Common agricultural policy CAP: financing

2007/0045(CNS) - 10/04/2007 - Document attached to the procedure

Opinion of the European Data Protection Officer on the proposal for a Council Regulation amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy.

The EDPS has been following, with a matter of interest, development leading to the adoption of this proposal and welcomes the Commission's decision to mention the EDPS in its preamble to the proposal. To recall, the EDPS issued an Opinion on 12 December 2006 regarding proposals to amend the Financial Regulation applicable to the general budget of the European Communities and its implementing rules. In this opinion, the EDPS supported the inclusion of the transparency principle in the legislation, with due respect to Directive 95/46/EC and Regulation (EC) 45/2001 but advised that a proactive approach to the rights of the data subjects should be respected, given that personal data will be disclosed. This approach could consist of informing the data subjects beforehand, at the time the personal data has been collected, that such data will be made public, and of ensuring that the data subject's right of access and right to object, are respected. This principle should also apply to the *ex post* publication of beneficiaries.

In the more general context of developing a proactive approach on transparency and the provisions of the Financial Regulation and its Implementing Rules, the EDPS draws the Council's attention to a proposed change in the text on informing data subjects about the processing of their personal data. Given the enormous number of possible data subjects, some institutions and bodies involved in this process may find it impossible to fulfil this obligation. An alternative, therefore, would be to exempt auditing institutions and bodies from informing those data subjects, who are already in possession of this information. The EDPS reminds the Council that the European Parliament has taken this suggestion into account by introducing an Article 43a in its legislative resolution adopted in February 2007 (see CNS/2006/0900).

Based on the above reasoning, the EDPS would find it most appropriate to include this amendments relating to beneficiaries in the current proposal.