



Council of the  
European Union

Brussels, 8 July 2014  
(OR. en)

11546/14

**EUROJUST 127**

**"I/A" ITEM NOTE**

---

From: Joint Supervisory Body of Eurojust  
To: Permanent Representatives Committee/Council  
Subject: Activity Report of the Joint Supervisory Body of Eurojust for the year 2013

---

1. Article 23(12) of the Council Decision of 28 February 2002 setting up Eurojust reads "The Joint Supervisory Body shall submit an annual report to the Council".
2. In the Annex please find the Activity Report of the Joint Supervisory Body of Eurojust for the year 2013.
3. COREPER is requested to invite Council to take note of the report set out in the Annex and forward it to the European Parliament for information in accordance with Article 32(2) of the Council Decision setting up Eurojust.

**Activity Report of the  
Joint Supervisory Body of  
Eurojust for 2013**

ACTIVITY REPORT OF THE.....	2
FOREWORD .....	4
1. Introduction .....	6
2. Meetings and elections of permanent members.....	6
3. New developments.....	7
3.1 The future of Eurojust and joint supervision in the area of international judicial cooperation.....	7
4. Supervisory work.....	9
5. Inspection visit, 4-6 February .....	9
6. Follow-up of Inspection of Human Resources Unit of February.....	9
7. Cooperation with the Data Protection Officer of Eurojust.....	10
8. Follow-up of ICT projects involving processing of personal data .....	11
9. Cooperation agreements between Eurojust and third States .....	11
- Opinion on the draft agreement between Eurojust and the Republic of Moldova .....	11
- Opinion on the Memorandum of Understanding between Frontex and Eurojust.....	13
- Opinion on the Memorandum of Understanding between Interpol and Eurojust .....	13
10. Rights of the data subject .....	14
11. Case-related appeals.....	15
12. Non-case-related appeals .....	19
13. European and International Data Protection Commissioners' Conferences .....	19
14. Transparency.....	20
15. Future outlook.....	21
ANNEX I: APPOINTEES TO THE JOINT SUPERVISORY BODY 2013 .....	22
ANNEX II: PUBLICATIONS .....	24

## Foreword



*From left to right: Carlos Campos Lobo (Portugal),*

*Hans Frennered (Sweden - Chair since 21/06/13),*

*Wilbert Tomesen (Netherlands)*



*From left to right: Hans Frennered, Lotty Prussen  
(Luxembourg – Chair from 15/06/12-21/06/13,  
Carlos Campos Lobo*


As current chair of the Joint Supervisory Body of Eurojust, I have the pleasure to present the 11th Activity Report of the JSB for 2013, during which I shared the chairing of the JSB with Ms Lotty Prussen. I have now had the honour to serve as a permanent member of the JSB troika from 2008 to 2014.

In the report of last year, my predecessor emphasised that the composition of the JSB and its structure have proven to be a very workable authority in facilitating quick decision-making, non-bureaucratic communication and cost-effective functioning. The current members of the troika are of the same opinion. In light of this we have devoted a considerable amount of time this year to discussions on the Commission proposal on a new Regulation on Eurojust.

With regard to this proposal, the JSB is of the opinion that certain aspects contained in the proposal should be reconsidered, taking into account the data protection implications involved, in particular those related to the proposed application of Regulation 45/2001 to all processing operations at Eurojust, as well as to the proposed supervisory model. The JSB has provided a number of concrete proposals on the specific provisions. In this context, we have urged the legislators to focus on the specifics of Eurojust's mandate, the manner of working and possible implications this might have on Eurojust's operational work. We have also made it clear that we are eager to constructively contribute to further discussions regarding the proposed data protection regime in every possible way.

Working with my fellow members of the troika, Ms Lotty Prussen, Mr Carlos Campos Lobos and Mr Wilbert Tomesen, has been a great pleasure. I therefore would like to warmly thank them for their commitment and expert input to the work of the JSB. I would also like to thank the Presidency and College as well as the staff of Eurojust for their contributions to our activities. In particular, I wish to thank the Data Protection Officer, Diana Alonso Blas, her staff members Vaida Linartaitė-Gridziuškienė and Xavier Tracol, and the secretary to the JSB, Fiona Coninx, for their much appreciated assistance to the JSB.

Yours sincerely,



Hans Frennered  
Chair

## 1. Introduction

The 11th Activity Report (Report) of the Joint Supervisory Body of Eurojust (JSB) outlines its main activities during 2013.

The JSB was established by Article 23 of the Eurojust Decision<sup>1</sup> as an independent body, to collectively monitor the activities of Eurojust that involve the processing of personal data, and to ensure that such activities are carried out in accordance with the Eurojust Decision and do not violate the rights of the individuals concerned.

One of the most important tasks of the JSB is to examine appeals by individuals to verify that their personal data is processed by Eurojust in a lawful and accurate manner.

The JSB monitors the permissibility of the transmission of data from Eurojust and provides its obligatory opinion concerning the provisions on data protection in agreements or working arrangements with EU bodies or cooperation agreements with third States/international organisations.

This Report reflects the work of the JSB carried out during 2013. It summarises the present and future challenges and the day-to-day work of the JSB, especially in light of the ongoing Eurojust and EU Data Protection reforms, discussions on the future supervisory system and the current debate on a European Public Prosecutor's Office (EPPO).

## 2. Meetings and elections of permanent members



One of the most effective ways to work is through regular meetings of the permanent members of the JSB in The Hague. The supervision of Eurojust's activities requires a judicial component, which is presently safeguarded by the composition of the JSB, with considerable judicial expertise and proper involvement from the Member States. The members of the JSB are either judges or members of an

equivalent level of independence and, regarding its secretariat and financial resources, they have been given all the necessary resources to guarantee the independence of their work. In 2013, the permanent members met on 28 January, 25 April, 20 June and 14 November at Eurojust. The plenary meeting of the appointees took place on 21 June, during which elections were held for a new permanent member to replace the departing chair, Ms Lotty Prussen. Mr Wilbert Tomesen, JSB appointee for the Netherlands, was elected as a permanent member for the next three years.

---

<sup>1</sup> 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 63 p.1, 6.3. 2003; amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust, OJ L 138 p. 14, 4.6.2009.

The plenary meeting is the forum where the appointees from each Member State are informed of the work and activities of the JSB, can exchange views and discuss any data protection issues in the sphere of judicial cooperation.

The work of the JSB is of interest to other data protection players. For example, the Data Protection Authority of the Former Yugoslav Republic of Macedonia requested to attend the meetings of the JSB as an observer; it was agreed by the JSB at its meeting on 18 April, in accordance with Article 5(5) of the Act of the Joint Supervisory Body, to invite a representative of this Authority to the plenary meeting.

### **3. New developments**

#### **3.1 The future of Eurojust and joint supervision in the area of international judicial cooperation**

A remarkable development marked 2013. On 17 July, the European Commission presented a proposal<sup>2</sup> for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) together with a proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (EPPO).

In March, the President of Eurojust, Ms Michèle Coninx, invited the JSB to provide its expert advice on the proposals prepared by Eurojust regarding the European Commission's proposal in view of a Regulation under Article 85 of the Treaty of the Functioning of the European Union. The JSB submitted its opinion to Eurojust on 26 March and forwarded this opinion to the Commission for information.

The Chair of the JSB was invited by Eurojust to attend the Eurojust Seminar on *The New Draft Regulation on Eurojust: an Improvement in the Fight against Cross-border Crime* on 14 and 15 October in The Hague. The objective of the meeting was to promote an exchange of views on the Draft Regulation of Eurojust among representatives of the authorities of the Member States, European institutions, academics and Eurojust.

---

<sup>2</sup> COM(2013) 535 final 2013/0256 (COD) Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust).

On 14 November, the JSB issued an opinion<sup>3</sup> that was circulated to key players in the data protection field at EU and national level. In the conclusion of its opinion, the JSB invited the legislators:

*to reconsider a number of raised issues. This especially applies to the full applicability of Regulation 45/2001 to Eurojust, which is only suited and appropriate for what regards the administrative processing operations of Eurojust, and the change of the supervision model, which takes no account of the judicial nature of the work of Eurojust and its role in coordinating national judicial investigations and prosecutions. When reassessing those issues, the JSB urges the legislator to focus on the specificity of Eurojust's mandate, the way of work and possible implications this might have on Eurojust's operational capacities.*

During the continuing debate on the future model of supervision, particularly in the area of police and judicial cooperation in criminal matters, the JSB has urged the Commission to carefully consider any changes and called for an evaluation of the efficacy of existing schemes, such as its own, which is working well and is effective, understands the business of Eurojust and ensures real compliance with the rules in practice, thus offering a high level of protection for individuals and increasing legal certainty. In its aforementioned opinion of 14 November, the JSB highlighted the following elements that are pertinent to the present supervisory system at Eurojust:

- *It has the necessary expertise in judicial cooperation and data protection areas;*
- *It is effective with three elected members, meeting regularly (four or five times each year) at Eurojust. It offers a quick and not cumbersome appeal procedure for individuals;*
- *It carries out on-the-spot supervision: frequent inspections with the direct involvement of national data protection authorities;*
- *Full transparency: webpage with regular updates, appeal decisions and reports published and distributed;*
- *Decisions of the JSB are final and binding on Eurojust: quasi-judicial nature.*

---

<sup>3</sup> [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20new%20Eurojust%20Regulation,%202013/OpinionJSB new Eurojust Regulation 2013-11-14 EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20new%20Eurojust%20Regulation,%202013/OpinionJSB%20new%20Eurojust%20Regulation%202013-11-14%20EN.pdf).



#### **4. Supervisory work**

The JSB conducts regular inspections at Eurojust, normally every two years, fully covering both case-related and non-case-related (administrative) processing operations. Detailed reports of these inspections are provided to Eurojust, including its findings and recommendations. Follow-up by the organisation is closely monitored in successive meetings.

#### **5. Inspection visit, 4-6 February**

A full inspection took place at Eurojust on 4-6 February 2013.

The JSB provided its inspection team with the mandate to inspect:

- the content of the Case Management System (CMS);
- compliance with all procedures for processing data by Eurojust related to the cases processed by it;
- follow-up of the recommendations of the previous inspection report (2010);
- access to the Schengen and Customs Information Systems.

On 6 September, the JSB presented the final inspection report to the College of Eurojust. The JSB requested that Eurojust provide a roadmap, outlining the measures that would be taken to follow up on recommendations in the inspection report. The College submitted this roadmap to the JSB on 20 September within the agreed deadline.

The College welcomed the possibility to exchange views with the JSB at its meeting on 6 September and confirmed its wish to continue this dialogue on a regular basis in the future. It was agreed that the JSB would monitor progress by carrying out surveys regularly at Eurojust (at least every six months) and holding regular meetings with the Presidency Team.

#### **6. Follow-up of Inspection of Human Resources Unit of February**

Throughout 2013, the JSB continued to monitor the follow-up work carried out by Eurojust in relation to the implementation of the recommendations arising from the inspection of the Human Resources Unit on 23 February 2012. The JSB expressed satisfaction with the ongoing progress in this matter and was pleased to note that progress had been made in the implementation of the recommendations and the commitment of the Human Resources Unit.

## 7. Cooperation with the Data Protection Officer of Eurojust



In accordance with Article 6(6) of the Act of the JSB, the JSB liaised regularly with Eurojust's Data Protection Officer (DPO) who, throughout the course of 2013, continuously informed the JSB of ongoing data protection issues and matters at Eurojust. Close cooperation with Eurojust's DPO is of the utmost importance to the JSB, allowing the JSB to be well informed on the daily issues Eurojust faces in terms of data protection and to work together to find the best

solution. Most importantly, this close cooperation ensures compliance with the legal framework and data protection requirements. In accordance with Article 27(1) of the Data Protection Rules,<sup>4</sup> the DPO's Annual Survey 2012 was delivered to the JSB in December 2013. During this survey, five national desks and the Information Management Unit were interviewed. The survey raised similar issues to those raised by the JSB during its February inspection and the DPO concluded in her report that *'it seems reasonable to expect that the measures taken to follow up the inspection report should redress the questions outlined in the report as well'*.



---

<sup>4</sup> Rules of procedure on the processing and protection of personal data at Eurojust adopted by the College of Eurojust during meeting of 21 October 2004 and approved by the Council on 24 February 2004  
<http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/dataprotection/Eurojust%20Data%20Protection%20Rules/Eurojust-Data-Protection-Rules-2005-02-24-EN.pdf>.

## **8. Follow-up of ICT projects involving processing of personal data**

Throughout 2013, the JSB received regular information from Eurojust concerning the latest developments in the various ICT projects which were in progress. These included:

- new releases of the CMS;
- A research project launched for the European National Coordination System (ENCS);
- SIENA application (Secure Information Exchange Network Application);
- SIS II audit tool.

The JSB was very appreciative of the work carried out by the Information Management Unit and the fact that the DPO had been involved in the projects from the initial stages.

## **9. Cooperation agreements between Eurojust and third States**

Article 26(2) of the Eurojust Decision explicitly recognises that to conclude agreements or working arrangements with the institutions, bodies and agencies set up by, or on the basis of, the Treaties establishing the European Communities or the Treaty on European Union, Eurojust is obliged to consult the JSB on the provisions of the draft agreement or working arrangements concerning data protection. The same obligation, laid down in Article 26a(2) of the Eurojust Decision, applies when a draft cooperation agreement is to be concluded with a third State or international organisation.

Throughout 2013, Eurojust's External Relations Team updated the JSB on relations with third States and parties, and the state of play of ongoing negotiations between Eurojust and third States/international organisations. The JSB thoroughly considered all the information provided by the DPO when discussing the level of data protection of various third States and organisations with which Eurojust was considering concluding a cooperation agreement. In this way, the JSB was fully informed and involved in matters related to the ongoing negotiations as well as in the follow-up to the implementation of existing agreements. The JSB issued the following opinions (all available on the JSB webpage) during the course of the year:

### **- Opinion on the draft agreement between Eurojust and the Republic of Moldova**

Following careful deliberation and discussion, the JSB issued its favourable opinion on the agreement between Eurojust and the Republic of Moldova<sup>5</sup> on 18 November with the following considerations:

---

<sup>5</sup> <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20draft%20agreement%20betwee>

*Considering that the issue concerning the reconsideration by the Republic of Moldova of the declaration made at the moment of the ratification of the Convention 108 of the Council of Europe is in the process to be resolved before the Cooperation Agreement enters into force,*

*Considering the fact that the data protection legislation applicable in the Republic of Moldova has been substantially modified by the Law on Personal Data Protection (No.133, adopted on 8 July 2011, entered into force on 14 April 2012) and that all comments and suggestions made by Eurojust in order to ensure an adequate level of protection have been taken on board to the satisfaction of the Data Protection Officer of Eurojust,*

*Considering that the Prosecutor's Office of the Republic of Moldova, competent authority in the sense of article 4 of the draft agreement, is subject to the supervision of the National Centre for Personal Data Protection of the Republic of Moldova, which offers independent oversight in the terms of article 21 of the Agreement,*

*Considering that the draft agreements contains all relevant data protection provisions in line with the model agreement positively evaluated by the Joint Supervisory Body in previous occasions,*

*The Joint Supervisory Body considers the provisions on the exchange of personal data contained in the draft agreement between Eurojust and the Republic of Moldova adequate and gives therefore a positive opinion on the draft agreement.*

---

[n%20Eurojust%20and%20the%20Republic%20of%20Moldova,%202013/Opinion|S B Moldova 2013-11-14 EN.pdf](#)

**- Opinion on the Memorandum of Understanding between Frontex and Eurojust**

The JSB issued its opinion<sup>6</sup> on the Memorandum on 20 June with the following observations.

*Article 4.2 of the Memorandum implies the possibility for Eurojust and Frontex to exchange strategic information other than what is enumerated in this Article. It should in any case be stressed that any kind of information exchanged should in any case comply with Article 4.4 of this Memorandum, meaning that in no case personal data could be part of such strategic information exchanged.*

*Concerning Article 4.4 of the Memorandum, the JSB would strongly welcome the deletion of the word “notwithstanding Article 13 of the Frontex regulation and Article 26 of the Eurojust Decision at the beginning of this paragraph, as this wording could lead to misunderstanding.*

*It would further suggest aligning the wording of this paragraph, which is the most important one from the data protection viewpoint, to the wording used in the Memoranda with IberRed, Interpol and so forth, which exclude both the transmission of operational and personal data.*

**- Opinion on the Memorandum of Understanding between Interpol and Eurojust**

The JSB issued its opinion<sup>7</sup> on the Memorandum on 20 June with the following observation:

*Article 4.2 of the Memorandum implies the possibility for Eurojust and Interpol to exchange strategic information other than what is enumerated in this Article. It should in any case be stressed that any kind of information exchanged should in any case comply with Article 4.4 of this Memorandum, meaning that in no case operational data or personal data could be part of such strategic information exchanged.*

---

<sup>6</sup> [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20Memorandum%20of%20Understanding%20between%20Frontex%20and%20Eurojust,%202013/OpinionJSB\\_MoU-Frontex-Eurojust\\_2013-06-20-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20Memorandum%20of%20Understanding%20between%20Frontex%20and%20Eurojust,%202013/OpinionJSB_MoU-Frontex-Eurojust_2013-06-20-EN.pdf).

<sup>7</sup> [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20Memorandum%20of%20Understanding%20between%20Interpol%20and%20Eurojust,%202013/OpinionJSB\\_MoU-Interpol-Eurojust\\_2013-06-20-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/opinions/Opinion%20on%20the%20Memorandum%20of%20Understanding%20between%20Interpol%20and%20Eurojust,%202013/OpinionJSB_MoU-Interpol-Eurojust_2013-06-20-EN.pdf).

## 10. Rights of the data subject



One of the most important elements of the robust data protection regime established by the Eurojust Decision is the enforceable right of data subjects to access, correct, delete or block the personal data related to them. Article 19(1) of the Eurojust Decision guarantees that every individual is entitled to have access to their own personal data processed by Eurojust. Article 20(1) of the Eurojust

Decision entitles every individual to request Eurojust to correct, block or delete their own personal data if it is incorrect or incomplete, or if the data input or storage contravenes the Eurojust Decision.

An individual may appeal the decision before the JSB if dissatisfied with Eurojust's response to their request. The JSB examines any appeals submitted to it in accordance with Articles 19(8) and 20(2) of the Eurojust Decision and carries out controls. The JSB is also competent to handle appeals concerning the processing of non-case-related data. If the JSB considers that a decision taken by Eurojust or the processing of data by it is not compatible with the Eurojust Decision, the matter is referred back to Eurojust. The decisions of the JSB are final and binding on Eurojust.

## 11. Case-related appeals

Two case-related appeals were received in 2013.

The first appeal, lodged with the JSB secretariat on 17 April, involved an appeal from a Dutch citizen against the negative decision of Eurojust on his request for access to personal data stored by Eurojust, which stated that Eurojust had data but was not able to disclose it to the person concerned. The person appealed against this decision, stating that no clear explanation had been provided as to why the information could not be disclosed. The JSB needed to discuss whether Eurojust had applied correctly the exception of Article 19(4) of the Eurojust Decision and whether the procedure had been correctly followed. In accordance with Article 12(1) of the Act of the JSB,<sup>8</sup> Mr Tomesen (the Dutch appointee at that time) was appointed to act as an *ad-hoc* judge for the duration of the examination of the appeal. In accordance with the procedure (Article 16(2) of the Act of the JSB), Eurojust was requested to provide its comments on this case to the JSB, and did so on 11 June. The JSB deliberated the appeal at its meeting on 20 June. It was decided that Eurojust had acted according to the correct procedures. The appellant withdrew his appeal on 2 August and the appeal was subsequently considered closed by the JSB.

A second appeal was received on 25 June on behalf of a Mr X and Ms Y (Applicants), represented by their lawyer against a decision of the College of Eurojust issued on 4 June, following the Applicants' request of 10 April to access personal data processed by Eurojust relating to them. The decision was communicated to the Applicants on 6 June by the DPO. The decision of Eurojust, as communicated to the applicants by the DPO, stated

*In accordance with Article 19(7) of the Eurojust Decision, I hereby notify you that the necessary checks have been carried out, but I am unable to give you any information which could reveal whether or not your clients are known to Eurojust.*

---

<sup>8</sup> Act of the Joint Supervisory Body of Eurojust of 2 March 2004 (2004/C 86/01) laying down its rules of procedure, OJ C 86, p. 1, 6.4.2004.

In accordance with Article 16(2) of the Act of the JSB, the JSB informed the College of the appeal on 22 August and invited it to submit its observations on the appeal. In a letter of 12 September, the College of Eurojust provided its comments on the case

*The College of Eurojust has reconsidered its decision of 4 June 2013 to notify the data subjects that the necessary checks have been carried out, and that information could not be revealed on whether or not the data subjects were known to Eurojust. The College, after consulting the relevant national authorities involved in this case, decided on 10 September 2013 to disclose the existing information on the data subjects.*

The DPO replied on 10 October accordingly to the lawyer representing the Applicants. For the purpose of protecting the rights of privacy of the other persons mentioned in the document, Eurojust redacted their personal data. The Applicants submitted an appeal to the JSB on 15 October, stating that they could not determine from the attached files whether the content was complete or if some information had not been sent and asked the JSB for verification. The Applicants requested the transmission of the file components in an ‘unblackened’ state. At the same time, the Applicants requested that the JSB bear the costs of the present appeal procedure in accordance with Article 25(1) of the JSB rules of procedure. The JSB deliberated the case at stake at its meeting on 14 November and reached a unanimous decision<sup>9</sup> which concluded:



*That the JSB is of the opinion, that Eurojust correctly redacted certain parts of the content by removing the names of the other persons mentioned in the documents for the purpose of protecting their right to privacy. The JSB notes that according to Article 19(1) of the Eurojust Decision an individual is entitled to have access to data concerning him processed by Eurojust [...] (emphasis added). Therefore, the applicants were entitled to receive any data concerning them individually”.*

*In the light of the specific circumstances and the fact that the applicant was provided with full access to information concerning him, processed by Eurojust, that by redacting the names of other persons Eurojust protected their right to privacy, the JSB decides, in accordance with Article 23.7 of the Eurojust Decision, that in the present appeal case Eurojust correctly applied the provisions of the Eurojust Decision”.*

With regard to the Applicants' request for reimbursement of costs, the JSB concluded:

*The JSB considered the questions of the request for the JSB to bear the costs of the present appeal's procedure in accordance with Article 25(1) of the JSB rules of procedure. The JSB notes that "Article 25(1) states that [...] If the appeal is upheld, wholly or partially, the necessary costs incurred by the applicant for lodging and processing the complaint shall be borne by Eurojust to the extent that the Joint Supervisory Body considers this equitable". In this particular case, the access to information had been granted to the applicants before the JSB took a decision on the appeal. The applicant was provided with all the information concerning him, even including the internal correspondence with the national authorities regarding this particular request. Even though, Eurojust reconsidered its initial decision only after the request of the JSB, however, the access to information was granted. Therefore, the situation is not the one described in Article 25(1) as, due to the decision of Eurojust to provide the information to the data subject before the JSB considered the matter, the JSB has not even reached the stage of having to decide whether to uphold, wholly or partially, the appeal. The provision of the expenses in Article 25(1) of the JSB rules of procedure is there to protect the individuals against a possible deliberate misbehaviour of Eurojust. In this particular case, Eurojust has followed the procedures correctly and has showed its willingness to take on board the issues raised by the applicants by granting access even before the JSB's decision on the appeal; therefore the request to bear the costs cannot be upheld."*

## 12. Non-case-related appeals

The JSB received an appeal from a staff member of Eurojust on 3 December 2012 against the implied negative decision of Eurojust following his request to receive a copy of his personal security screening certificate issued by the French security authority in the context of the screening procedure which takes place for all Eurojust staff members. The JSB considered the appeal admissible and forwarded it to Eurojust for its comments on 14 December 2012 in line with Article 16(2) of the Act of the Joint Supervisory Body. The appeal was discussed at the JSB meeting on 28 January 2013 and an opinion<sup>10</sup> was issued in favour of providing a hard copy of the security certificate to the appellant. The conclusions of the decision were as follows:

*Having considered all elements and information provided by both parties, the JSB considers that, in this specific case, Eurojust had failed to provide any convincing arguments as to how providing a copy of his own positive security certificate as issued by the French authorities could possibly affect any of the important public interests mentioned in Article 19.4 of the Eurojust Decision, which is the only possible legal basis for refusal of such access at Eurojust. The JSB decides, in accordance with Article 23.7 of the Eurojust Decision, to refer the matter to Eurojust for reconsideration: Eurojust is required in line with Article 23.8 of the Eurojust Decision to provide Mr A with a copy of the required security certificate as it is held by Eurojust. The JSB wishes to remind Mr A of the fact that such certificate should only be used for the purpose for which it was issued.*

## 13. European and International Data Protection Commissioners' Conferences

Mr Carlos Campos Lobo represented the JSB at the International Data Protection Commissioners' Conference on 24-26 September in Poland. The JSB is an accredited member of the closed session of this Conference. At this year's closed session, the main topic concerned the 'appification' of society: the consequences of mobile apps for society and data protection and how data protection regulators should respond to the challenges.

Ms Alonso Blas represented the JSB at the Spring Conference of European Data Protection Authorities (DPA) on 15-17 May in Portugal. During this Conference, a resolution on the future of data protection in Europe was agreed upon; the DPAs reiterated the need to develop a consistent and robust data protection regime, affording the same level of protection for both the private and public sectors.

---

<sup>10</sup> <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/appealdecisions/Appeal%20Decision%202013-03-18/JSB-Appeal-Decision-CaseMrA-2013-03-18-EN.pdf>

## 14. Transparency

In 2013, the JSB continued to publicise its efforts in raising awareness of data protection at Eurojust. On the occasion of the European Data Protection Day on 28 January, the Chair of the JSB, Ms Prussen, gave a presentation to all post-holders at Eurojust, explaining the work and role of the JSB. The JSB was also keen to inform the general public of its daily work and meetings during the course of the year, publishing highlights of each meeting, its decisions in appeal cases and opinions on the JSB webpage. A special edition of its annual activity report for 2012 was produced to celebrate the 10<sup>th</sup> anniversary of the JSB, and this was circulated to key players in the data protection field at both national and EU level. This report was also made available in four languages (English, French, German and Spanish) on the webpage.

The JSB disseminated its *Opinion regarding data protection in the proposed new Eurojust legal framework* of 14 November to key players in the Commission, the Council of the European Union, the European Parliament, the European Data Protection Supervisor (EDPS) and national data protection authorities.

## 15. Future outlook

The JSB is looking forward to the challenges awaiting it in 2014, particularly in terms of the ongoing Eurojust reform and the current EU data protection reform. The JSB will follow with great interest the developments in this area and will actively participate to retain the existence of tailor-made rules and the present system of joint supervision.



JSB plenary meeting June 2013

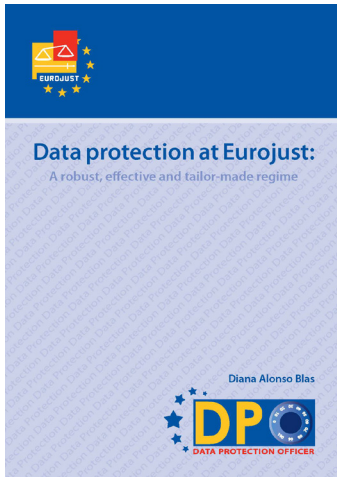
**Annex I: Appointees to the Joint Supervisory Body 2013**

<b>Member State</b>	<b>Appointee</b>	<b>Date of appointment</b>
Belgium	Ms Nicole LEPOIVRE	09/01/2003
Bulgaria	Ms Pavlina PANOVA	04/07/2007
Czech Republic	Mr Josef RAKOVSKÝ	14/04/2004
Denmark	Ms Birgit KLEIS	27/03/2013
Germany	Mr Bertram SCHMITT	23/06/2009
Estonia	Mr Pavel GONTŠAROV	25/10/2004
Ireland	Mr Billy HAWKES	06/06/2005
Greece	Mr Ioannis ANGELIS	02/03/2012
Spain	Mr JoséLuis RODRIGUEZ ÁLVAREZ	07/02/2012
France	Mr Frédéric BAAB	11/06/2009
Italy	Mr Alberto PIOLETTI	14/06/2010
Cyprus	Mr Yiannos DANIELIDES	14/05/2012
Latvia	Ms Zane PĒTERSONE	27/09/2004
Lithuania	Ms Laureta ULBIENĖ	31/05/2012
Luxembourg	Ms Lotty PRUSSEN	06/05/2002

Hungary	Mr Tibor KATONA	23/06/2008
Malta	Mr Joseph EBEJER	30/03/2009
Netherlands	Mr Wilbert TOMESSEN	01/06/2012
Austria	Mr Gerhard KURAS	06/02/2010
Poland	Mr Dariusz ŁUBOWSKI	26/05/2004
Portugal	Mr Carlos CAMPOS LOBO	01/04/2006
Romania	Ms Laura-Marina ANDREI	01/10/2007
Slovenia	Mr Rajko PIRNAT	23/03/2005
Slovak Republic	Mr Dušan ĎURIAN	22/03/2012
Finland	Ms Anne HEIMOLA	01/01/2008
Sweden	Mr Hans FRENNERED	01/07/2002
United Kingdom	Mr Christopher GRAHAM	12/08/2009

## Annex II: Publications

The following publications can be requested from the JSB Secretariat, PO Box 16183, 2500 BD The Hague, Netherlands, e-mail: [jsb@eurojust.europa.eu](mailto:jsb@eurojust.europa.eu).

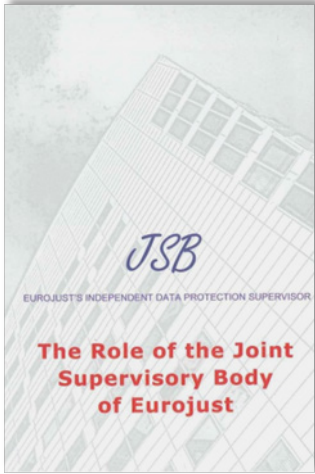


Booklet *Data Protection at Eurojust*, available in, English, French, German and Spanish. Thanks to the EU-funded IPA project, the booklet has also been translated into Albanian, Bosnian and the language of the former Yugoslav Republic of Macedonia.



Leaflet 1: *Know your rights*, printed version available in English, French, German and Spanish.





Leaflet 2: The Role of the Joint Supervisory Body of Eurojust, printed version available in English, French, German and Spanish.

---