

EUROPOL JOINT SUPERVISORY BODY



FIFTH ACTIVITY REPORT OF THE JOINT SUPERVISORY BODY OF EUROPOL

2008 - 2012



Europol Joint Supervisory Body

**Activity Report
October 2008 - October 2012**

CONVERGING PATHS

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I. Foreword

We are pleased to present the fifth activity report of the Europol Joint Supervisory Body to the Council of the European Union and the European Parliament.

The four years covered by this report can best be symbolised as converging paths. Europol, as the European law enforcement agency, must support the EU in preventing and combating all forms of serious international crime and terrorism whilst respecting fundamental elements of the right to privacy and data protection. That this is not done easily is understandable. Europol and the Joint Supervisory Body have invested in achieving a balanced approach to meeting their various interests and obligations. The reactions received from our stakeholders support our understanding that the fulfilment of Europol's mission and respect for data protection can be seen as converging paths where robust data protection and law enforcement work together in practice.

The investment of the JSB is highlighted in this report, which presents an overview of our most important activities. For a more comprehensive overview we refer you to our website.

Isabel Cruz
Chair

Nataša Pirc Musar
Vice Chair

II. About the Joint Supervisory Body

In pursuit of its aim to support Member States in preventing and combating all forms of serious international crime and terrorism through the exchange and analysis of criminal intelligence, Europol handles a vast amount of information about citizens.

The Joint Supervisory Body (JSB) is an independent body established¹ to ensure the protection of citizens' data protection rights in relation to Europol's storage, processing and use of personal data.

The JSB is composed of a maximum of two data protection experts - assisted by alternates where appropriate - from each EU Member State's independent data protection authority. Members (and their alternates) serve for a renewable five-year period. Each Member State delegation is entitled to one vote. The JSB chooses a Chairman from among its members. In the performance of their duties, members (and their alternates) of the JSB shall not receive instructions from any other body. The JSB is supported by its own independent secretariat, based in Brussels.

The JSB is obliged to submit regular activity reports to the Council of the European Union and to the European Parliament.

III. Changing legal basis

Europol is set up under the Europol Council Decision (ECD) of 6 April 2009. This new legal base replaced the original legal basis - the Europol Convention of 26 July 1995 - as of 1 January 2010. As was the case with the Convention, the ECD provides for a robust data protection regime. This report covers the activities of the JSB under the existing and previous legal bases.

Effects of the ECD include: changes to Europol's competence; the possibility to create new data processing systems; and the strengthening and harmonisation of citizens' right of access. The JSB anticipated and prepared for the changes brought about by the new legal base. Internal procedures were fine-tuned where necessary, and there was no disruption to the JSB's supervisory work.

IV. Supervision

The ECD sets out the JSB's tasks, which are:

- to review the activities of Europol in order to ensure the rights of the individual are not violated by Europol's storage, processing and use of data
- to monitor the permissibility of the transmission of data originating from Europol
- to examine questions relating to implementation and interpretation in connection with Europol's activities as regards processing and use of personal data; to examine questions relating to checks carried out independently by Member States' national supervisory bodies, or relating to the exercise of the right of access; and to draw up harmonised proposals for common solutions to existing problems

¹ The JSB is established under the Council Decision of 6 April 2009 establishing the European Police Office (Europol), which replaced the Europol Convention as of 1/1/2010.

- to set up an internal committee (the Appeals Committee) tasked with examining citizens' appeals related to a request for checking of/access to/correction or deletion of their personal data.

The ECD obliges Europol to implement the principles of Regulation 45/2001², creating a specific data protection regime for the processing of staff data. Europol implemented specific data protection rules for staff by a decision of Europol's Director dated 16 February 2010. Compliance with these rules is supervised by the JSB.

The ECD ensures the JSB is able to properly carry out its tasks. In particular, it provides that Europol must:

- supply the information the JSB requests;
- give the JSB access to all documents and paper files, as well as to the data stored in its data files;
- allow the JSB free access at all times to all its premises; and
- implement the JSB's decisions on citizens' appeals regarding the processing of their personal data.

Additionally, the ECD provides that where the JSB identifies violations of the provisions of the Europol Council Decision regarding Europol's storage, processing or use of personal data, it shall make any complaints it deems necessary to the Director of Europol, requesting him to reply within a specified time limit. The Director must keep the Europol Management Board informed of the entire procedure. If not satisfied with the Director's response, the JSB shall refer the matter to the Europol Management Board.

How we carry out our supervisory responsibilities

Convincing organisations to prioritise, and to pay due attention to, data protection is a challenging task. The rules are often seen as burdensome and simply 'getting in the way' of daily work. This can be the case in any given sector - and can be perceived to be especially so in the law enforcement area.

New and ongoing projects, and the sheer amount of data processed by Europol, means ensuring data protection is an ongoing task requiring close attention. While there will always be areas for improvement, Europol shows awareness, understanding and a willingness to work with us to get things right. Europol's competent and proactive data protection unit plays a strong role in ensuring data protection: this internal compliance unit is the first line of supervision and shares the JSB's belief that proper data protection leads to better quality data, which results in more effective law enforcement.

Our aim is to work to ensure Europol's data processing complies with the law, and to protect citizens' information rights, without hindering or preventing Europol's important work. To this end, we work with Europol, often from the early stages of new projects and developments, to try to ensure data protection safeguards are in place prior to operation - this is privacy by design. Europol's willingness to engage with the JSB in this way undoubtedly contributes towards the data protection level in the organisation.

² Article 39 of the Europol Council Decision states that Europol shall apply *the principles* of Regulation (EC) No 45/2001 to the processing of personal data relating to Europol staff.

We hold quarterly plenary sessions in Brussels, and arrange additional plenary meetings on an ad-hoc basis where strictly necessary. We have also set up a number of subgroups to focus on specific issues. These groups meet as often as necessary and participate in meetings and workshops with Europol on a regular basis.

Key ways in which we exercise our supervisory responsibilities

- Regular, active participation in meetings or workshops with Europol's operational and data protection staff
- Contributing towards, and issuing opinions on, Europol's proposed new initiatives or changes to existing operational activities
- Issuing opinions on draft agreements with EU bodies and third States, including providing opinions on the data protection level in third States
- Issuing opinions on draft ECD implementing rules
- Assessing the opening of analytical work files, their three-year reviews and specific projects
- Annual general inspections
- Ad-hoc inspections where a particular issue requiring attention arises - for example, Europol's role in the TFTP Agreement³
- Prior-checking 'riskier' staff data processing operations

Annual general inspections

We conduct annual general inspections at Europol's premises in The Hague. To date, we have carried out 13 such inspections. Each inspection team is composed of JSB members, the secretariat, and experts drawn from the national data protection authorities. Teams are selected each year based on the specific legal and technical skills and knowledge required to carry out the inspection (this depends on the scope of the inspection, which is decided upon annually).

We carried out three annual general inspections during the period covered by this report. These inspections covered a wide range of Europol's processing activities, including fifteen analysis work files, the Europol Information System, the Europol Analysis System, SIENA⁴, Europol's access to the Schengen Information System, and Europol staff data processing operations. We also checked Europol's progress regarding the fulfilment of recommendations made following previous inspections. After each inspection, a report is drafted and submitted to Europol for comment. The final report is then adopted by the JSB and presented to Europol's Director and Management Board.

Due to their content, we do not publish our annual inspection reports. However, we can state that the inspections show, in general, that Europol's data processing complies with the legal framework. In addition to the checks we carry out on-site, we execute specific data checks in cooperation with national supervisory authorities, which may lead to the correction or deletion of some data.

In addition to being a key element of supervision - and a key opportunity for the JSB to continue to build upon its expert practical knowledge of Europol's processes on location - participation in these inspections also benefits data protection at national level: inspectors are able to apply the knowledge and skills they gain/improve upon in inspections and audits in their respective Member States.

3 Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program

4 Secure Information Exchange Network Application

Ad-hoc inspections

We also carry out ad-hoc inspections if a particular issue arises which the JSB feels demands urgent attention. This happened twice over the course of the last three years. We inspected Europol's implementation of the TFTP Agreement in November 2010 and carried out a follow-up inspection in November 2011. Due to the strong public interest in - and lack of publicly-available information about - this issue, we decided to develop and publish a public version of the first inspection report, along with an explanatory note. We continued this approach with the second inspection, publishing a public statement. These documents, which include some of the JSB's general findings and conclusions, allow interested members of the general public to discover in general terms how the TFTP Agreement is being applied. Moreover, they play an important role in informing bodies such as the European Parliament and national Parliaments.

A third inspection of Europol's implementation of the TFTP Agreement, part of which will focus on Europol's progress regarding recommendations made in the report of the first two inspections, will be organised to take place towards the end of 2012.

Prior-checking staff data notifications

As mentioned above, the JSB is responsible for monitoring Europol's compliance with the Decision of the Director implementing the principles of Regulation 45/2001. In this area, Europol benefits from the JSB's collective expertise in supervising staff data processing operations at national level in each Member State. In view of the relation to the task of the European Data Protection Supervisor, we seek close cooperation with the EDPS in supervising staff data.

Prior-checking is an important part of supervision of staff data. This is where we check plans for future staff data processing operations (or for existing processing operations where these were in place prior to the duty to prior-check) considered to present specific data protection risks to staff. In practical terms, this involves a 'desk inspection' of completed processing operation notification forms and any accompanying documentation (for example, privacy statements, draft Director's Decisions, templates and forms, etc). For each prior-check, we provide Europol with our formal opinion, including any recommendations necessary to improve data protection compliance; Europol then has two months to respond to that opinion and to ensure that the recommendations made are implemented.

We also provide informal guidance on the draft plans for certain processing operations which do not fall into the 'prior-check category'. Europol's proactive approach in this regard is very welcome by the JSB and shows their interest in 'getting things right' in this area. In addition to our desk-based checks, we carried out on-site inspections of Europol staff data operations in March 2011 and March 2012.

Projects

To achieve its vision of providing the best possible support to law enforcement authorities in the Member States, Europol aims to serve as the principle: support centre for law enforcement operations; criminal information hub; and centre for law enforcement expertise.

During the period covered by this report, Europol implemented some changes to its organisational structure, and outlined some planned changes to its procedures, with a view to improving analytical support to Member States. The JSB was consulted by Europol on the impact these changes may have on data protection. Assessing Europol's ability to maintain compliance with its data protection legal framework during and after such changes, and advising on how best to ensure data protection, is clearly an important aspect of our work. In particular, the proposed introduction of a **new crime analysis system**, and the development and introduction of the **SIENA** messaging system linking Europol with the Member States' law enforcement authorities and other partners, were the subject of frequent JSB assessments and discussions with Europol. We expect that our involvement in these developments will continue in the future.

Europol has access to the **Schengen Information System** and the **Customs Information System**; in the future, it will get access to the **Visa Information System**. We check how Europol implements the conditions for such access and, in particular, its technical implementation. We do this in close cooperation with the supervisory authorities of those systems.

The **European Cybercrime Centre (EC3)** will be set up within the existing Europol structure in the near future. Work has already begun and EC3 should be operational by January 2013. The Centre will become the focal point in the EU's fight against cybercrime, support Member States and EU institutions in building operational and analytical capacity for investigations and cooperation with international partners. In addition to the analytical and operational support already provided by Europol, EC3 will serve as the European information hub on cybercrime. Combating cybercrime requires close coordination between law enforcement authorities and relevant public and private stakeholders. It will be necessary for Europol to work closely with EU and non-EU countries and organisations, civil society, internet governance bodies and service providers, companies involved in internet security and the financial sector, National Computer Emergency Response Teams (CERTs) and the CERT-EU for EU institutions. The JSB has discussed EC3 with Europol from the early stages and will continue to monitor and advise on developments.

Resolving citizens' problems

The ECD sets out a number of important rights for citizens. Regarding the right of access, the ECD provides that any person can obtain information on whether personal data relating to them are processed by Europol and to have such data checked and/or communicated to them in an intelligible form. The ECD also provides the right to ask for correction and deletion of personal data.

Citizens can also ask the JSB to ensure that the manner in which their personal data (may) have been collected, stored, processed and used by Europol is lawful and accurate. The JSB must notify the person concerned that it has carried out the necessary checks, without revealing any information which might reveal to whether or not their personal data are processed by Europol.

In the period covered by this report, 13 citizens asked the JSB to carry out the check described above. Most of the requesters were Finnish nationals, due to the fact that forms to request such checks are made readily available in Finnish police stations. Europol reports the receipt of ever-increasing numbers of access requests (120 in 2007 and 206 in 2010),

On the basis of the number of requests we receive, and given the vast amount of data processed by Europol, we will continue to promote activities to enhance citizens' awareness of their rights.

Appeals Committee

If citizens exercise their rights and are unsatisfied with Europol's response (or lack of response) or decision, they can appeal to the JSB's Appeals Committee.

This committee is composed of one qualified member of each JSB delegation. Each member may have an alternate. Appointments are made by the JSB, on the nomination of the concerned delegation, for a renewable five-year term. Members and alternates must have the necessary qualifications to examine and decide upon the appeals: legal expertise, conflict resolution experience and, of course, data protection expertise. The committee meets quarterly, in Brussels. The ECD provides that Europol must implement the committee's decisions on appeals. Decisions are final for all parties and are published on our website.

In the period covered by this report, the committee handled five appeals. Of the five decisions⁵ taken by the committee, one concluded that Europol's decision was in compliance with the legal basis; and three concluded that Europol's decision was not in compliance with the legal basis. In these three cases, Europol revised its decision in line with the decision of the committee. In one case, Europol reconsidered its decision during the appeals procedure; in view of the outcome, the appeals procedure was stopped.

While decisions on appeals handled under the Europol Convention necessarily took Member States' laws into account, the ECD introduces a more simplified legal regime for citizens' rights: national law is no longer the basis on which to assess citizens' requests individuals. The two appeals still in progress were made under the ECD.

Opinions

On draft implementing rules and draft Management Board decisions

Under Article 26(2) of the ECD the Management Board shall adopt rules governing the content of and the procedure for the conclusion of memoranda of understanding as referred to in Article 25(3)(c)(ii). These are memoranda of understanding with private parties established under the law of a third State with which Europol has no cooperation agreement. According to Article 26(2) ECD, such rules can only be adopted after obtaining the opinion of the JSB. The JSB issued opinions on the following draft management Board rules and decisions during the period covered by this report:

- Opinion on the draft Europol Management Board rules on receipt of information from private parties

⁵ All decisions are published on <http://europoljsb.consilium.europa.eu>

- Opinion on the draft Europol Management Board rules on receipt of information from publicly available sources, private persons and private parties
- Opinion on the draft Europol Management Board decision on the control mechanisms for retrievals from Europol's automated files used to process personal data
- Opinion on Europol's policy on control of retrievals
- Opinion on the draft Europol Management Board decision on the conditions related to the processing of data on the basis of Article 10(4) ECD
- Opinion on the draft Europol Management Board decision laying down the rules governing the arrangements on the association of experts of EU bodies and third parties with the activities of an analysis group
- Opinion on the draft Europol Management Board decision on the design of and access to the index function
- Opinion on the draft implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information
- Opinion on the draft rules applicable to Europol analysis work files

On draft agreements with Relations with EU or Community institutions, bodies, offices and agencies, and on the data protection level in third States

In so far as it is relevant to the performance of its tasks, Europol may establish and maintain cooperative relations with the institutions, bodies, offices and agencies set up by, or on the basis of, the Treaty on European Union and the Treaties establishing the European Communities.⁶

Europol shall conclude agreements or working arrangements with these entities, which may concern the exchange of operational, strategic or technical information, including personal data and classified information. Any such agreement or working arrangement may be concluded only after approval by the Management Board which shall previously have obtained, as far as it concerns the exchange of personal data, the opinion of the JSB.

In addition, Europol shall conclude agreements with certain third States and organisations⁷, which may concern the exchange of operational, strategic or technical information, including personal data and classified information. These agreements may be concluded only after the approval by the Council of the European Union, which shall previously have consulted its Management Board and, as far as it concerns the exchange of personal data, obtained the opinion of the JSB via the Management Board.

During the period covered by this report, the JSB issued the following opinions with a view to ensuring that any deficiencies in the data protection arrangements in the concerned third States or organisations are met by appropriate safeguards in the agreements Europol enters into:

- Opinion on the data protection level in the Russian Federation
- Opinion on the data protection level in the Former Yugoslav Republic of Macedonia
- Opinion on the data protection level in Colombia
- Second opinion on the data protection level in the Russian Federation
- Opinion on the data protection level in Liechtenstein
- Opinion on the data protection level in Albania
- Opinion on the draft agreement to be signed between Europol and the Government of HSH The Sovereign Prince of Monaco
- Opinion on the draft agreement to be signed between Europol and Colombia

⁶ Article 22 ECD

⁷ Article 23 ECD

- Opinion on the draft agreement to be signed between Europol and the Former Yugoslav Republic of Macedonia
- Opinion on the draft agreement in respect of the draft agreement to be signed between Europol and Israel
- Opinion on the revised agreement to be signed between Europol and Eurojust

Opinions on staff data notifications (prior-checking)

The JSB issues formal and informal opinions under Articles 28 and 30 of the Decision of the Director implementing the principles of Regulation 45/2001. The formal opinions issued so far relate to:

- Recruitment and selection process
- Staff development and review process
- Recording of incoming calls to Europol's general telephone number
- Flexitime
- Access control (control of access to Europol's headquarters)
- Assessment of cases of staff members eligible for consideration of the granting of indefinite contracts at Europol
- Staff development and review process under EU rules
- Security clearances

Transparency

Transparency is fundamental to our work. As well as presenting our activity reports to the Council of the European Union and to the European Parliament we publish, where possible, our documents on our website⁸ in order to inform the public about our work. Our Rules of Procedure⁹ regulate public access to our documents.

We have also adopted a communication strategy, which governs and aims to improve the way we communicate with our stakeholders, including the public and the media.

JSB impact on supervision at national level

The work of the JSB, as with the other data protection joint supervisory authorities, has a positive impact on data protection at national level. Being composed of data protection experts from each EU Member State's data protection authority provides a two-way benefit: the JSB creates, through the collective knowledge and experience of all Member States' data protection supervisors, harmonised approaches to law enforcement issues. In particular, experience gained during on-site inspections leads to further harmonisation of national practices in assessing data before they are inputted into Europol's files. Joint decisions of the JSB are applied at national level. This is a key advantage of joint supervision.

Based on the experiences of the annual inspections, the JSB started in 2012 a survey on the conditions in place at national level to ensure compliance with the ECD when inputting data into Europol's systems or when sending data to Europol. This survey is ongoing.

⁸ <http://europoljsb.consilium.europa.eu>

⁹ OJ C 45, 23.2.2010, p.2

Other activities

The JSB participated in the Working Party on Police and Justice (WPPJ), an advisory group of European data protection authorities, until the European Privacy and Data Protection Commissioners' Conference (Spring Conference) ended its mandate in 2012. In 2010, the WPPJ adopted - jointly with the Article 29 Working Party - two opinions on the TFTP Agreement.

In 2009 the JSB participated in a joint contribution of the WPPJ and the Article 29 Working Party to the consultation of the European Commission on the legal framework for the fundamental right to protection of personal data.

During the period of time covered by this report, we also contributed to the twinning project with Israel on data protection and law enforcement; expert meetings with the Commission on various data protection issues; and the international data protection conference organised by the Hungarian Ministry of Public Administration and Justice, in cooperation with the European Commission.

The JSB is an accredited member of the Spring Conference and the International Conference of Data Protection and Privacy Commissioners. We actively participate in these annual events, which provide an excellent opportunity to inform and influence, and to exchange knowledge and experience, with the wider data protection community at both European and International level.

V. Looking towards the future

The Lisbon Treaty effect

The Lisbon Treaty abolishes the former three-pillar EU structure and brings justice and home affairs under the umbrella of 'freedom, security and justice'. Its entry into force will lead to the development of one data protection framework across all areas of EU activity, including the former 'third pillar' - the police and judicial cooperation area.

Specific data protection rules exist in the area of police and judicial cooperation. These are set out in the relevant legal frameworks: for example, the ECD, the Eurojust Decision, the Customs Decision, and the Schengen Convention. The rules are designed to take into account the specific, often very sensitive, nature of the data processed, and the possible high risks posed to citizens; they also ensure close supervision of the concerned systems and organisations.

The European Commission presented on 25 January 2012 its proposal for the future EU data protection legislative framework, consisting of a general data protection regulation and a directive for data processing in the area of law enforcement. The proposals are in line with the Commission's communication 'A comprehensive approach on personal data protection in the European Union' of 4 November 2010, which states, 'The Commission stresses that the notion of a comprehensive data protection scheme does not exclude specific rules for data protection for the police and the judicial sector within the general framework, taking due account of the specific nature of these fields'. The Council of the European Union's conclusions on the Commission's communication emphasise 'the need to establish specific data protection rules for the sector of police cooperation and judicial cooperation in criminal matters in conformity with the Charter of Fundamental rights.'

The proposals for the future legal framework will not apply to Europol's law enforcement activities. The Commission is preparing a new legal basis for Europol; that proposal is expected at the end of 2012.

The JSB has participated in the discussion on the future of supervision in the police and judicial cooperation area and will continue to do so. Over the past year, we jointly organised and participated in several plenary meetings with the joint supervisory authorities of the Schengen and Customs Information Systems and the Eurojust Joint Supervisory Body, to specifically discuss this issue.

The JSB Chair and Secretariat are also part of an expert working group set up during the 2011 European Privacy and Data Protection Commissioners' Conference to focus on the future of supervision in the freedom, security and justice area, particularly with regard to what makes supervision effective. The group held its first meeting in June 2011 and meets quarterly.

A possible EU Terrorist finance tracking system

As well as continuing to monitor developments as a result of the Lisbon Treaty, we will also closely watch other relevant developments, including a possible EU Terrorist finance tracking system. The Commission, on request of the Council, recently published details of possible options for such a system and, given the data protection concerns surrounding the TFTP, a lengthy debate on this issue can now be expected to take place. The JSB participated in an expert meeting of the Commission on TFTP on 21 January 2011, and will continue to input into this discussion.

Our day-to-day work

We'll continue to play a proactive role in the discussions on the future EU data protection framework, and to monitor and try to influence other relevant developments. But for now, our day-to-day responsibilities remain the same. We must continue to safeguard citizens' rights - to ensure their protection in relation to Europol's storage, processing and use of personal data. This is where we'll focus most of our energy. Data protection should exist not only on paper; it must be embedded into Europol's day to day work.

VI. Budget

The JSB has its own budget, which is part of the general Europol budget. Under the ECD (as with the Europol Convention) the JSB's Rules of Procedure foresee that the secretariat shall prepare proposals for an annual budget for the JSB which shall be forwarded to the Europol Management Board, prior to the consultation by the Management Board of the JSB on the part of Europol's budget which concerns the JSB. The JSB's opinion shall be annexed to the draft budget. The JSB decides on the disbursement of its budget, which is administered by the secretariat.

The actual amounts allocated to the JSB for the period 2008–2012 were:

Year	Amount
2008	€600.000
2009	€610.000
2010	€564.000
2011	€565.000
2012	€565.000

Of our allocated budget, some 80% is spent on meeting costs (travel and interpretation) and on translation of documents for publication on our website. Our budget contributes to our ability to exercise our functions effectively and in a fully independent manner.

VII. Members list

AUSTRIA

Mr Gregor KÖNIG
Mrs Eva SOUHRADA-KIRCHMAYER
Mr Marcus HILD

BULGARIA

Mrs Marija MATEVA
Mr Veselin TSELKOV

CZECH REPUBLIC

Mrs Miroslava MATOUŠOVÁ

ESTONIA

Mr Andres OJAVER

FRANCE

Mrs Dominique CASTERA
Mrs Dalila RAHMOUNI
Mr Emile GABRIE

GREECE

Ms Eleni MARAGOU
Mr Ioannis LYKOTRAFITIS
Ms Efrosini SIOUGLE

IRELAND

Mrs Eunice DELANEY
Mrs Anne SHERIDAN

LATVIA

Ms Signe PLŪMINA
Ms Aiga BALODE

LUXEMBOURG

Mr Thierry LALLEMANG
Mr Pierre WEIMERSKIRCH
Mr Georges WIVENES

NETHERLANDS

Mr Jacob KOHNSTAMM
Mr Wilbert TOMESSEN
Mr Paul BREITBARTH
Mrs Evelien VAN BEEK

PORTUGAL

Mrs Isabel CERQUEIRA DA CRUZ (Chair until 18.03.13)
Mrs Clara VIEIRA CARDOSO GUERRA
Mr Vasco Rodrigo DUARTE DE ALMEIDA

SLOVAK REPUBLIC

Mr Stanislav ĎURINA
Mrs Zuzana VALKOVÁ

SPAIN

Mr Rafael GARCÍA GOZALO
Mr Manuel GARCÍA SÁNCHEZ

UNITED KINGDOM

Mr Ian WILLIAMS
Mrs Hannah McCAUSLAND

BELGIUM

Mr Willem DEBEUCKELAERE
Mr Bart DE SCHUTTER
Mr Koen GORISSEN
Mr Frédéric CLAEYS

CYPRUS

Mr Yiannos DANIELIDES
Mrs Ioanna ANASTASIADOU
Mr Constantinos GEORGIADIS

DENMARK

Mrs Janni CHRISTOFFERSEN
Mr André DYBDAL PAPE

FINLAND

Mr Reijo AARNIO
Mr Heikki HUHTINIEMI
Mrs Elisa KUMPULA

GERMANY

Mrs Gabriele LÖWNAU
Mrs Angelika SCHRIEVER-STEINBERG
Mr Bernd KREMER
Mr Michael RONELLENFITSCH

HUNGARY

Mr Péter KIMPIÁN
Mrs Julia SZIKLAY

ITALY

Ms Vanna PALUMBO
Mr Giuseppe BUSIA
Mr Antonio CASELLI
Ms Manuela SIANO

LITHUANIA

Mrs Rita VAITKEVIČIENĖ
Mrs Barbara JURGELEVIČIENĖ

MALTA

Mr Joseph EBEJER
Mr David CAUCHI

POLAND

Mr Wojciech WIEWIÓROWSKI
Mr Piotr DROBEK

ROMANIA

Mrs Georgeta BASARABESCU
Mr George GRIGORE
Mr Constantin SIMION

SLOVENIA

Mrs Natasa PIRC MUSAR (Chair since
18.03.2013
Mrs Eva KALAN

SWEDEN

Mr Nicklas HJERTONSSON
Mrs Elisabeth WALLIN
Mrs Cecilia BERGMAN
Mr Jonas AGNVALL

VIII. Legal texts

Council Decision of 17 October 2000 establishing a secretariat for the joint supervisory data protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (2000/641/JHA).

Act No 29/2009 of the Joint Supervisory Body of Europol of 22 June 2009 laying down its rules of procedure (2010/C 45/02).

Council Decision of 6 April 2009 establishing the European Police Office (Europol) (2009/371/JHA).

Annex

"...comments concerning different sections within Chapter IV (Supervision):

- Prior-checking staff data notifications: the Report should describe the approach of both the JSB and the European Data Protection Supervisor concerning the supervision of relevant data;
- Appeals Committee: the Report should indicate the majority required for the Appeals Committee to decide on appeals against Europol's decisions. Moreover, consideration could be given to the appropriateness of noting possible dissenting opinions and to the need for establishing a judicial remedy;
- Annual general inspections and Ad-hoc inspections: the statements "Due to their content, we do not publish our annual inspection reports" and "Due to the strong public interest in –and lack of publicly available information about- this issue [TFTP], we decided to develop and publish a public version of the first inspection report" appear to be inconsistent;
- Resolving citizens' problems: the Report should describe the activities promoted by the JSB to raise the citizens' awareness of their rights in respect of data processing by Europol."