

EUROPEAN DATA PROTECTION SUPERVISOR

Executive Summary of the Opinion of the European Data Protection Supervisor on the Amendment to the Commission proposal COM(2011) 628 final/2 for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (hereinafter: 'the Amendment')

(The full text of this Opinion can be found in English, French and German on the EDPS website: <http://www.edps.europa.eu>)

(2013/C 100/04)

I. Introduction

I.1. Consultation of the EDPS

1. On 25 September 2012, the Commission adopted the Amendment to the Commission proposal COM(2011) 628 final/2 for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (hereinafter: 'the Amendment'). The Amendment to the Commission proposal was sent to the EDPS for consultation.

2. Before the adoption of the Amendment, the EDPS was given the possibility to provide informal comments. Previously, the EDPS had issued an Opinion on the legislative proposals on the future of the common agricultural policy (hereinafter: 'the CAP')⁽¹⁾.

I.2. Context of the Amendment

3. In the *Schecke* ruling⁽²⁾, the ECJ declared invalid certain provisions on the publication of information of natural persons which were beneficiaries of CAP funds. The Amendment adds a new chapter on transparency to the Proposal for a Regulation on the financing, management and monitoring of the CAP⁽³⁾. The chapter contains new provisions on the publication of beneficiaries of CAP funds which try to take into account the ECJ judgment in the *Schecke* case.

IV. Conclusion

20. The EDPS welcomes the effort of the Commission in striking a balance between the principle of transparency and the beneficiaries' rights to privacy and personal data protection.

21. However, he recommends the following:

- applying the exemption from publication for beneficiaries below the threshold only to natural persons (Article 110b);
- better justifying in recital 70c why other less intrusive measures would not fulfil the purpose of transparency and why other ways of publication have been considered less appropriate;
- including an additional provision to ensure that in case of small communities only aggregated data are published;

⁽¹⁾ See the Opinion of the European Data Protection Supervisor on the legal proposals for the common agricultural policy after 2013 (OJ C 35, 9.2.2012, p. 1).

⁽²⁾ ECJ, 9.11.2010, *Schecke and Eifert*, Joined Cases C-92/09 and C-93/09.

⁽³⁾ Proposal for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (COM(2011) 628 final).

- justifying in the Preamble the duration chosen in Article 110a(3) for the publication of the data;
- complement the information to be provided to data subjects in Article 110c.

Done at Brussels, 9 October 2012.

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