

## COMP Article 48

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### Article 48

#### General conditions for the members of the supervisory authority

1. Member States shall provide that the members of the supervisory authority must be appointed either by the parliament or the government of the Member State concerned.
2. The members shall be chosen from persons whose independence is beyond doubt and whose experience and skills required to perform their duties notably in the area of protection of personal data are demonstrated.
3. The duties of a member shall end in the event of the expiry of the term of office, resignation or compulsory retirement in accordance with paragraph 5.
4. A member may be dismissed or deprived of the right to a pension or other benefits in its stead by the competent national court, if the member no longer fulfills the conditions required for the performance of the duties or is guilty of serious misconduct.
5. Where the term of office expires or the member resigns, the member shall continue to exercise the duties until a new member is appointed.

#### Recitals

(95) The general conditions for the members of the supervisory authority should be laid down by law in each Member State and should in particular provide that those members should be appointed by the parliament or the government of the Member State *taking due care to minimise the possibility of political interference*, and include rules on the personal qualification of the members, *the avoidance of conflicts of interest* and the position of those members.