



**5080/01/EN/Final  
WP 52**

**DECISION 1/2001**

**on the participation of representatives of Data Protection Supervisory Authorities  
from the candidate countries in Article 29 Data Protection Working Party meetings**

**Adopted on 13 December 2001**

The Working Party has been established by Article 29 of Directive 95/46/EC. It is the independent EU Advisory Body on Data Protection and Privacy. Its tasks are laid down in Article 30 of Directive 95/46/EC and in Article 14 of Directive 97/66/EC. The Secretariat is provided by:

The European Commission, Internal Market DG, Functioning and impact of the Internal Market. Coordination. Data Protection.  
B-1049 Brussels - Belgium - Office: C100-6/136  
Phone: (+32-2) 299.27.19, switchboard 299.11.11. Fax: 296.80.10  
Internet address: [http://europa.eu.int/comm/internal\\_market/en/dataprot/wpdocs/index.htm](http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/index.htm)

## DECISION

### **on the participation of representatives of Data Protection Supervisory Authorities from the candidate countries in Article 29 Data Protection Working Party meetings**

#### THE WORKING PARTY ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup>, and in particular Articles 29 and 30 paragraphs 1 (a) and 3 thereof,

Having regard to the Rules of Procedure of the Working Party<sup>2</sup>, and in particular Article 9 paragraph 1 thereof,

Whereas:

- (1) The enlargement of the European Union is one of the most ambitious projects in the Union's history. The prospect of a Union stretching to the whole continent has become even more tangible with the Treaty of Nice, which laid out the institutional amendments required to enable the Union to receive the applicant countries that were ready from the end of 2002. The process for enlargement currently embraces the following thirteen applicant countries: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic, Slovenia and Turkey.

The Community's strategy for enlargement comprises, on the one hand, accession negotiations, based on the principle that the *acquis communautaire* – including Directive 95/46/CE - will be applied on accession; and on the other hand, a reinforced pre accession strategy designed to ensure that the candidate countries adopt and apply as much as possible of the *acquis* in advance of membership. In particular, one of the objectives of the pre-accession strategy is to familiarise the applicants with Union policies and procedures, through the possibility of their participation in Community programmes<sup>3</sup>. This objective, confirmed by the Luxembourg European Council in December 1997<sup>4</sup>, was subsequently more narrowly specified by the Commission in its Communication to the Council on the participation of candidate countries in Community programmes, agencies and committees<sup>5</sup>. While the Commission recognised there that countries not yet members of the European Union should not participate in any decision-making mechanism, it nevertheless stressed that it is in the interest of the European Union to involve candidate countries in the machinery by which the *acquis* is developed,

---

<sup>1</sup> OJ L 281, 23.11.1995, p. 31, available at:  
<http://europa.eu.int/comm/privacy>

<sup>2</sup> Adopted by the Working Party at its third meeting held on 11.9.1996

<sup>3</sup> Commission Communication to the Council of 15 July 1997 'Agenda 2000: For a stronger and wider Union', COM(97) 2000

<sup>4</sup> Luxembourg European Council, 12 and 13 December 1997, Presidency Conclusions, point 20

<sup>5</sup> Commission Communication to the Council of 20 December 1999 on the participation of candidate countries in Community programmes, agencies and committees, COM(99) 710

so as to ensure its more effective application in those countries, and to familiarise them with Community procedures. The Working Party fully shares the Commission's views.

- (2) The Article 29 Working Party has advisory status and acts independently. Its duties include examining any question covering the application of the national measures adopted under Directive 95/46/EC in order to contribute to the uniform application of such measures. In that regard, the opportunity for representatives from the candidate countries to follow the deliberations of the Working Party by attending its meetings as observers would be an effective means among others for pursuing the objective described above;
- (3) The Article 29 Working Party is composed of a representative of the supervisory authority or authorities designated by each Member State and of a representative of the authority or authorities established for the Community institutions and bodies, and of a representative of the Commission. Accordingly, participation of candidate countries in Working Party meetings should be limited to those countries where a supervisory authority responsible for monitoring the application of data protection legislation exists;
- (4) It is desirable that representatives of data protection supervisory authorities from the candidate countries should have the possibility to intervene in the Working Party's discussions meetings with comments or questions, but not take part in any vote. They should be bound by the obligations set out by the rules of procedure for the Working Party, in so far as these are applicable, and in particular by Article 11 thereof;
- (5) The necessary arrangements must be found to ensure that the Working Party continues to carry out its duties in an effective way. It is necessary in particular that the Chairman should retain the discretion to designate the agenda items where observers from candidate countries may be invited to participate;
- (6) The human and financial resources of the Member States' supervisory authorities and those of the Commission for sharing the costs of attendance and for organising meetings are limited. The attendance of representatives from the candidate countries needs to be organised in such a way not to affect these resources so that the Working Party can continue to work at its present rhythm;
- (7) The participation of representatives from candidate countries in the Working Party meetings is without prejudice to the accession negotiations, and in particular the screening of legislation in applicant countries, which is carried out by the Commission;

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The Chairperson of the Working Party may invite representatives of data protection supervisory authorities from the 13 candidate countries for membership of the European Union to participate in Working Party meetings. The necessary arrangements for that purpose will be made by the Secretariat.

*Article 2*

Representatives of data protection supervisory authorities from the candidate countries shall have the status of observers at Working Party meetings. They may participate in the discussions of the Working Party, but are not entitled to take part in any vote.

*Article 3*

When approving the draft agenda, the Chairperson of the Working Party shall indicate the items for which representatives of the data protection supervisory authorities of the candidate countries may be present.

Done at Brussels, 13 December 2001

For the Working Party  
*The Chairman*  
Stefano RODOTA