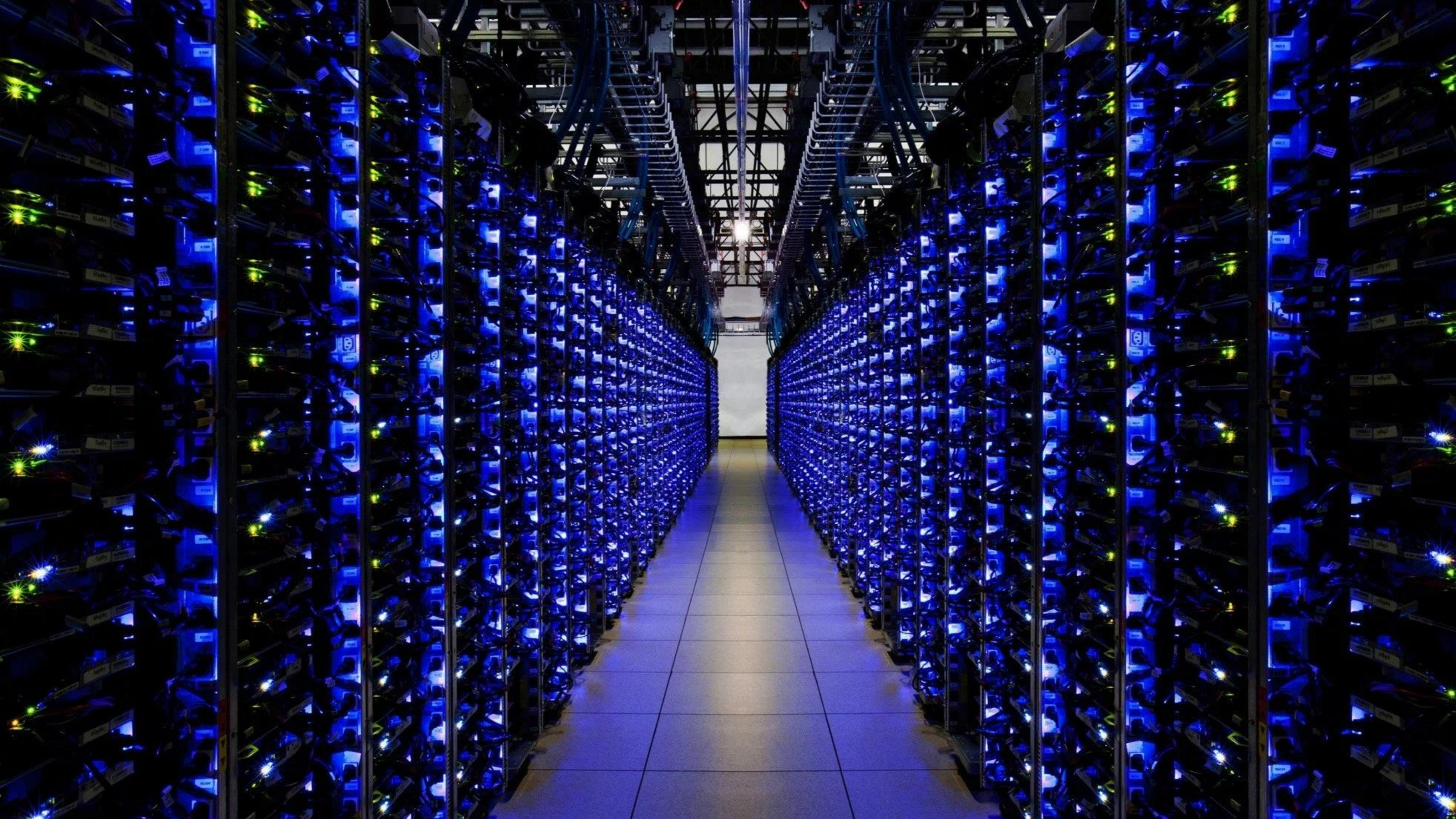
Carl Vander Maelen  
Pacific Telecommunications Council conference 2023  
Honolulu, Hawaii (15-18 January 2023)

# Part I

**What does the European legislator mean by  
'codes of conduct' ?**

What's **NEW** ?





ILO code of practice

- ▶ **Safety and health in textiles, clothing, leather and footwear**

# CODE OF CONDUCT



HILTON WORLDWIDE

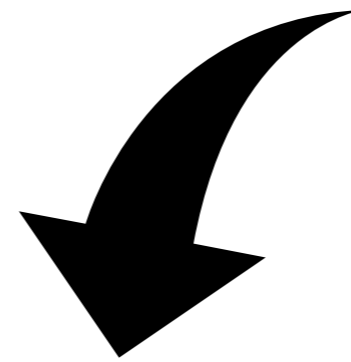


The Code of Practice on disinformation: social media and platforms accountability

**DIRECTIVE 95/46/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 24 October 1995**

**on the protection of individuals with regard to the processing of personal data and on the free movement of such data**



**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)**

## Part II

# The failure of codes under the EUs data protection policy

### *2.2.5. Encouraging self-regulatory initiatives and exploring EU certification schemes*

The Commission continues to consider that **self-regulatory initiatives** by data controllers can **contribute to a better enforcement of data protection rules**. The current provisions on self-regulation in the Data Protection Directive, namely the scope for drawing up Codes of Conduct<sup>32</sup>, have rarely been used so far and are not considered satisfactory by private stakeholders.

*European Commission – Communication*

*'A comprehensive approach on personal data protection in the European Union', 2010*







# Part III

## A new course for the GDPR?

**REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

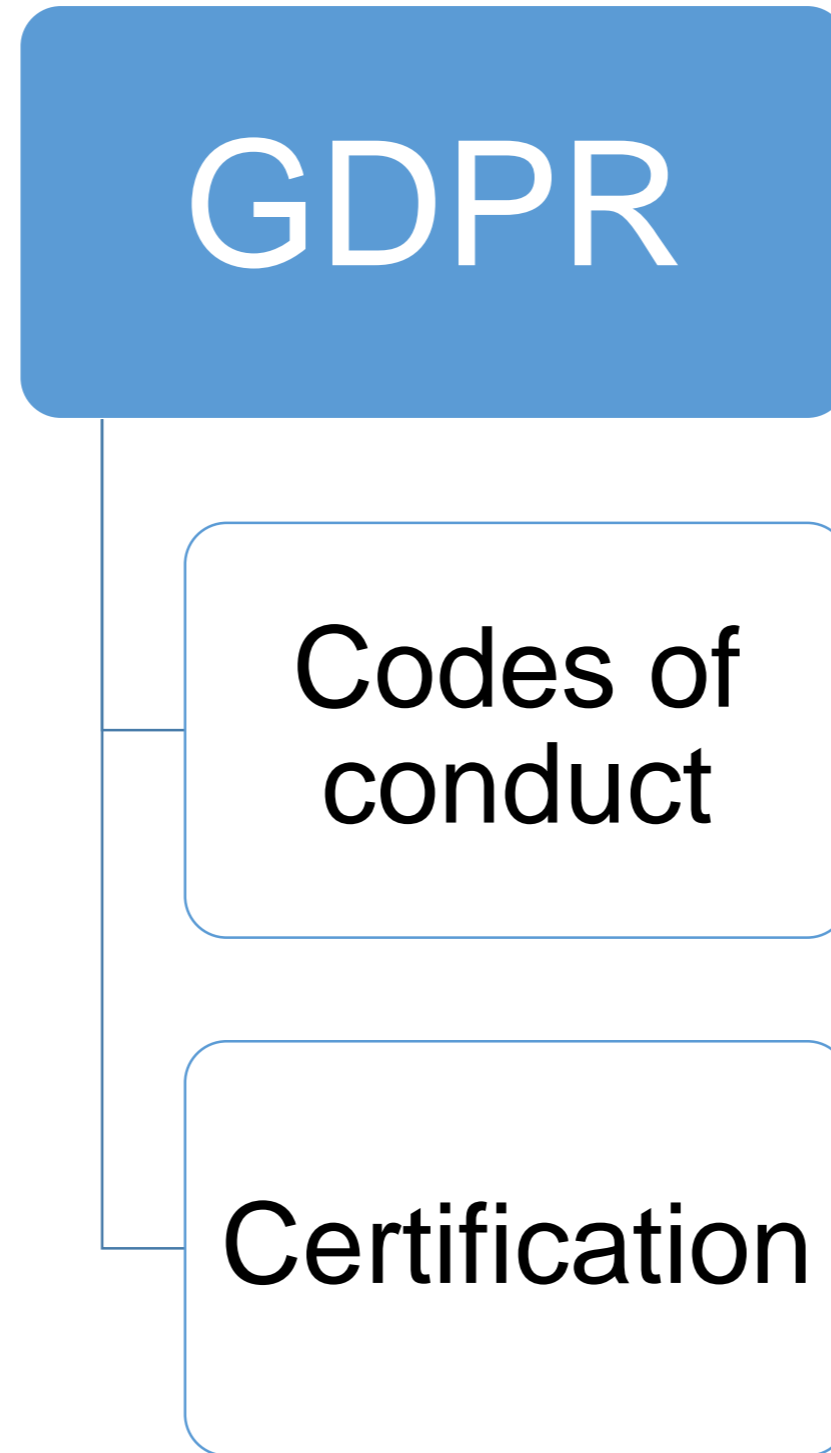
**of 27 April 2016**

**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)**

**Codes have a compliance function**

**Codes help mitigate or avoid fines**

# Codes implement and specify the GDPR







European Data Protection Board

## Digital Services Act and Digital Markets Act

*Stepping stones to a level playing field in Europe*



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