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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council

Subject: Decision of the European Parliament and of the Council appointing the European Data Protection Supervisor
- Adoption

1. According to Article 53(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, the European Parliament and the Council shall appoint the European Data Protection Supervisor ('EDPS') by common accord for a term of five years, on the basis of a list drawn up by the Commission following a call for candidates. The shortlist shall consist of at least three candidates.
2. Decision (2014/886/EU) of the European Parliament and of the Council appointing the European Data Protection Supervisor and the Assistant Supervisor expires on 5 December 2019¹.

¹ OJ L 351, 9.12.2014, p. 9

3. The vacancy of the EDPS was published on 11 April 2019². The closing date for registration of candidates was on 16 May 2019.
4. On 30 October 2019, the Commission submitted a shortlist with three candidates³ to the Council and the Parliament.
5. At its meeting on 20 November 2019, Coreper organised a hearing of the three candidates.
6. At its meeting on 22 November 2019, Coreper proceeded to a secret ballot to express its preference for a ranking of the shortlisted candidates. The Presidency thereafter informed the European Parliament of the outcome of the secret ballot whereby Mr Wiewiórowski is the preferred candidate of the Council.
7. On 25 November 2019, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament organised a hearing of the shortlisted candidates.
8. On 27 November 2019, the Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament informed the Council of the name of their preferred candidate who is Mr Wiewiórowski.
9. On 28 November 2019, the decision as finalised in doc.13951/19 appointing Mr Wiewiórowski was adopted by the Conference of Presidents of the European Parliament.
10. By letter of 29 November 2019, the European Parliament informed the Council of such a decision and noted that the common accord on the selection and appointment of Mr Wiewiórowski was established between the two institutions.
11. The Decision of the European Parliament and of the Council appointing the European Data Protection Supervisor has been finalised by the Legal-linguistic experts. The finalised text is set out in doc. 13951/19.

² OJ C 135 A, 11.4.2019, p. 1.

³ Doc. 13289/19

12. The Permanent Representatives Committee is accordingly invited to recommend that the Council

- adopts, as an 'A' item of the agenda of one of its forthcoming sessions, the Decision appointing the European Data Protection Supervisor, as set out in 13951/19.

The Decision will be published in the OJ in accordance with applicable rules and will enter into force on 5 December 2019.
