



Rome, 31 October 2007

Mr. Alberto Bernardes Costa
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Cc. Mr. Antonio Delicado
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Dear Mr. Bernardes Costa,

I am writing to you in my capacity as Chair of the Working Party on Police and Justice, which has been mandated by the Conference of the European Data Protection Authorities to monitor the developments in the area of law enforcement to face the growing challenges for the protection of individuals with regard to the processing of their personal data.

The WPPJ met on 17 October last to analyse the current status of the proposal for a draft Council framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. In the light of the envisaged discussion in the next JHA Council of November 8th and 9th and the possible adoption of the current text, I attach the comments of the WPPJ illustrating the main issues of concern in this connection.

The comments, considering the final stage of the discussion, focus on the points considered most crucial by all the data protection Authorities represented in the WPPJ; they are mainly related to the current wording of articles 3, 12 and 17.

I wish to reiterate that both the WPPJ and myself are ready to provide more in-depth contributions as well as concrete suggestions for amending the draft so as to bring it more thoroughly into line with the existing European standards.

I am fully aware of the complex discussions taking place within the Council in this sector, and I regret that European data protection authorities have not yet found a suitable opportunity for highlighting their doubts and concerns in respect of the draft in question.

Let me also draw your attention to the need for the framework decision to provide for setting up a forum of national and European supervisory authorities in order to ensure its harmonised application, with particular regard to the harmonised assessment of the adequate level of protection in transfers to third countries, as per the criteria introduced in Article 14. The text of the proposed decision in its latest available version (16 October) does not contain a provision on this point any longer, nor is a reference thereto made in the declaration on the establishment of a joint supervisory authority that has been appended.(Annex II).

I trust the Portuguese Presidency will take due account of the above considerations in view of the decision to be made on such an important piece of legislation, which impacts deeply on European citizens' fundamental rights. A copy of this communication will be also sent to the President of the European Parliament and the Chair of the LIBE Parliamentary Committee as well as to the Vice-President of the European Commission.

Yours Sincerely,

Francesco Pizzetti
Chairman, Working Party on Police and Justice



Rome, 31 October 2007

Mr. Rui Pereira
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Cc. Ms. Rita Faden
Ministry of the Interior
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P-1149-015 Lisboa
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Dear Mr. Pereira,

I am writing to you in my capacity as Chair of the Working Party on Police and Justice, which has been mandated by the Conference of the European Data Protection Authorities to monitor the developments in the area of law enforcement to face the growing challenges for the protection of individuals with regard to the processing of their personal data.

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Chairman, Working Party on Police and Justice

