

Mr Ladislav Hamran  
President  
College of Eurojust  
Johan de Wittlaan 9  
2517JR The Hague

Luxembourg, 11 December 2019

Dear Mr Hamran,

*Re: Draft Rules of procedure on the processing and protection of personal data at Eurojust*

I am writing to you regarding the draft Rules of procedure on the processing and protection of personal data at Eurojust.

As you know, we had examined the initial draft text of the rules and issued a positive opinion following our meeting on 24 October 2019 where we had had a thorough discussion on the draft text prepared by your Data Protection Officer. We had at the time kindly requested you to refer the rules back to us for further consideration should there be any amendments to the text we had examined.

I would like to thank you very much for submitting to the JSB the revised draft of the data protection rules following the discussions at the College on 5 and 26 November 2019, allowing us therefore to have a final look at the text as finalised.

We are pleased to note that, while the text has been made shorter and more concise in order to avoid any repetition of the provisions of the Eurojust Regulation and Regulation 2018/1725, the content of the rules has not been modified in substance and the very high quality of the text has been preserved.

The JSB is therefore pleased to reiterate its positive opinion on the text but would like to make two observations at this occasion:

1. The new Eurojust legal framework, composed of the two above mentioned Regulations as well as the rules subject of this opinion, offers a high level of complexity and its application in practice might be quite challenging.

We would therefore consider necessary to continue the efforts made by your DPO regarding training and information sessions but also to develop a guide that would facilitate the reading of the various sets of rules in one document.

This could be a valuable tool for all Eurojust post-holders involved one way or another in the processing of personal data, either operational or administrative, at Eurojust.

2. The initial draft we had studied contained a section on the Data Protection Officer which, we understand, has been deleted as such rules will be later developed under the umbrella of the implementing rules to be approved by the upcoming Executive Board in line with Article 37.5 of the Eurojust Regulation.

The JSB understands and accepts this reasoning but would like to state its opinion that such rules, in what regard the selection procedure for the position of a DPO, will only apply to the successors of the present DPO at Eurojust.

The position of the present DPO is guaranteed by Article 80.7 of the Eurojust Regulation ensuring continuity for the following four years, renewable by another four, by referring to Article 36 of this Regulation which defines such term and using very prescriptive wording as "shall take the role of".

And, needless to say, any rules regarding the DPO role will need to be submitted to the EDPS for its opinion as stated in Article 40.2.d of the Eurojust Regulation.

I thank you very much in advance for taking on board these remarks and I take this occasion to wish you and Eurojust as a whole all the best in finalising these rules and ensuring their proper application in practice.

On behalf of the JSB, I thank you and the Eurojust staff for the fruitful cooperation during these years.

Yours sincerely,



Lotty Prussen  
Chair of the Joint Supervisory Body of Eurojust