

COMP AM Article 51

14.10.2013

Chapter VI

INDEPENDENT SUPERVISORY AUTHORITIES

SECTION 2

DUTIES AND POWERS

Article 51

Competence

1. Each supervisory authority shall be *competent to perform the duties and to exercise, ~~on the territory of its own Member State,~~* the powers conferred on it in accordance with this Regulation *on the territory of its own Member State, without prejudice to Articles 73 and 74. Data processing by a public authority shall be supervised only by the supervisory authority of that Member State.*

~~2. Where the processing of personal data takes place in the context of the activities of an establishment of a controller or a processor in the Union, and the controller or processor is established in more than one Member State, the supervisory authority of the main establishment of the controller or processor shall be competent for the supervision of the processing activities of the controller or the processor in all Member States, without prejudice to the provisions of Chapter VII of this Regulation.~~

3. The supervisory authority shall not be competent to supervise processing operations of courts acting in their judicial capacity.

Recitals

(96) The supervisory authorities should monitor the application of the provisions pursuant to this Regulation and contribute to its consistent application throughout the Union, in order to protect natural persons in relation to the processing of their personal data and to facilitate the free flow of personal data within the internal market. For that purpose, the supervisory authorities should co-operate with each other and the Commission.

(99) While this Regulation applies also to the activities of national courts, the competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of judges in the performance of their judicial tasks. However, this exemption should be strictly limited to genuine judicial activities in court cases and not apply to other activities where judges might be involved in, in accordance with national law.