



PETER HUSTINX
SUPERVISOR

Mr. Juan Fernando LÓPEZ AGUILAR
Chairman of the Committee on Civil
Liberties, Justice and Home Affairs
European Parliament
Rue Wiertz 60
1047 Brussels

Brussels, 07 January 2014
PH/AJ/sn/D(2014)0006 C 2014-0008

Subject: Appointment of European Data Protection Supervisor and Assistant Supervisor

Dear Mr López Aguilar,

I am writing to express my serious concerns about the procedure for the selection and appointment of a new European Data Protection Supervisor and Assistant Supervisor. As set out in Article 42 (1) of Regulation (EC) No 45/2001, both are appointed by common accord of the European Parliament and the Council for a term of five years, on the basis of a list drawn up by the Commission following a public call for candidates.

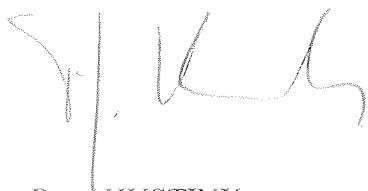
As you know, the mandates of the present team of Supervisors will expire on 16 January 2014. At this stage, it is highly unlikely that the appointment of a new Supervisor and Assistant Supervisor will take place either before or shortly after this date. This opens the perspective of a period of uncertainty as to when the new team of Supervisors will be appointed.

This uncertainty and the possibly long delays that may be involved, as well as their different consequences, are likely to harm the effectiveness and the authority of the EDPS over the coming months. The EU is presently in a critical period for the fundamental rights of privacy and data protection, and a strong mandate is required to provide the authority to ensure that these fundamental rights are fully taken into account at EU level. In this respect, I would recall that the operation of a fully effective independent control authority is an essential feature of that right, as set out in Article 8 of the Charter and Article 16 of the Treaty.

I would therefore urge you to take all the steps necessary to ensure that a new Supervisor and Assistant Supervisor will be appointed as soon as possible.

A similar letter has been sent to Vice-President Šefčovič of the European Commission and to the Greek Presidency of the Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Hustinx', with a stylized flourish at the end.

Peter HUSTINX

Copy: Mr Martin Schulz, President of the European Parliament
Mr Klaus Welle, Secretary-General, European Parliament
LIBE Secretariat, European Parliament