

Activity Report
2006

Joint Supervisory Body
of Eurojust

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Foreword

As current chairman of the Joint Supervisory Body of Eurojust, I am pleased to present the fourth activity report of the JSB which outlines the main activities of the JSB in 2006, under the chairmanship of Mr Gustav Maier of Austria during the first six months and Mr Antti Ruotsalainen of Finland in the second half of the year.

I would like to take this opportunity to thank the former and current members of the JSB Troika for their valued contribution to the work of the JSB. I would also like to thank the College and staff of Eurojust, in particular the Data Protection Officer, Ms Diana Alonso Blas, and Ms Fiona Coninx, secretary to the JSB, for their support to the JSB in carrying out its work. It has been - and still is - a great pleasure to work with all of you.

Klaus Tolksdorf

Meetings

The members of the Joint Supervisory Body (hereinafter 'JSB') met on four occasions in The Hague: on 23 February, 27 April, 20 July and 23 November. The plenary meeting of the JSB appointees took place on the morning of 27 April.

Appointees to the JSB

Each Member State has an appointed representative to the JSB and there are twenty-five appointees in total. Mr Carlos Campos Lobo was nominated as the new appointee for Portugal on 21 April to replace Mr José Alexandre Guimarães de Sousa Pinheiro, who had withdrawn from his duties on 31 March.

Budget

The JSB received a budget of € 51 515 for 2006 and a total of € 31 231 was spent. On 27 September € 4 839 was transferred from the JSB budget to another line of Eurojust where additional funds were needed.

JSB 2005 Inspection Report (hereinafter 'Inspection Report')

The Inspection Report, based on the inspection carried out in November 2005, was officially presented to Eurojust on 12 May by Mr Maier, chair of the JSB under the Austrian EU Presidency. Various recommendations were made in the Inspection Report. The JSB was satisfied with Eurojust's approach to deal with the recommendations of the report in two steps. A first draft of Eurojust's reactions to the recommendations was presented to the JSB at their meeting in July. Eurojust's final reactions to the recommendations were presented to the JSB at their meeting in November. On the basis of the recommendations of the Inspection Report, the College and administration of Eurojust have put in place a substantial number of measures to implement the various recommendations.

Data Subject Access Rights

The Inspection Report made the following recommendations: "The Data Protection Officer should establish which authority in each of the member states has responsibility for handling requests for access to personal data held by Eurojust. The DPO should establish a contact point with each of these authorities." The JSB has affirmatively noted that, in accordance with these recommendations, the Data Protection Officer wrote to the main data protection authorities and commissioners within the European Union in October 2006 concerning the access rights of data subjects. This letter explained the role and objectives of Eurojust and the procedure, as stated in Article 21 of the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust and Article 19 of the Eurojust Decision, by which data subjects can exercise their right of access through the data protection authorities. The feedback to this letter has been very promising.

Data Protection Survey

At its meeting of July, the JSB discussed the findings of the annual data protection survey which had been carried out by the Data Protection Officer in June through interviews with the national desks of Estonia, Ireland, France, Lithuania and Finland. It was agreed that the survey had been carried out in accordance with Article 27 of the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust and that its general conclusions were in line with the findings of the Inspection Report.

Case Management System (CMS)

A demonstration of the Case Management System was given during the plenary meeting. The JSB was informed about the improvements of the system in the framework of the E-POC III project as well as of the developments in the case management team.

Eurojust Security Rules

An official security policy was drafted in line with Article 7.3 of the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust. The JSB was consulted regularly during the drafting of this policy. The JSB submitted an official note to Eurojust on 10 May, the comments and recommendations of which were taken on board in the drafting of the policy.

Data Protection Officer

The JSB has worked in close co-operation with the Data Protection Officer, who informed the members of various developments at Eurojust. Mr György Halmos, Seconded National Expert from the Hungarian Data Protection Authority, replaced Ms Alonso Blas during her maternity leave from July to November. An assistant to the Data Protection Officer, Mr Ioannis Ntouvas, was recruited in November. The JSB appreciates the excellent support it has received from Ms Alonso Blas, Mr Halmos and Mr Ntouvas during the year.

Co-operation Agreement between Eurojust and the USA

At all meetings, the JSB was informed about the status of the negotiations for a co-operation agreement between Eurojust and the United States of America, which was officially signed in Washington on 6 November. On behalf of the JSB, Mr Maier submitted some comments and recommendations to Eurojust on 23 March. In this note, the JSB stated its wish not to be involved directly in the negotiation process but to be closely informed about all the important steps and developments of the issue. The JSB submitted an opinion on the final draft to Eurojust on 15 August. In this note, the members were unanimously ready to give a positive opinion on the draft but drew attention to Article 10 (1d) of the draft Agreement, which detailed the limitation on use to protection of personal and other data. The JSB expressed its concern regarding this article insofar as the article referred to the fact that

information or evidence had been made public regardless of whether the release of information had occurred lawfully or unlawfully.

On 4 October the JSB authorised the release of its opinion of 15 August on this co-operation agreement to the Dutch Data Protection Authority in accordance with Article 30 of the Act of the Joint Supervisory Body.

Appeal

The JSB received its first appeal pursuant to Article 19 (8) of the Eurojust Decision. The applicant had contacted Eurojust to request access to any information that Eurojust might be holding on the applicant. Eurojust had replied that all the necessary checks had been made and that Eurojust was not required to comply with the applicant's request. Subsequent to this reply, the applicant lodged an appeal against Eurojust's decision with the JSB Secretariat. This appeal is currently under review by the former Troika (as of the second half of 2006).

Outlook

At its November meeting, the JSB asked Mr Smith, who was responsible for the first Inspection Report, to outline some guidelines for future inspections at Eurojust. The next inspection is planned to take place during the second half of 2007.

At this meeting, it was also proposed to conduct a study visit to Eurojust at the beginning of 2007 in order to help the JSB to become more familiar with the systems and procedures of Eurojust. The Budget & Finance Unit gave its approval for this visit to be funded with money remaining from the 2006 JSB budget.

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