

## ARTICLE 29 Data Protection Working Party



Brussels, 23 January 2014

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

Subject: Appointment of European Data Protection Supervisor and Assistant Supervisor

Dear Mr López Aguilar,

I am writing to you as Chairman of the Article 29 Working Party to express my serious concerns regarding the state of the selection and appointment procedure for a new European Data Protection Supervisor and Assistant Supervisor and its provisional outcome.

The current stalemate and uncertainty is not only unfortunate, but also harmful considering the relevance and importance of data protection in these crucial times and the fact that esteemed members of the European data protection community are involved in the procedure.

The untimely start of the procedure in the middle of the summer and significant doubts as to its proper preparation and implementation have resulted in a situation in which the care with which such important procedures should be handled, was not adequately ensured. This is a situation that could – and should - have been avoided.

Furthermore, for the position of European Data Protection Supervisor, or Assistant Supervisor, the ability to listen, judge and consequently communicate on all issues related to data protection in a careful, independent and impartial manner is essential. The assessment applied in the procedure should therefore not primarily be focussed on management skills in an EU administration, but should adequately take account of the special features of these positions, which are more comparable to the position of judges than of senior Commission officials.

In order to avoid further harm and uncertainty, an in-depth and thorough evaluation of the procedure followed should be carried out, also to avoid that the candidates involved would unnecessarily question their qualifications and expertise. This should however in no way hinder a timely decision regarding the selection and appointment of both the European Data Protection Supervisor and the Assistant Supervisor.

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental rights and Union citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No MO59 02/34

Website: [http://ec.europa.eu/justice\\_home/fsj/privacy/index\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm)

Considering the political and economic relevance of data protection in today's society and the crucial role of the European Data Protection Supervisor now and in the future, also in relation to the Article 29 Working Party and its intended successor, it is of utmost importance that the EDPS as an institution is stable and independent. I therefore urge the Commission, the Parliament and the Council to ensure that a solution to the current highly deplorable situation is found as soon as possible.

Yours sincerely,  
On behalf of the Article 29 Working Party,

A handwritten signature in black ink, consisting of a large, sweeping loop on the left and several smaller, more intricate strokes on the right, all contained within a single, continuous line.

Jacob Kohnstamm  
Chairman

A letter in identical terms is being forwarded to Mr Šeřčovič and .Mr Sotiropoulos.

CC Vice-President Viviane Reding  
CC President of the European Parliament Martin Schultz  
CC Minister of Justice of Greece