

**Statement of Mr Wilbert B.M. Tomesen to the College of Eurojust at the occasion of the  
College plenary meeting on 6 December 2016**

Mr President, thank you for your kind words and thank you for the honour of receiving the JSB here in your College meeting. I am accompanied by Mr Peter Michael, Data Protection Secretary of the Council. Allow me to give a short introduction on the task of the Joint Supervisory Body (JSB) and a concise overview of some of our recent work.

The JSB was established in Article 23 of the Eurojust Decision as an independent body to monitor the activities of Eurojust involving the processing of personal data. It aims at ensuring that these activities are carried out in accordance with the Eurojust Decision in full compliance with the rights of data subjects. One of the JSB's tasks is to examine appeals from members of the public against decisions of Eurojust on their requests for access to personal data which might be held by the organisation and to find whether this information is being lawfully and accurately processed. In addition, the JSB monitors the permissibility of the transmission of data from Eurojust to third parties and issues opinions on data protection provisions in draft agreements being negotiated between Eurojust and third States or third parties.

The JSB also bears the obligation to carry out controls and audits. Throughout the years, carrying out regular, on-the-spot inspections, the JSB has built up an excellent insight into the core business of Eurojust. The inspections are one of the main tasks of the JSB's monitoring as to whether Eurojust processes personal data in accordance with the Eurojust Decision. The JSB holds - as said - frequent inspections and has carried out several inspections during recent years, covering both the case-related and non-case-related processing operations of Eurojust. And we try to deliver extensive and detailed reports of such inspections including findings and recommendations.

Since the JSB last participated in a meeting of your College, on 22 September 2015, it issued a positive opinion about the revision of Eurojust Security Rules on 1 December. The JSB expressed satisfaction that the Data Protection Service of Eurojust had closely participated in the Working Group on the revision of these Security Rules.

On 13 October, the JSB also issued a positive opinion about the Memorandum of Understanding between Eurojust and eu-LISA.

On 8 January, the JSB issued an opinion on the protection of personal data in the Proposal for a Regulation on the Establishment of the EPPO, the European Public Prosecutor's Office, to be circulated to key policy makers. The JSB emphasised the need to ensure that the Regulation complies with all applicable fundamental data protection principles; that the EPPO efficiently and reliably receives case-related personal data from relevant prosecutorial authorities of Member States and has a secure information technology system to successfully carry out its mandate.

In its Opinion, the JSB considered two main issues: first, access of the EPPO to the CMS; and second, relations of the EPPO with Eurojust. The JSB accordingly drew attention to the need for an integrated supervisory scheme. The JSB underlined that *"Consistency in the data protection supervision of the EPPO is best served by the creation of an independent and effective joint supervisory structure – Cooperation Board – with the equal, structural participation of national authorities and the EDPS. Extensive national experience with how to deal with law enforcement information, as well as thorough and authoritative knowledge of data protection, is essential."*

I would like now, Mr Chair, to say a few words about the inspection report and gladly leave the technical details to the far more experienced gentleman on my side. I also, but then to end my contribution, want to say something once again about the upcoming plans for the EPPO.

As you know, the JSB inspected Eurojust for the sixth time in February 2016. This inspection mainly aimed at checking the follow up to key recommendations made by the JSB in its previous inspection reports of 2013 and 2015 concerning the use of the CMS and the recommendations made in an inspection report concerning the data processing activities of the Human Resources Unit.

Overall, the JSB was favourably impressed by the considerable improvement in Eurojust's common culture since the last inspection in 2015. In particular, concerning the use of the CMS, the JSB found progress in Eurojust's compliance with the obligations pursuant to the Eurojust Decision and the recommendations made by the JSB. In fulfilling the more technical recommendations, the JSB noted the clear and positive approach of Eurojust towards compliance with these recommendations. The JSB drew a similar conclusion on the activities of the Human Resources Unit which has successfully fulfilled most of the recommendations.

The JSB however noted some shortcomings in the processing of data in the CMS. The two final recommendations of the report aim at proposing a possible way forward for Eurojust to try to tackle these weaknesses. A technical meeting between the JSB and Eurojust, similar to the one held in May 2015, will take place on 16 December. The JSB is looking forward to this meeting.

Last but not least, the JSB has already expressed - in addition to the above mentioned opinion on the EPPO - concerns about alarming information regarding the negative impact that the establishment of the EPPO might have on the resources and budget of Eurojust and about the data protection supervisory schemes of both Eurojust and the EPPO. The JSB underscored that the EPPO may not be established to the detriment of Eurojust by compelling it to reduce its human resources whilst assigning additional tasks to Eurojust. Doing so would be inconsistent with the need to increase the level of security and justice to the benefit of all citizens in the EU, in a balanced system, especially in a context where Eurojust already has to deal with an increasing casework with limited budgetary and human resources. Furthermore and even more important, such reduction in combination with additional tasks will most likely negatively affect the capabilities of Eurojust to uphold a strong data protection regime. In a recent letter to Mr Axel Voss, Member of European Parliament, we have underscored these concerns.

Thank you.