



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From: Joint Supervisory Body of Eurojust
To: Coreper/Council
Subject : Activity Report of the Joint Supervisory Body of Eurojust for the year 2010

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 2010.
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 2010**

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1.

FOREWORD

As current Chair of the Joint Supervisory Body of Eurojust (JSB), it is my pleasure to present some introductory remarks to this 8th activity report of the JSB, reflecting the main accomplishments of the JSB during 2010.

During 2010, much has been accomplished and I would especially like to emphasize the work that has been achieved to increase the visibility and transparency of the activities of the JSB, such as the launching of the JSB webpage, as well as the brochures on the role of the JSB and the rights of individuals, available in various EU languages both online and on paper.

I would like to stress the importance of effective data protection in the field of judicial cooperation and the important progress that has been achieved by Eurojust regarding data protection issues, which is certainly due to the commitment of Eurojust as a whole and to the outstanding work of its Data Protection Officer (DPO). During 2010, we have invested in further increasing compliance with the rules at Eurojust by carrying out an inspection and building on the results of the annual surveys of the DPO of Eurojust. The recommendations following this inspection will undoubtedly assist Eurojust in further enhancing data protection compliance.

Another important element of the work carried out in 2010 has been linked to the ongoing developments in the EU legislative field regarding data protection in the area of the former third pillar. Through participation in various EU fora and correspondence with Commissioner Reding, we have actively contributed to this discussion and managed to call attention to the specific features linked to data protection in the area of international judicial cooperation.

Working with my fellow members of the JSB Troika, Lotty Prussen and Carlos Campos Lobo, 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 College and staff of Eurojust for their contribution to the JSB's activities. I particularly wish to thank the DPO, Ms Diana Alonso Blas, and Ms Fiona Coninx, secretary to the JSB, for their much appreciated assistance to the JSB.



Hans Frennered

Chair of the Joint Supervisory Body of Eurojust

1. INTRODUCTION

This is the 8th annual report of the Joint Supervisory Body of Eurojust (hereinafter “JSB”) since it was first formed in May 2003 and outlines its main activities during 2010.

The tasks of the JSB are set out in Article 23 of the Council Decision of 16 December 2008 on the strengthening of Eurojust¹. An independent body, the JSB monitors the activities of Eurojust to ensure that the processing of personal data is carried out in accordance with the Eurojust Decision. The JSB also hears appeals lodged by individuals dissatisfied with Eurojust’s response to their requests to exercise their rights as data subjects.

This report concludes with a look at the future for the JSB.

2. ADMINISTRATION

2.1 *Composition of JSB*

The JSB is composed of twenty-seven members, one appointed from each Member State, three of whom are permanent members (see Annex I). Ms Lotty Prussen (Appointee for Luxembourg and Chair from June 2009 - June 2010), Mr Hans Frennered (Appointee for Sweden) and Mr Carlos Campos Lobo (Appointee for Portugal) were the three permanent members during 2010. In accordance with Article 3(2) of the rules of procedure, elections were held at the plenary meeting in June. Ms Lotty Prussen was re-elected as a permanent member for the following three years, Mr Hans Frennered was appointed as Chair for the coming year and Mr Campos Lobo remained member for the following two years.

¹ Council Decision of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime.

2.2 Meetings

The permanent members met on 11 May, 17 June, 1 October and 9 December at Eurojust's headquarters in The Hague. A plenary meeting of all the appointees took place in the afternoon of 17 June. After each meeting, highlights of the main discussions and decisions were circulated to the JSB appointees, College and selected members of the administration of Eurojust. These highlights were also made available on the JSB webpage of the Eurojust website. The JSB Secretariat prepared more detailed minutes for internal circulation to the members and to help in the preparation of the next meeting.

2.3 Budget and costs

The JSB received an allocation of €46,000 from the Eurojust budget to cover the costs of its meetings, representation in external meetings of joint supervisory authorities and any additional expenses.

Some of these funds were used for the translation of the JSB Activity Report of 2009 into French, German, Spanish and Italian. These language versions are now available on the JSB webpage. Two leaflets were produced, "The Role of the JSB" and "Data Subject Rights", which have been translated into the other 22 official EU languages and will be published on the JSB webpage. Additionally, funds were committed from the 2010 budget for printing of these leaflets in English, French, German and Spanish, which will be completed in 2011. Additionally, some promotional items were purchased, to be distributed at events and meetings during 2011 to help promote the role and work of the JSB.

3. TRANSLATION AND PUBLICATION OF THE APPROVED RULES OF PROCEDURE OF THE JSB

The amended Rules of Procedure of the Joint Supervisory Body adopted at the plenary meeting of 23 June 2009 were translated by the Council of the European Union into the other 22 official EU languages and have been published on the JSB webpage.

4. ACCREDITATION TO THE INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

The JSB received official accreditation to the International Conference of Data Protection and Privacy Commissioners at the 32nd International Conference held in Jerusalem, Israel, in October 2010. Mr Carlos Campos Lobo represented the JSB at this meeting.

5. WEBPAGE

At the end of 2010, the JSB launched its own webpage within the Eurojust website (<http://www.eurojust.europa.eu/jsb.htm>). This webpage covers information about the role of the JSB, its legal framework, procedure for appeals and the rights of data subjects. A list of authorities in Member States whom data subjects may contact concerning the exercise of their rights is also available. The webpage is regularly updated with news and information about the JSB's work and the latest developments in data protection that may have implications for its supervisory function.

6. SUPERVISORY WORK

6.1 *Data Protection Officer*

In accordance with Article 6(6) of the Act of the JSB, the JSB liaised regularly with the Data Protection Officer, Ms Diana Alonso Blas, who kept the JSB informed of all ongoing issues and matters at Eurojust.

In accordance with Article 27(2) of the Rules on the Processing and Protection of Personal Data at Eurojust¹, Ms Alonso Blas carried out an annual survey at Eurojust. The National Desks of Portugal, Germany, the Netherlands, Belgium, Spain and United Kingdom were interviewed. The DPO also interviewed an administrative unit, the Human Resources Unit. The findings of the annual survey will be presented to the JSB in 2011.

6.2 Eurojust inspection 2010

The draft report of the inspection was circulated to the College of Eurojust on 24 June 2010, inviting preliminary comments from Eurojust by 15 September. On the basis of the comments received from Eurojust, the final report was prepared with recommendations and conclusions and submitted to Eurojust on 21 December.

The main findings of the report concerned, in particular, the Case Management System (hereinafter “CMS”), which was not being fully used. Another aspect concerned the interpretation of Article 16 of the Eurojust Decision and the processing of data in manual files.

6.3 Secure connection with OLAF

Eurojust raised a question with the JSB concerning the webpage approach used for access to the Customs Information System (CIS), which would not allow a logging system inside Europe. At a meeting between Eurojust and OLAF, OLAF explained that, due to technical reasons, OLAF could not give access to logs, but would provide logs to Eurojust. Eurojust hoped that this solution could be acceptable to the JSB.

¹ Rules of Procedure on the Processing and Protection of Personal Data at Eurojust (text adopted unanimously by the College of Eurojust during the meeting of 21 October 2004 and approved by the Council on 24 February 2005) (2005/C 68/01), OJ C 68 19.3.2005 p.1.

6.4 *Case Management System*

The JSB discussed the retention period of log files in the CMS and the reasons for and against keeping them for longer than three years, the same duration as for personal data. An agreement was reached that log files should be stored only for three years.

The JSB was informed about the new CMS 3.1 project and the changes that it incorporated related to the implementation of the revised Eurojust Decision, as well as changes related to the data protection features of the CMS.

The JSB underlined the importance of the CMS remaining as one system and viewed with interest the possibilities to increase its analytical capacity, especially in light of Article 13 of the revised Eurojust Decision.

6.5 *Cooperation agreements between Eurojust and third States*

The JSB received extensive information from Eurojust during the course of the year about the state of play of various ongoing negotiations between Eurojust and third States. Particular attention was paid to the ongoing negotiations between Eurojust and the Russian Federation. The JSB underlined the fact that the Russian Federation should respect the data protection adequacy standards and ratify the relevant Council of Europe instruments.

Additionally, the JSB expressed a positive opinion on the draft revised Model Agreement on Cooperation between Eurojust and Third States presented at its meeting in June and welcomed the amended provisions providing for better control of implementation of the agreements.

7. NEW DEVELOPMENTS IN DATA PROTECTION ACROSS THE EU

7.1 *Supervision of Data Protection at Eurojust after the entry into force of the Lisbon Treaty*

The JSB discussed the future of data protection after the entry into force of the Lisbon Treaty, especially regarding possible changes in the data protection legal framework and its implications for Eurojust. The entry into force of the Lisbon Treaty might imply changes in the current specialised supervision system; the JSB strongly believes that, before any possible changes are to be proposed, a thorough evaluation of the present system and its effectiveness should take place. The JSB stressed the effectiveness of the current supervision of data processing activities done by Eurojust which is guaranteed internally by the Eurojust DPO and externally by the JSB. An additional point in favour of the current JSB structure was its Troika system, which worked efficiently with a limited budget, while at the same time ensuring excellent communication with the organisation. Following a request by the JSB to the Council, the revised Eurojust Decision included a modification of the system of representation in the Troika, putting in place a system of annual elections at the plenary meeting of the JSB for a period of three years, thus providing more continuity in the JSB. Due to its composition of judges and members of equal independence, the JSB possesses invaluable expertise regarding data protection in the judicial sector.

In support of the JSB's approach to maintaining the current system of supervision, the JSB wrote two letters to Commissioner Reding, Commissioner for Justice, Fundamental Rights and Citizenship (published on the JSB webpage), outlining its eagerness to participate in the discussion on the future of data protection and emphasizing its view of maintaining the current system of specialised supervision, which provides an efficient and effective system.

In this regard, Mr Campos Lobo attended the stakeholders' consultation meeting organised by the European Commission on 29 June in Brussels to discuss the future of data protection in the area of law enforcement.

7.2 *Implementation of the revised Eurojust Decision*

The JSB was regularly informed by Eurojust on the progress and developments in implementation of the revised Eurojust Decision. A presentation was made at the plenary meeting explaining the changes to the Eurojust Decision and its implications for data processing at Eurojust, with special focus on the new Article 13 of the revised Eurojust Decision.

8. APPEALS

No appeals were lodged with the JSB during 2010.

9. FUTURE OUTLOOK

To strengthen its role as a supervisory authority, the JSB plans to apply for accreditation as a member of the European Data Protection Commissioners Spring Conference to be held in Brussels on 5 April 2011. The JSB was informed that the European Commission intended to hold hearings on data protection in the areas of law enforcement and supervision during 2011. Agreement was reached that the JSB would participate in a meeting of the joint supervisory authorities of Europol, Schengen, the Customs and Working Party on Police and Justice in Ljubljana, Slovenia, on 31 January-1 February 2011.

The JSB will meet during the following dates in 2011: 8 February, 7 April, 20 and 21 June, and 10 November.

Annex I Appointees to the Joint Supervisory Body

Country	Member	Date of appointment
Belgium	Ms Nicole LEPOIVRE	09/01/2007
Bulgaria	Ms Pavlina PANOVA	04/07/2007
Czech Republic	Mr Josef RAKOVSKÝ	14/04/2004
Denmark	Mr Jakob LUNDSAGER	05/04/2009
Germany	Mr Bertram SCHMITT	23/06/2009
Estonia	Mr Pavel GONTSHAROV	25/10/2004
Ireland	Mr Billy HAWKES	06/06/2005
Greece	Ms Anastasia PERISTERAKI	04/02/2010
Spain	Mr Artemi RALLO LOMBARTE	27/02/2007
France	Mr Frédéric BAAB	11/06/2009
Italy	Mr Luigi FRUNZIO	14/06/2010
Cyprus	Ms Goulla FRANGO	23/07/2008
Latvia	Ms Zane PĒTERSONE	27/09/2004
Lithuania	Mr Egidijus BIELIŪNAS	08/12/2004
Luxembourg	Ms Lotty PRUSSEN	06/05/2002
Hungary	Mr Tibor KATONA	23/06/2008
Malta	Mr Joseph EBEJER	30/03/2009
Netherlands	Ms Jannette BEUVING	01/01/2007
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	Ms Renáta JANÁKOVÁ	31/07/2008
Finland	Ms Anne HEIMOLA	01/01/2008
Sweden	Mr Hans FRENNERED	01/07/2002
United Kingdom	Mr Christopher GRAHAM	12/08/2009

Appointees who terminated office during 2010

Country	Member	Dates of office
Italy	Mr Alfonso PAPA	06/02/2003-14/06/2010
Austria	Mr Gustav MAIER	31/12/2004-06/02/2010
Greece	Mr Ioannis MAGGINAS	04/06/2009-04/02/2010