



COMMISSION OF THE EUROPEAN COMMUNITIES

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**PRELIMINARY DRAFT AMENDING BUDGET No 10
TO THE BUDGET FOR 2004**

GENERAL STATEMENT OF REVENUE

**STATEMENT OF REVENUE AND EXPENDITURE BY SECTION
Section VIII Part B: European Data-protection Supervisor**

(presented by the Commission)

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Having regard to:

- the Treaty establishing the European Community, and in particular Article 272 thereof,
- the Treaty establishing the European Atomic Energy Community, and in particular Article 177 thereof,
- Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities,¹ and in particular Article 37 thereof,

The European Commission hereby transmits to the budgetary authority the preliminary draft amending budget No 10 to the 2004 budget, requested by the European Data-protection Supervisor for the reasons set out in the explanatory memorandum.

¹ OJ L 248, 16.09.2002, p.1.

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STATEMENT OF REVENUE AND EXPENDITURE BY SECTION

The general statement of revenue and the statement of revenue and expenditure by section are forwarded separately via the SEI-BUD system.

EXPLANATORY MEMORANDUM

1. INTRODUCTION

This proposal is designed to update the appropriations authorised under Amending Budget 2/2004, sub-section VIII Part B, in order to finance the European Data Protection Supervisor.

This amending estimate for 2004 is based on an expenditure amounting to EUR 670 279 and draws on revenue appropriations of EUR 172 443.

Overall, sub-section VIII/Part B will have a total amount of EUR 1 942 279 for the financial year 2004.

The organisation chart takes account of Amending Budget 4/2004, which relates to the implementation of the new Staff Regulations of officials and temporary agents, and provides for the conversion of 3 permanent posts into a steady number of temporary posts as authorised under Amending Budget 2/2004.

2. EXPLANATORY MEMORANDUM TO THE PROPOSAL

On 22 December 2003, the European Parliament and the Council approved the appointment of the European Data Protection Supervisor. The appointment was published on 17.1.2004.

By letters of 15 January 2004 to the Presidents of the European Parliament and of the Commission and to the President-in-Office of the Council, the European Data Protection Supervisor, announced his intention, and that of the Assistant Supervisor, to start installing his secretariat in European Parliament premises in Brussels as from 2 February 2004.

Since then, the European Data Protection Supervisor has set himself three priority objectives, necessary in order to launch his institution, which he has implemented with the assistance of the General Secretariat of the European Parliament.

These are:

- the technical facilities,
- the integration of his institution in on-going budgetary procedures,
- the activation of his organisation chart.

To date the European Data Protection Supervisor:

- has been installed and given the necessary facilities in a European Parliament building
- has been given an initial Amending Budget 2/2004, submitted by the Commission, and Amending Budget 4/2004 concerning the effects of implementation of the new Staff Regulations of Officials. He has submitted his estimate for 2005 in accordance with the pragmatic timetable announced by the Commission,

- has initiated the procedures for filling all the authorised posts in his organisation chart for the financial year 2004;
- has established the necessary initial contacts with the Publications Office, the PMO and EPSO.
- has agreed to and started the conclusion of an administrative cooperation agreement with the administrations of the European Parliament, the Council and the Commission on assistance during the start-up phase of his institution.

As announced in the explanatory memorandum to Amending Budget 2/2004, and upon submission of the estimate for 2005 in April 2004, and in the light of the timetable laid down in Article 37 of the current Financial Regulation and the progress made since he has taken up his duties, the European Data Protection Supervisor considers it advisable to submit this amending estimate to the budgetary authority.

The amending estimate adjusts the appropriations and the establishment plan for section VIII Part B authorised under Amending Budget 2/2004, putting them on a more realistic basis.

3. POSTS AND ALLOCATIONS REQUESTED UNDER SECTION VIII PART B – EUROPEAN DATA PROTECTION SUPERVISOR

3.1. Title 1: Expenditure relating to persons working with the Institution

Members of the Institution: an increase in the appropriations under Chapter B-10 "Members of the Institution" is requested on account of on-going legal commitments.

This increase is virtually covered by the use of the appropriations entered in the reserve – Chapter 100 provisional appropriations.

Pursuant to Decision No 1247/2002/EC of the European Parliament, the Council and the Commission of 1.7.2002, the European Data Protection Supervisor is on a par with a judge of the Court of Justice of the European Communities with regard to the establishment of his salary, allowances and retirement pension, and any other benefits in lieu of remuneration. The Assistance Supervisor is placed on the same footing as the Registrar of the Court of Justice of the European Communities in this regard.

Staff in active employment: the conversion of 2 permanent A posts (1A* 11 and 1A*10) and 1 permanent B*6 post into temporary posts is requested.

The budgetary effect of these conversions is neutral (see table below).

The adjustment of the appropriations under chapter B-11 "Staff in active employment" is based on the forecast that in 2004, 5 posts will be filled for a period of 6 months and 10 for a period of 4 months.

The vacancy notices for these posts were published on 8 March and on 3 and 10 May 2004.

	Budget 2004 + AB 2 and 4/2004		PDAB 10/2004	
Grades	Permanent	Temporary	Permanent	Temporary
A*16				
A*15				
A*14	1		1	
A*13				
A*12				
A*11	2		1	1
A*10	2		1	1
A*9	1		1	
A*8	1		1	
A*7				
A*6	1		1	
A*5				
Sub-total	8		6	2
B*11				
B*10				
B*9				
B*8				
B*7	1		1	
B*6	1			1
B*5				
B*4				
B*3	2		2	
Sub-total	4		3	1
C*7				
C*6				
C*5				
C*4				
C*3	1		1	
C*2	1		1	
C*1	1		1	
Sub-total	3		3	
D*5				
D*4				
D*3				
D*2				
sub-total				
TOTAL	15		12	3

Graduate traineeships and exchanges of officials: the creation of a new chapter B-15 "Graduate traineeships and exchanges of officials" is requested and an article B-150 "Cost of organising graduate traineeships within the institution and staff exchanges between the institution and the public sector in the Member States" with a budget of EUR 60 624.

This amount meets the need to recruit national experts in the last quarter of 2004.

3.2. Title 2: Buildings, equipment and miscellaneous operating expenditure

Building and associated costs: the European Data Protection Supervisor's office has been installed and furnished in a European Parliament building – Montoyer 63.

The installation, and the furnishings requested by the European Data Protection Supervisor, involve an overall cost estimated at EUR 199 125 for the financial year 2004.

In view of the appropriations already authorised under Amending Budget 2/2004, an increase of EUR 141 125 is therefore requested.

Data processing and telecommunications. Amending Budget 2/2004 authorised appropriations of EUR 56 000 in total.

The European Data Protection Supervisor has assessed his needs regarding this type of infrastructure, which is indispensable for his work as from this year.

He therefore asks that chapter 21 "Data processing and telecommunications" be increased by an amount of EUR 120 000.

Reallocation of the appropriations authorised under Amending Budget 2/2004: the European Data Protection Supervisor considers that the principle of sound financial management applies as from the financial year 2004.

He therefore considers that progress with establishing his institution requires the appropriations for certain budget headings to be adjusted, but that these reductions should not prejudice his requests for the financial year 2005.

He therefore proposes

- entering under budget headings the appropriations entered in the reserve, namely an amount of EUR 200 000.
- partial reductions in appropriations concerning:
 - mission expenses (article B-130),
 - secretarial allowances (item B-1103), which has ceased to be relevant following the entry into force of the new Staff Regulations;
 - translation and interpretation costs (B-1175); expenditure on publishing and information (B-270).

The overall net amount of these reductions is EUR 41 050.

SUMMARY TABLE BY HEADING OF THE FINANCIAL PERSPECTIVE

Financial perspective Heading/subheading	2004 Financial perspective		2004 budget incl. AB 1-6, PDAB 7*-8*, 9/2004		PDAB 10/2004		Budget 2004 incl. AB 1-6, PDAB 7*, 8*, 9 and 10/2004	
	CA	PA	CA	PA	CA	PA	CA	PA
1. AGRICULTURE								
- Agricultural expenditure	42 769 000 000		40 245 285 000	40 245 285 000			40 245 285 000	40 245 285 000
- Rural development and accompanying measures	6 536 000 000		6 536 000 000	5 448 000 000			6 536 000 000	5 448 000 000
Total	49 305 000 000		46 781 285 000	45 693 285 000			46 781 285 000	45 693 285 000
Margin			2 523 715 000				2 523 715 000	
2. STRUCTURAL FUNDS								
- Structural funds	35 353 000 000		35 353 000 000	28 022 302 882			35 353 000 000	28 022 302 882
- Cohesion fund	5 682 000 000		5 682 000 000	2 800 000 000			5 682 000 000	2 800 000 000
Total	41 035 000 000		41 035 000 000	30 822 302 882			41 035 000 000	30 822 302 882
Margin			0				0	
3. INTERNAL POLICIES								
Margin	8 722 000 000		8 704 761 754	7 510 377 641			8 704 761 754	7 510 377 641
			17 238 246				17 238 246	
4. EXTERNAL ACTIONS								
Margin	5 082 000 000		5 176 551 000	4 950 907 978			5 176 551 000	4 950 907 978
			-94 551 000				-94 551 000	
5. ADMINISTRATION								
Margin	6 157 000 000		6 121 313 544	6 121 313 544	+670 279	+670 279	6 121 983 823	6 121 983 823
			35 686 456				35 016 177	
6. RESERVES								
- Guarantee reserve	221 000 000		221 000 000	221 000 000			221 000 000	221 000 000
- Reserve for emergency aid	221 000 000		221 000 000	221 000 000			221 000 000	221 000 000
Total	442 000 000		442 000 000	442 000 000			442 000 000	442 000 000
Margin			0				0	
7. PRE-ACCESSION AID								
Margin	3 455 000 000		1 739 261 220	2 856 200 000			1 739 261 220	2 856 200 000
			1 715 738 780				1 715 738 780	
8. COMPENSATION								
Margin	1 410 000 000		1 409 545 056	1 409 545 056			1 409 545 056	1 409 545 056
			454 944				454 944	
TOTAL	115 608 000 000	111 554 000 000	111 409 717 574	99 805 932 101	+670 279	+670 279	111 410 387 853	99 806 602 380
Margin			4 198 282 426	11 748 067 899			4 197 612 147	11 747 397 620

* PDAB 7 and 8/2004 have no financial implication on resources.

STATEMENT OF REVENUE

SECTION VIII Part B – EUROPEAN DATA PROTECTION SUPERVISOR

TITLE 4 MISCELLANEOUS COMMUNITY TAXES, LEVIES AND CHARGES

Article Item	Heading	Budget 2004 + AB 2/2004	PDAB 10/2004	New amount
400	Proceeds of the tax on the salaries, wages and allowances of members of the institution, officials and other servants	76 000	145 618	221 618
410 ex 401	Staff contributions to the financing of the pension fund	10 000	19 160	29 160
404	Proceeds of the temporary contribution from the salaries of members of the institution, officials and other servants in active employment	4 000	7 665	11 665

STATEMENT OF EXPENDITURE

SECTION VIII Part B – EUROPEAN DATA PROTECTION SUPERVISOR

Article Item	Heading	Budget 2004 + AB 2/2004	PDAB 10/2004	New amount
B-100	Salaries, allowances and payments related to salaries	235 000	297 227	532 227
B-101	Accident and sickness insurance and other social security charges	12 000	6 397	18 397
B-105	Allowances and expenses on entering and leaving the service	73 000	6 764	79 764
B-109	Adjustments of emoluments	6 000	7 589	13 589
B-1100	Basic salaries	104 000	238 160	342 160
B-1101	Family allowances	14 000	9 861	23 861
B-1102	Expatriation and foreign residence allowances (including Article 97 of the ECSC Staff Regulations)	25 000	16 880	41 880
B-1103	Secretarial allowance	2 000	- 2 000	p.m.
B-113	Sickness, accident, occupational disease and unemployment insurance and maintenance of pension rights	11 000	6 702	17 702
B-1175	Translation and interpretation costs	65 000	- 22 750	42 250
B-130	Mission expenses, travel expenses and incidental expenditure	18 000	- 6 000	12 000
B-150	Cost of organising graduate traineeships within the institution and staff exchanges between the institution and the public sector in the Member States	-	60 624	60 624
B-200	Rents, charges and buildings expenditure	58 000	141 125	199 125
B-210	Equipment, operating costs and services relating to data processing	46 000	90 000	136 000
B-211	Equipment, installation costs and services relating to telecommunications	10 000	30 000	40 000
B-270	Expenditure on publishing and information	58 000	- 10 300	47 700
B-10 0	Provisional appropriations	200 000	- 200 000	p.m.