



PETER HUSTINX
SUPERVISOR

Mr. Juan Fernando López Aguilar
Chair
LIBE Committee
European Parliament
B-1047 Brussels

Brussels, 15 March 2013
PH/HH/et D(2013)539C-2013-0253
"Please use edps@edps.europa.eu for all
correspondence"

Subject: Data protection reform package

Dear Mr López Aguilar,

In view of the debate that will take place in the Civil Liberties, Justice and Home Affairs Committee on 20 March 2013 on the data protection reform package, I send you a note with additional comments on a selected number of topics.

As you know, on 7 March 2012 the EDPS issued an extensive opinion on the reform package. Equally, the Article 29 Working Party, of which he is a member, adopted an opinion on 23 March 2012, followed by various additional contributions.

The attached note builds on the opinion of 7 March 2012, and also takes into account the contributions of the Article 29 Working Party. In relation to specific topics where, in our view, additional clarification is needed, this note should primarily be seen as a reaction on a number of amendments proposed within your Committee, as well as in other committees of the European Parliament. I hope the note will also be helpful for the debates in Council and for the discussions on the reform package in general. Given the fact that the amendments to the proposed Directive only became available very recently, our comments on this part of the package should be considered as a preliminary reaction.

It is of the utmost importance to ensure that the outcome of the negotiations in the European Parliament and the Council delivers a high level of data protection and guarantees at all points that the existing level of protection in the European Union is fully respected. In addition, the new framework must contain mechanisms to ensure effective compliance with the principles in practice. The note therefore advises against any amendment that would not be in line with

these two points of departure. Additionally, it focuses on a number of points where in our view it is necessary to enhance the existing level of protection.

Finally, we very much welcome the fact that the debate on the reform package is held with so much effort and engagement of all institutions involved. We are convinced that this will make it possible to adopt the necessary instruments that really improve the legal framework for data protection, an improvement that is both needed and urgent.

A copy of this letter and its annex will also be sent to Ms Viviane Reding, Vice-President of the European Commission and to the President of the Council of the European Union.

Yours sincerely,

Peter HUSTINX

Annex: Additional comments on the data protection reform package

cc: Mr Jan Albrecht, MEP, Committee on Civil Liberties, Justice and Home Affairs
Mr Dimitrios Droutsas, MEP, Committee on Civil Liberties, Justice and Home Affairs
Mr Antoine CAHEN, Head of Unit, Committee on Civil Liberties, Justice and Home Affairs