

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, 31 May 2010

Effective supervision of data protection at Eurojust after the entry into force of the Lisbon Treaty

Dear Ms Reding,

I have been made aware of the fact that the President of Eurojust, Mr Aled Williams, has recently written to you regarding the future of data protection in the light of the entry into force of the Treaty of Lisbon. Eurojust strongly pleads for tailor made rules for the processing operations in the field of police and justice and for maintaining in place of the existing systems of specialised data protection supervision.

The Joint Supervisory Body of Eurojust (JSB) is also conscious of the discussions on the future of data protection supervision after the Lisbon Treaty and feels that this would be an excellent occasion to present its arguments supporting the current system.

The present discussions are inspired to a great extent by Article 16 of the Lisbon Treaty, providing for a single legal basis for data protection. It should be pointed out however that, while the Lisbon Treaty creates the possibility for the EU legislator to put in place one comprehensive set of rules for all sectors, it does not prescribe it. Referring to the Declaration 21 attached to the Lisbon Treaty, the JSB considers that careful consideration should be given to the sensitive nature of the operational activities and specificities of the data processing activities in the area of police and judicial cooperation, to which the rules of Directive 95/46/EC are not directly suitable.

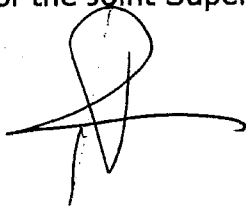
Eurojust has in place a comprehensive tailor made system of data protection rules (Eurojust Decision, amended by Council Decision 2009/426/JHA, Rules of Procedure on the Processing and Protection of Personal Data at Eurojust), adjusted to the specific mandate and tasks of Eurojust and its operational needs. These rules cover

It is also relevant to mention that the JSB Eurojust liaises frequently with the other existing JSBs, attends the joint meetings and consults each other when matters of common interest are being dealt with. Such activities are beneficial to the unified application of fundamental data protection principles in practice.

The JSB strongly believes that constructive discussions on the future of the data protection will contribute to achieving our common overall objective: ensuring effective data protection in the field of judicial cooperation. Therefore, on behalf of my colleagues and me, I would like to invite the Commission to take into consideration the arguments provided supporting the current supervision system and to reassure you that the JSB Eurojust is ready to contribute to further discussions in every possible way.

Yours sincerely,

Lotty Prussen
Chair of the Joint Supervisory Body

A handwritten signature in black ink, consisting of a large, stylized 'L' and 'P' intertwined, with a horizontal line extending to the right.