



Re: Call to the High-Level Group on Access to Data for Effective Law Enforcement for greater transparency and participation of all stakeholders.

Dear Sir, / Dear Madam,

I refer to your letter “Call to the High-Level Group on Access to Data for Effective Law Enforcement for greater transparency and participation of all stakeholders” from the 10th of January 2024 and apologise for the delay in our response.

The High-Level Group on access to data for effective law enforcement remains firmly committed to creating and maintaining a collaborative and inclusive environment for stakeholders and experts from all relevant sectors, in line with Article 2(a) of the Commission Decision C(2023)3645 of 6 June 2023 ⁽¹⁾. This commitment underscores the group’s dedication to fostering a balanced representation of interests through the selection of non-institutional stakeholders, which may be invited for their specific expertise to take part in the group’s work on an ad-hoc basis and if deemed necessary, as provided in Article 7 of the aforementioned Decision and Point 7 of the High-Level Group’s Rules of Procedure ⁽²⁾.

Regarding the invitation of “industry players”, we would like to reiterate that the High-Level Group may, with respect to the agenda items under discussion, invite various groups of relevant non-institutional stakeholders, including, but not limited to, representatives of non-governmental organisations, academia, and the private sector. We highly valued the input of civil society representatives during the Public Consultation Meeting on 20 February 2024 and take all contributions that we have received since the group’s commencement, both orally and in writing, into account. Considering industry’s pivotal role in the digital era, as well as the problem categories and underlying drivers and legal constraints that have been identified by the group’s experts, it was essential to further explore avenues in collaboration with the private sector.

We share with you the premise that public security can only be attained in full respect of the EU Charter for Fundamental Rights, and the fundamental rights proscribed therein. Respect for and protection of fundamental rights, as codified in Article 2 of the Treaty of

⁽¹⁾ Commission Decision C(2023) 3647 of 6.6.2023 setting up a high-level group on access to data for effective law enforcement: [Commission Decision setting up a high-level group on access to data for effective law enforcement en.pdf \(europa.eu\)](#), p.4.

⁽²⁾ Rules of Procedure of the high level group on access to data for effective law enforcement: [b47016b7-98f7-4846-99b1-68d073f5bfca_en \(europa.eu\)](#), p.2.

the European Union ⁽³⁾, form the very basis for effective law enforcement. The group seeks to demonstrate that security can be strengthened whilst complying, as enshrined in Articles 2 and 4 of the aforementioned Commission Decision, with the highest data protection and justice standards and safeguards.

In response to your remark that the High-Level Group and its working groups are not registered in the Register of Commission expert groups, we would like to kindly point out that the group does not qualify as a “Commission expert group” or “other similar entity” in the sense of the Commission Decision C(2016) 3301 ⁽⁴⁾ establishing horizontal rules on expert groups. Due to its composition and primary role, that is to establish an inclusive forum for all relevant stakeholders and not to provide advice and assistance to the Commission, the group has been classified as a “special group” and will hence not be listed on the Register of Commission Expert Groups and Other Similar Entities.

Nevertheless, the High-Level Group does ensure an equivalent degree of transparency to that applicable to Commission expert groups, as stipulated by Article 11 of the Commission Decision setting up the High-Level Group. All possible documents, including agendas and relevant background documents, are indeed published proactively and by default on the group’s dedicated website.

Yours sincerely,

Olivier ONIDI

⁽³⁾ Consolidated Version of the Treaty on European Union of 26.10.2012: [Consolidated version of the Treaty on European Union \(europa.eu\)](#), p.5.

⁽⁴⁾ Commission Decision C(2016) 3301 of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups: [Register of Commission Documents - C\(2016\)3301 \(europa.eu\)](#).