Ms Viviane Reding  
Vice-President of the European Commission  
Commissioner for Justice, Fundamental Rights and Citizenship  
Rue de la Loi 200  
B-1049 Brussels  

The Hague, 15 December 2010

Commission communication on a comprehensive approach to personal data protection in the European Union

Dear Ms Reding,

At its meeting on the 9th of December 2010, the Eurojust Joint Supervisory Body (JSB) has discussed the recently issued communication of the European Commission on a comprehensive approach to personal data protection in the European Union.

The Eurojust JSB welcomes very much your strong commitment to further develop and reinforce the protection of personal data within the European Union. We are also very pleased to see that the communication does not exclude specific rules for data protection for the police and judicial sector taking due account of the needs of these fields as indicated by Declaration 21 to the Lisbon Treaty.

We would like to emphasise however that, while the communication only mentions the possible need for certain limitations of the rights of the individuals in this area, there are many other aspects which require specific attention and regulation due to the sensitive nature of the operational activities and specificities of the data processing activities in the area of police and judicial cooperation. In that sense we would like to refer to the letter sent to you by Mr Williams, President of Eurojust, on 23 April 2010 as well as to the letter of my predecessor, Ms Prussen, on 31 May 2010. It is our belief that tailor-made rules taking full account of the specific nature and context in which judicial cooperation takes place, will undoubtedly offer more protection to individuals than general rules put in place to cover the needs of all sectors of activities within the European Union.

The JSB is delighted to see that you have decided to launch a consultation of all concerned stakeholders regarding supervision in the area of police cooperation and judicial cooperation in criminal matters. This is indeed a matter of the highest importance as compliance with data protection rules relies to a great extent on the
quality and efficiency of supervision. The JSB welcomes therefore your intention to launch a discussion on such relevant matters and strongly pleads for a thorough evaluation of the present system and its effectiveness before any possible changes are proposed.

The JSB Eurojust, accredited by the International Data Commissioners Conference as Independent Data Protection Authority, holds a very close supervision of the processing operations at Eurojust, facilitated by its practical troika composition, which allows us to work with a very limited budget allocation and in a very efficient way. Further, due to its composition (judges and members of equal independence, in practice data protection commissioners), the JSB holds an invaluable expertise regarding data protection in the judicial sector. The combination of data protection expertise and understanding of the “business” of Eurojust is essential and allows an excellent comprehension of the data protection issues in the context of the judicial activities, being fully aware of all relevant considerations involved when dealing with Mutual Legal Assistance, European Arrest Warrants and so forth.

We hope to have the opportunity to share with you more information about our activities and about the results achieved through the years of intensive work at Eurojust; in the meantime we invite you to take a look at our recently launched website at http://www.eurojust.europa.eu/jsb.htm

I take the opportunity to reassure that the JSB Eurojust is willing to contribute to the consultation and further discussions in every possible way and to convey to you, also on behalf of my colleagues Ms Prussen and Mr Campos Lobo, our very best wishes for a successful 2011 where further steps towards effective data protection will be taken.

Yours sincerely,

Hans Frennered
Chair of the Joint Supervisory Body