

Junior Project Leader Hannes Tretter’s speech at the kick-off meeting on 16 February 2021

Excellencies, dear Ladies and Gentlemen!

At the beginning of my statement, I would like to express my sincere thanks to all those involved in the project for their excellent, professional cooperation: Our Italian partners from the Italian Data Protection Authority and CSI Piemonte, in particular our project leader, Mr. *Luigi Montuori*, our Austrian colleagues, especially our key expert Ms. *Waltraut Kotschy*, the RTA team in Tirana around Mr. *Nicola Ianutolo*, as well as our colleagues from the Albanian Information and Data Protection Office, above all Ms. *Besa Velaj*.

In addition to the Corona pandemic, the project was from the very beginning extremely challenging from the outset – and still is: Due to the earlier elections in April, we were asked by the Albanian side to complete the draft of an EU-compliant Albanian Data Protection Law by the end of January instead of in the spring. We were happy to comply with this request and have elaborated a first draft of the law at the end of January, which has already been commented on by our project partners from the Information and Data Protection Office and is now awaiting further processing.

In the course of the initial analyses of the current Albanian data protection law, it became apparent, that its need for adaptation to the quite new EU GDPR is greater than apparently assumed by the Project Fiche. This is largely due to the fact that the GDPR in its Part IV on "The Commissioner for the Right to Information and the Protection of Personal Data" and in Part V on "Remedies, Liability and Penalties" grants the States (EU- and Candidate States) a wide margin of appreciation in the domestic implementation of the General Regulation. The mentioned Parts of the Regulation concern the highly sensitive sphere of legal protection, where we have to take into account the already existing legal framework of Albania. This requires further discussions and coordination with the Albanian side, as well as to consider jointly quite new good practices that have been developed by EU Member States after having implemented the GDPR into their legal frameworks. Additionally, as we just heard, the amended CoE Data Protection Convention 108 has to be observed, as well as recent case-law of the CJEU and the ECtHR.

After these forthcoming consultations with our Albanian partners and the availability of a final draft law, it is expected that the Ministry of Justice and possibly also the Albanian Parliament and the European Commission will submit comments that still need to be incorporated into the draft law. For this, however, quick further work steps are necessary to accomplish the required high quality data protection law. In that regard we are very much looking forward the further support of CFCU.

Today and also in the future, data protection is and will remain a highly sensitive and complex matter that requires careful consideration of all the individual and public interests involved, which must be balanced in a proportional way and also be embedded in an evolved national legal system.

We, the entire project team will continue to do our best. Thank you for your attention!