



PETER HUSTINX
SUPERVISOR

Mr José Manuel BARROSO
President of the European Commission
1049 Brussels

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Subject: General Report on the activities of the European Union

Dear Mr President,

I am writing to thank you for the “General Report on the Activities of the European Union” of 21 January 2014. The report contains an impressive list of achievements of the last full year of the present Commission’s term. But even more importantly, it also articulates a number of challenges which will continue to shape the EU activities in the years to come.

Two themes in particular stand out: Firstly, the growing importance of the digital economy, both as a source of the growth and jobs that EU Member States so acutely need and as the inspiration behind a number of important legislative initiatives. Secondly, the impact of the EU Charter of Fundamental Rights which became legally binding with the entry into force of the Lisbon Treaty.

Online services are developing at a breath-taking pace. In part, this is due to the creativity and business acumen of designers and developers. While consumer demand remains the key impetus, we should not forget that the information which individuals disclose about themselves - sometimes knowingly, usually not – while using those services also plays an important role. For this reason, it is absolutely essential that the on-going reform of the EU Data Protection framework is concluded swiftly, thus ensuring modern, clear, and uniformly applied rules for online and traditional markets alike are in place. I am hopeful that the strong endorsement of the compromise text expressed by the European Parliament last March will spur justice ministers to agree on a general position at their next meeting in June.

Personal information has become a form of currency to pay for so-called “free” online services, a valuable intangible asset and, increasingly, a source of market power for the biggest players in the global internet services markets. Our recent *preliminary opinion on Privacy and competitiveness in the age of big data: The interplay between data protection, competition law and consumer protection* sets out to explore the gaps in those EU policies that do not seem to have kept up with this development and to identify synergies and opportunities for a closer dialogue between regulators in order to achieve the common goal of growth, innovation and the promotion of welfare of individual consumers. To this end, the

EDPS will facilitate discussions among experts and practitioners from the EU and the US, starting with a workshop in Brussels on 2 June, including a number of experts from the relevant Commission services.

The Charter of Fundamental Rights – which includes the right to respect for private and family life (Article 7) and the right to the protection of personal data (Article 8) - has indeed become an important point of reference in EU law making, both for the EU Institutions when proposing and adopting EU legislation, and for the EU Courts when reviewing its legality. The recent judgment of the Court of Justice of 8 April 2014 invalidating the data retention directive 2006/24/EC is a particularly telling case in point. The EDPS will continue providing advice to the Commission, as well as to the other Institutions at all stages of the legislative process, so as to ensure that new EU legislation is proposed and adopted in compliance with the Charter.

Yours sincerely,

(signed)

Peter HUSTINX

Cc. Ms Viviane REDING, Vice-President, European Commission
Ms Catherine Day, Secretary-General, European Commission
Ms Françoise LE BAIL, Director-General, DG JUSTICE
Ms Marie-Hélène BOULANGER, Head of Unit Data Protection, DG JUSTICE
Mr Philippe RENAUDIÈRE, Data Protection Officer, European Commission