

First Activity Report of the JOINT SUPERVISORY BODY of Eurojust

2003

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FOREWORD

As chairman of the Joint Supervisory Body of Eurojust, I am pleased to present our first Activity Report outlining the activities of the JSB since its establishment in 2003. Up to 30 June 2003, the chairman was Gerasimos Furlanos from Greece and Alphonso Papa from Italy for the latter part of the year.

The Joint Supervisory Body has an important role to play in ensuring that Eurojust balances the rights of the individual regarding personal data held about them, with the important work of Eurojust in its fight against serious cross border crime. On 29 April 2003, representatives attended the Inauguration of Eurojust, which was a very successful event attended by Ministers of Justice from most of the Member States.

The main focus of its first period of activity was to ensure that structures were being put in place at Eurojust to enable it to carry out its functions, while at the same time adhering to the Data Protection requirements. While recognising that Eurojust is in a start up situation, nevertheless, I am pleased to record that the College of Eurojust and staff are conscious of their responsibilities and are making satisfactory progress overall.

I thank the former and current members, from Netherlands and Luxembourg, of the JSB for their contribution to the work of the JSB and also the College and staff of Eurojust who have facilitated our work and provided every cooperation. I look forward to the further development of this constructive and effective relationship in the future.

Joe Meade

*Chairman of the Joint Supervisory Body of Eurojust
and Irish member*

2 March 2004

STRUCTURE OF EUROJUST

A new European Union body of 15 prosecutors and judges, one nominated by each Member State, Eurojust was established by Council Decision of 28 February 2002 to facilitate and improve cooperation and coordination between the competent authorities in EU member states when they are dealing with cross-border investigations and prosecutions of serious trans-national crime. To do so, Eurojust Member's 15 national members require access to significant amounts of information, often of a personal nature relating to suspects, witnesses and victims. It began operations as Provisional Eurojust in Brussels on 1 March 2001 and moved to The Hague in December 2002.

JOINT SUPERVISORY BODY

The task of the JSB is outlined in Article 23 of the Council Decision of 28 February 2002 setting up Eurojust. An independent body, it will monitor the activities of Eurojust in order to ensure that the processing of personal data is carried out in accordance with the Eurojust Decision. It will also hear appeals lodged by individuals who are dissatisfied if Eurojust does not grant them a right of access to personal information as outlined in Article 19 of the Council decision. Members are appointed from each Member State, from which three make up the Joint Supervisory Body, being the member from the state which currently holds the presidency of the European Union and those of the two forthcoming presidencies. Due to a delay by some member states in nominating members, the JSB could not become operational until May 2003 at the earliest.

Rules of Procedure

Rules of Procedure were drafted and adopted in March 2004 by all the members of the JSB in line with the Council decision.

MEETINGS 2003

The Joint Supervisory Body met on three occasions in The Hague during 2003 as well as communicating by email on other occasions when necessary.

- ♦ The first meeting, with the College of Eurojust, took place on 21st May 2003. This being the initial meeting it was very useful in outlining and appreciating the respective roles of the JSB and Eurojust. The JSB emphasized to the College that personal information is received by Eurojust in the course of their coordinated investigations and must be subject to data protection rules. The body should not be seen as a burden to Eurojust in its endeavours to investigate and improve prosecution of serious cross-border crime; however, clarity and lines of demarcation must be put in place as soon as possible, where personal data is concerned. Eurojust confirmed that priority would be given to the appointment of a Data Protection Officer who would oversee the case filing system and database, and would draw up Data Protection Rules. Following a proposal from OLAF, the body charged with tackling fraud within the European Community institutions, a Memorandum of Understanding has been drawn up to improve cooperation between the two bodies. The draft agreement with Europol would be revised to take into account the comments of the JSB of Eurojust as well as comments made by the JSB of Europol. An agreement with Norway and Europol was already in place and it was suggested that a generic model along the lines of this agreement, suitably adapted for Eurojust requirements, be established to be used in future agreements with other countries.

- ♦ A second meeting took place on 14th October 2003 at which Eurojust was pleased to introduce Diana Alonso Blas who has been appointed as Data Protection Officer. Examples of cases were presented to the JSB to give them more background on Eurojust casework as well as an outline of plans being made to computerize work procedures. The JSB were updated on the progress of the agreement with Norway which will be based on the Europol agreement with Norway. It was agreed that information on the activities of the JSB should be available on the website in due course.

A second meeting took place on 14th October 2003

AGREEMENT WITH EUROPOL

A meeting took place on 31st July with the JSB of Europol, representatives from Europol and Eurojust and the EU Council. As a result, the draft agreement for cooperation between Europol and Eurojust was subsequently revised to the satisfaction of both JSBs. The agreement envisages the transfer of information from Eurojust to Europol spontaneously or on motivated request. This agreement will be formalized in 2004.

APPEALS

No appeals were received during 2003.

APPOINTMENT OF THE DATA PROTECTION OFFICER

One important development during the year has been the appointment of a Data Protection Officer for Eurojust. The JSB were pleased to learn that Ms. Diana Alonso Blas, LL.M. (European Law) took up the position in November 2003. Before her commencement with Eurojust, Ms. Alonso Blas was an official at the Data Protection Unit of DG Internal Market at the European Commission and closely involved with the Article 29 Working Party. Prior to this, she carried out several data protection comparative research projects for the European Commission. She acted as privacy expert for the Belgian Data Protection Authority and Senior International Officer with the Dutch Data Protection Authority. She will, as a priority, draft Data Protection Rules, which will be discussed with the JSB, and anticipates that definitive rules will be in place during the first half of 2004.

SECRETARIAT

In accordance with Article 32(10) of the Eurojust Decision, a Secretariat has been established, the costs of which will be met by Eurojust. As an interim measure, Ms. Catherine O'Doherty will provide secretarial support to the Joint Supervisory Body, under the direction of the Chairman. The JSB expresses its appreciation for the excellent assistance provided by her.

BELGIUM	Mrs. Nicole LEPOIVRE
GERMANY	Mr. Klaus TOLKSDORF
DENMARK	Mrs. Lena ANDERSEN
GREECE	Mr. Gerasimos FOURLANOS
SPAIN	Mr. José Luis PIÑAR MAÑAS
FRANCE	Mr. Didier GASSE
IRELAND	Mr. Joseph MEADE
ITALY	Mr. Alfonso PAPA
LUXEMBOURG	Mrs. Lotty PRUSSEN
NETHERLANDS	Mr. Ulco. VAN DE POL
AUSTRIA	Dr. Gustav MAIER
PORTUGAL	Mr. José A. GUIMARÃES DE SOUSA PINHEIRO
FINLAND	Mrs Hagar Gabriela NORDSTRÖM
SWEDEN	Mr. Hans FRENNERED
UNITED KINGDOM	Mr. Richard THOMAS

Former Appointees in 2003:

FRANCE	Mr. MICHEL GENTOT
PORTUGAL	Mr. MÁRIO MANUEL VARGES GOMES