

ARTICLE 29 Data Protection Working Party



Brussels, 15 April 2013

Mr Stefano Manservigi
Director-General
DG Home Affairs
European Commission
1049 - BRUSSELS

Dear Mr Manservigi,

Thank you for your letter dated 8 April 2013, in which you summarize the conclusions drawn during our open and constructive meeting last month on the follow up of the second Joint Review of the EU-US TFTP Agreement.

Now that the points of discussion between the Article 29 Working Party (WP29) and the European Commission have been resolved, I can confirm that WP29 is ready and willing to resume its participation in the oversight mechanism of the TFTP Agreement. This includes the finalisation of the uniform application procedures for data subjects to exercise their rights under the Agreement, as well as of course the third Joint Review. In selecting the experts to take part in this Review, WP29 will take due account of the experience of the second Joint Review as well as the provisions of the Agreement.

At this time, the WP29 does not see the need to further formalise its role under the Agreement in the form of a Code of Conduct. I am convinced that the lessons learned will be sufficient to avoid future misunderstandings, especially if the review modalities including the requirements which the members of the team should fulfil are agreed by the Review team in advance. Should however in the future any new problem arise in relation to the oversight mechanism of the TFTP Agreement, I urge you to ensure that the Chairman of WP29 – or its successor – is contacted in order to find a solution, before any public statement is made by or on behalf of the European Commission.

A copy of this letter will be sent to Mr López Aguilar, chairman of the European Parliament's Civil Liberties Committee.

Yours sincerely,

Jacob Kohnstamm
Chairman

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, B-1049 Brussels, Belgium, Office No LX-46 01/190.

Website: http://ec.europa.eu/justice/policies/privacy/index_en.htm