

WRITTEN QUESTION P-1054/09  
by Catherine Boursier (PSE)  
to the Commission

Subject: Establishment of a 'group of experts' concerning the revision of Directive 95/46/EC on data protection

The Commission has decided to set up a 'group of experts' to deliberate the revision of Directive 95/46/EC<sup>1</sup> of 24 October 1995 on the protection of personal data; the aim of this is to be able to meet the new challenges relating to the protection of personal data in Europe, in view of the development of new technologies and globalisation.

Accordingly, in the words of the 'Call for expressions of interest' issued by the Commission, this group should 'assist the Commission in its reflection on the need for new legislative proposals and to make a practical contribution for their preparation'. This group would also be asked to address the issue of data protection in the key areas of EU competence under the third pillar.

However, the profile of the members of this group of experts raises some very serious questions. The group is, in fact, made up of five individuals, four of whom are either from US firms – Google and Intel (California) – or from law firms that are also based in the United States: Covington & Burling LLP (Washington DC), Hunton and Williams (Virginia). Only one member is from Europe – the chair of the Dutch authority who, as vice-chair of the group, represents the working party under Article 29.

This directive is the legal framework which protects the individual rights of EU citizens with regard to their personal data. Do you therefore consider it legitimate for 4/5 of a group of experts that are responsible for reflecting on powers relating to the 'third pillar', and hence to sovereignty, to consist of leading figures representing US private interests?

Could you specify the reasons which led you to choose these experts rather than other European public figures who would surely have been equally competent?

Lastly, could you say whether the European Parliament will be kept informed of the activities of this group of experts and what steps the Commission intends to take in this decision-making process?

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<sup>1</sup> OJ L 281, 23.11.1995, p.31.