

PETER HUSTINX
SUPERVISOR

Mr Stefano MANSERVISI
Director General
Directorate-General Home Affairs
European Commission
BRU-LX46 06/105
B-1049 Brussels

Brussels, 6 July 2011
PH/OL/kd D(2011)1251 C 2011-0347

Subject: Comments on the Commission's Communication "Fighting Corruption in the EU" and the Commission Decision establishing an EU Anti-corruption reporting mechanism for periodic assessment

Dear Mr Manservisi,

I am writing with reference to the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on "Fighting Corruption in the EU"¹ as well as to the Commission Decision establishing an EU Anti-corruption reporting mechanism for periodic assessment ("EU Anti-corruption Report").²

Further to Article 41(2) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, I would like to send you a few comments on these documents.

We appreciate that we have been consulted on these documents before their adoption and we are pleased to see that some of the suggested changes have been taken aboard in the final versions. However, we would still like to make two comments.

The Communication refers to a planned strategy to strengthen the quality of financial investigations and to develop financial intelligence which is to be shared between the competent authorities within Member States, between Member States and EU agencies, as well as at the international level. We encourage the Commission to ensure that this strategy will pay adequate attention to data protection concerns and will closely follow this dossier, as well as the work done on the revised legal framework on confiscation and asset recovery.

¹ COM(2011)308, ("the Communication")

² C(2011)3673

Additionally, we suggest that Article 2 (b) of the Commission Decision establishing an EU Anti-corruption reporting mechanism for periodic assessment, which establishes that the EU Anti-corruption report shall - among other objectives - "identify [...] best practices", should be interpreted as including best practices regarding data protection in anti-corruption investigations.

Please do not hesitate to contact the EDPS in case you wish to discuss this issue further or need further assistance with regard to this matter.

Kind regards,

(signed)

Peter HUSTINX