

EDPS Statement on GDPR Evaluation: Stronger European Solidarity Needed for Enforcement



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European Law Forum: Prevention • Investigation • Prosecution

News

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The European Data Protection Supervisor (EDPS), *Wojciech Wiewiórowski*, welcomed the European Commission's review of the General Data Protection Regulation (GDPR – [see separate news item](#)). In a [statement issued on 24 June 2020](#), he especially agrees that the GDPR has strengthened the fundamental right to data protection and contributed to raising awareness about the importance of data privacy, both within the EU and in other parts of the world. He also shares the Commission's view that consistent and efficient enforcement of the GDPR remains a priority. The EDPS points out that resources available to the national data protection authorities (DPAs) are sometimes still insufficient, and disparate legal frameworks and national procedural laws lead to discrepancies. The EDPS calls for strengthening solidarity and reinforcing cooperation with the [European Data Protection Board](#) (EDPB) and other related actors. He proposes setting up a Support Pool of Experts within the EDPB. This initiative could provide support to DPAs on complex and resource-demanding cases – a genuine expression of European solidarity and burden sharing. (TW)

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Commission: Aligning Justice and Home Affairs Instruments with Law Enforcement Data Protection Directive

On 24 June 2020, the Commission presented a [Communication](#) in which it identifies ten legal acts from the former third pillar *acquis* that should be aligned with [Directive \(EU\) 2016/680](#) “on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA” (also dubbed the Data Protection Law Enforcement Directive – “LED,” see eucri 1/2016, p. 78).

The Commission reviewed a total of 26 legal Union acts that entered into force before 6 May 2016 in the field of judicial cooperation in criminal matters and police cooperation, which initially remained unaffected by the LED (cf. the “grandfather” clause in Art. 60 LED). Art. 62 LED, however, requires the Commission to examine possible alignments and, if necessary, to propose amendments to these acts in order to ensure a consistent approach to the protection of personal data in law enforcement cooperation. The ten acts that should be aligned are:

- The FD on joint investigation teams;
- The Council Decision on exchange of information and cooperation concerning terrorist offences;
- The FD on exchange of information between law enforcement authorities;

- The Council Decision on cooperation between Asset Recovery Offices;
- The Prüm Decisions;
- The Council Decision on the use of information technology for customs purposes;
- The Mutual Legal Assistance Agreement with Japan;
- The Directive on the European Investigation Order;
- The Directive on exchange of information on road safety-related traffic offences;
- The Directive on the use of passenger name records (PNR).

The Communication does not say whether and when it is going to make legislative proposals to amend the identified acts.

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