

Brussels, May 22, 2013



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The Dutch House of Representatives  
Member of Parliament  
**The Honourable**  
**Mr. G.A. van der Steur**  
Postbus 20018  
2500 EA Den Haag

Subject            Pre-proposal of legislation by Dutch MP Van der Steur (Wet registermediator)

Pre-proposal of legislation by Dutch MP Van der Steur (Wet bevordering van mediation in het burgerlijk recht)

Pre-proposal of legislation by Dutch MP Van der Steur (Wet bevordering van mediation in het bestuursrecht)

Communication of the European Privacy Mediation Institute (EPMI) | European Data Protection Institute (EDPI)

Registration       DMP/052213/VdSteur

Honourable Sir,

First of all sincere congratulations for taking the initiative to pre-propose new legislations in the areas of registration, quality and integrity enhancement of mediators in the Dutch legal system. The European Privacy Mediation Institute (EPMI) – an initiative of the European Data Protection Institute (EDPI) – is privileged to bring the following to your attention.

## **1            Introduction**

In light of a restricted time frame this communication is of a general nature and basically invites the initiating party involved to take further notice of the European Data Protection Law Reform Package of European Commissioner, Vice-President (DG Justice), Mrs Viviane Reding (DG Justice).

This reform package composes of two legal frameworks:

- 1       REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (Brussels, 25.1.2012 COM(2012) 11 final) and
- 2       DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (Brussels, 25.1.2012 COM(2012) 10 final).

For practical purposes underlying communication applies to all pre-proposals concerned:

- Voorontwerp Wet registermediator
- Voorontwerp Wet bevordering van mediation in het burgerlijk recht
- Voorontwerp Wet bevordering van mediation in het bestuursrecht

## 2 The European Data Protection Law Reform Package

It is brought to Your attention that pursuant to Art. 38 (1)(h) of the abovementioned General Data Protection Regulation the EU Member States, the supervisory authorities and the Commission shall encourage the drawing up of codes of conduct intended to contribute to the proper application of this Regulation, taking account of the specific features of the various data processing sectors, in particular in relation to out-of-court proceedings and other dispute resolution procedures for resolving disputes between controllers and data subjects with respect to the processing of personal data, without prejudice to the rights of the data subjects pursuant to Articles 73<sup>1</sup> and 75.<sup>2</sup>

It is recommended that the Dutch legislative power is encouraged to draw up codes of conduct intended to contribute to the proper application of this Regulation, taking account of the specific features of the various data processing sectors, in particular in relation to out-of-court proceedings and other dispute resolution procedures for resolving disputes between controllers and data subjects with respect to the processing of personal data. For information purposes, reference is made to

1 Privacy codes of conducts for mediators ([www.privacycodesofconducts-mediators.eu](http://www.privacycodesofconducts-mediators.eu))<sup>3</sup>

2 European Privacy Seal for Mediators ([www.europeanprivacyseal-mediators.eu](http://www.europeanprivacyseal-mediators.eu))<sup>4</sup>

## 3 Recommendation

In light of the underlying legislative pre-proposals for the enhancement of registration, quality and integrity of registered mediators in the Netherlands, it is recommended that further reference is made (either in the applicable body text or explanatory memoranda and/or delegated acts) to the applicability of the General Data Protection Regulation taking account of the specific features of the various data processing sectors, in particular in relation to out-of-court proceedings and other dispute resolution procedures for resolving disputes between controllers and data subjects with respect to the processing of personal data.

Inasmuch as Your Excellency deems appropriate, the European Privacy Mediation Institute (EPMI) is willing to serve and endorse abovementioned recommendations upon request. To this end, please send an email to [mediation@e-dpi.eu](mailto:mediation@e-dpi.eu) for further deliberations.

Yours sincerely,



mr drs R.F. Kadir MA MSc LLM EMBA EMoC  
*President European Privacy Mediation Institute (EPMI)*



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<sup>1</sup> Right to lodge a complaint with a supervisory authority.

<sup>2</sup> Right to a judicial remedy against a controller or processor.

<sup>3</sup> [www.privacycodesofconducts-mediators.eu](http://www.privacycodesofconducts-mediators.eu) (operational as per September 1, 2013).

<sup>4</sup> [www.europeanprivacyseal-mediators.eu](http://www.europeanprivacyseal-mediators.eu) (operational as per September 1, 2013).