

(English version)

**Priority question for written answer P-002647/24
to the Commission
Adrián Vázquez Lázara (PPE)
(25 November 2024)**

Subject: Guaranteeing confidentiality, data protection and the separation of powers in Member States — assessing the impact of this on rule of law in the EU

In the context of the legal proceedings initiated in relation to a disclosure of official secrets allegedly perpetrated by high-level government bodies, including a formal investigation into the State Prosecutor General ⁽¹⁾, recent journalistic investigations suggest that the Office of the Prime Minister was involved in leaking a citizen's private document.

If true, this would be a major blow to the rule of law, both as an attempt to influence regional politics by misusing information protected by judicial secrecy, as well as due to the State Prosecutor General's involvement.

1. What measures does the Commission propose to ensure that Member States strictly adhere to confidentiality principles, the protection of judicial data and the separation of powers, as required under the EU's Treaties?
2. Does the Commission consider that the aforementioned actions breach democratic standards and the rule of law enshrined in Article 2 of the Treaty on European Union?
3. What follow-up actions could the Commission take to prevent and, where applicable, penalise practices that involve misusing confidential information to influence national or regional democratic processes?

Submitted: 25.11.2024

**Answer given by Mr McGrath on behalf of the European Commission
(24 January 2025)**

Upholding the rule of law and ensuring that national investigations and judicial proceedings are conducted fairly, independently and transparently remains, first and foremost, a competence of the Member States and their national authorities and judicial bodies.

The political guidelines for the new Commission put democracy and the rule of law at the heart of a successful EU and highlight that strengthening this further will be the Commission's daily work and duty.

In its role as guardian of the Treaties, the Commission remains committed to taking any necessary measures to ensure compliance with EU law and upholding the rule of law in all Member States and will continue to work with the Spanish authorities to promote the rule of law, including within the framework of the rule of law cycle ⁽¹⁾.

The handling and disclosure of personal or confidential data must strictly comply with European and national regulations, including the General Data Protection Regulation (GDPR) ⁽²⁾.

The supervision and enforcement of the GDPR falls within the competence of national authorities, in particular the independent national data protection supervisory authorities and courts.

Independent data protection supervisory authorities have all the powers necessary to enforce the GDPR, including investigatory and corrective powers.

¹ The Commission's 2024 Rule of Law Report indicated that Spain had not managed to clearly separate the mandate of the State Prosecutor from that of the government.

⁽¹⁾ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle_en

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).