

Activity Report
2005

Joint Supervisory Body
of Eurojust

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"A satellite circling the planet of Eurojust " (Mr Richard Thomas, JSB plenary meeting, 27 April 2005)

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Foreword

As current chairman of the Joint Supervisory Body of Eurojust, I am pleased to present the third activity report of the JSB. This report outlines the main activities of the Joint Supervisory Body during 2005, under the chair of Ms Lotty Prussen of Luxembourg during the first six months and Mr Richard Thomas of the U.K in the second half of the year.

The main role of the Joint Supervisory Body is to oversee the management of data received, processed and retained by Eurojust in its mission to tackle serious cross-border crime and in particular terrorism. It is vital to achieve a proper use of this information to ensure adequate protection of the personal details of citizens.

In order to carry out its work more effectively, Eurojust has established good cooperation with partner organisations, such as Europol, and has signed agreements with third countries. Final agreements were signed with Romania, Iceland and Norway during the the year.

The data protection rules of Eurojust were officially recognised by the European Council on 24 February and were published in the Official Journal of the European Union on 19 March. Compliance with strict data protection rules is extremely important to the carrying out of Eurojust's work and shows the seriousness of Eurojust's mission to the public.

To ensure this compliance it is sometimes necessary to undertake control measures. The first inspection of Eurojust took place in November 2005 for this purpose. It was done with great enthusiasm and special thanks have to go to those who supported and contributed. The findings of the inspection are expected to be released to Eurojust during the first months of 2006.

I wish to thank the former and current members of the JSB Troika with whom I have had the pleasure to work for their much valued contribution to the work of the JSB. I would also like to thank the College and staff of Eurojust for all their support and assistance to the JSB in carrying out its work.

Mr Gustav Maier
Chair (Austria)

Meetings

The members of the Joint Supervisory Body Troika met on four occasions in The Hague on 22 February, 21 July, 27 October and 14 April. The plenary meeting of the JSB appointees was held on 14 April in the morning.

Mr Peter Hustinx, European Data Protection Supervisor, was a guest speaker at the JSB plenary meeting. In looking to the future, he envisaged growing cooperation between the existing JSBs of Europol, Schengen and Eurojust to enable the third pillar to meet the requirements of the Hague Programme, with regard to the exchange of data but in line with regulation on data protection which is a crucial condition for the success of common law enforcement polices.

Budget and Administrative Issues

The Joint Supervisory Body received a total budget of 71,000 euros for 2005. At the meeting of the JSB Troika on 21 July, it was discussed that the JSB budget for 2006 might be reduced as a result of a foreseen decrease in the overall budget for Eurojust.

As part of Eurojust's future vision project, a work programme for 2007 was developed and was officially approved by the JSB members at the meeting on 27 October. This work programme has been amended subsequently in the light of the reduction of the JSB budget for 2006.

A permanent secretary to the JSB began on 1 September.

Appointees to the JSB

All member states have appointed representatives to the Joint Supervisory Body of Eurojust and there are twenty five representatives in total. Mr Joe Meade of Ireland retired as Data Protection Commissioner and was replaced by Mr Billy Hawkes on 6 July. Ms Hagar Gabriela Nordström of Finland withdrew from her duties on 1 October and was replaced by Mr Antti Ruotsalainen. We thank both Mr Meade and Ms Nordström for all their hard work and valuable contributions to the JSB.

Inspection

The first JSB inspection was carried out in two visits to Eurojust, a preliminary fact-finding visit on 26 October and the full inspection visit from 23 to 25 November. Mr David Smith, Deputy Information Commissioner from the U.K., led the team of five members, including Ms Dina Kambouraki, Technical Expert of the Hellenic Data Protection Authority, Mr Peter Michael, Data Protection Secretary at the Council of the European Union, Mr Fernando Silva, Technical Expert of the Portuguese Data Protection Authority, and Mr John Wallis, Data Protection Secretary at Council of the European Union.

The inspection focused on three main areas :

1. systems and procedures for giving effect to the data protection rules, including the work of the data protection officer;
2. the legitimacy of case-related processing operations;
2. the security of the network hosting the Case Management System.

The inspection report is expected to be released to Eurojust soon after the plenary meeting of the JSB on 27 April 2006.

Case Management System

The case management system is the tool used by national members and their staff to manage their operational casework and was launched on 15 September 2004. The second phase of the Case Management System (EPOC II) began during 2005. Eurojust became a full partner in the EPOC II project funded by the European Union. The other partners include the Italian, French, Slovenian and Romanian Ministries of Justice. The project is being carried out under the "AGIS" framework, which is a programme that aims to help police, the judiciary and professionals from EU member states and countries co-operate in criminal matters and in the fight against crime.

Two further versions of the Case Management System were produced. The first version, demonstrated at the JSB meeting on 21 July, concentrated on the implementation and automation of many of the requirements of the Eurojust Data Protection Rules. In particular, the following functionalities were added in: data subjects rights

management, procedure for the registration of sensitive data, processing of personal data in the index, automatic notifications to the Data Protection Officer, log file review by the Data Protection Officer and monitoring of respect of data time limits.

The second version, which came into operational use in November, contained new features to support the investigation of terrorism, drug trafficking and trafficking in human beings. Additionally it contained features to respond to Eurojust's responsibilities in relation to the European Arrest Warrant, advanced mechanisms to recognise links between different cases and advanced statistics reports. It also provided a feasibility study to enable secure data exchange between Eurojust and national authorities.

The project concluded with a meeting in Rome on 15-16 December, where invitees from all twenty five member states were shown the potential advantages of a common approach in order to facilitate the exchange of information between the national members and their respective national authorities.

The pilot checks carried out by the Data Protection Officer in October 2005 and the inspection of the Joint Supervisory Body in November 2005 revealed how important it was to make an extensive use of the Case Management System in order to ensure compliance with the data protection rules and to benefit fully from all its functionalities.

Access to the Schengen Information System

The JSB provided advice on the proposed access to Schengen and on 9 November Mr Thomas, as chair of the JSB, wrote an official letter to the Chairman of the Article 36 Committee, outlining Eurojust's requirements for the proposed access to the Schengen Information System. In essence, all members agreed that the proposed solution would be of great value to the operations of Eurojust and would help to make Eurojust more effective in its fundamental mission. However it was agreed that it would be vital to maintain a log of access to the system in order to ensure that the data protection rules of Eurojust were being upheld and it was emphasised the importance of maintaining separate the log files of Eurojust and Europol

Security Policy and Information Classification

Eurojust faces various security challenges which were brought to light in the pilot checks carried out by the Data Protection Officer during October 2005 and in the preliminary findings of the inspectors. An official security policy is being drafted in line with Article 7.3 of the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust and the JSB will be consulted during the drafting of this policy.

Data Protection Officer

2005 has been a crucial year in the expansion of a solid data protection regime at Eurojust. The Data Protection Officer has played a key role in the development of the rules and of the case management system. The Data Protection Officer has worked in close collaboration with the JSB during the year, keeping the members informed of various developments at Eurojust. The JSB appreciates the importance of the unique position of the Data Protection Officer due to her independent role and has emphasised the need for additional support for this unit. An assistant to the Data Protection Officer is expected to be recruited in 2006.

Agreements with third countries

Official agreements were signed with Norway on 28 April, with Iceland on 2 December and with Romania on 2 December. The JSB provided advice and recommendations during the drawing up of these agreements.

A policy paper regarding the strategy to be taken by the College in negotiations with third parties is being drafted and the JSB has requested to be consulted with particular regard to data protection considerations.

Appeals

No appeals were registered in 2005. However, there were two non-case-related requests for access to information held at Eurojust.

Looking to the future

Neither of the two non-case-related requests for access to information held at Eurojust is expected to reach an appeal stage but allocation has been made in the 2006 budget for eventual costs.

There are continuing negotiations with the USA which may require the involvement of the JSB in the final round of talks.

Eurojust has increased significantly its number of cases during 2005. Cases are becoming more complex and the multi-lateral nature of crimes being referred is rising. This development may require the more frequent intervention of the JSB in the future.

Persons appointed to the Joint Supervisory Body of Eurojust	
Belgium	Ms Nicole LEPOIVRE
Czech Republic	Mr Josef RAKOVSKÝ
Denmark	Ms Lena ANDERSON
Germany	Mr Klaus TOLKSDORF
Estonia	Mr Pavel GONTSHAROV
Greece	Mr Gerasimos FOURLANOS
Spain	Mr José Luis PIÑAR MAÑAS
France	Mr Didier GASSE
Ireland	Mr Billy HAWKES
Italy	Mr Alfonso PAPA
Cyprus	Mr George EROTOCRITOU
Latvia	Ms Zane PĒTERSONE
Lithuania	Mr Egidijus BIELIŪNAS
Luxembourg	Ms Lotty PRUSSEN
Hungary	Ms Edit Mária VARGA
Malta	Mr Paul MIFSUD CREMONA
Netherlands	Mr Ulco VAN DE POL
Austria	Mr Gustav MAIER
Poland	Mr Darius ŁUBOWSKI
Portugal	Mr José Alexandre GUIMARÃES DE SOUSA PINHEIRO
Slovenia	Mr Rajko PIRNAT
Slovakia	Mr Ladislav DUDITŠ
Finland	Mr Antti RUOTSALAINEN
Sweden	Mr Hans FRENNERED
United Kingdom	Mr Richard THOMAS
Former Appointees in 2005	
Finland	Ms Hagar Gabriela NORDSTRÖM
Ireland	Mr Joe MEADE