



COMMISSION OF THE EUROPEAN COMMUNITIES

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**PRELIMINARY DRAFT AMENDING BUDGET No 2  
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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***Section VIII Part B: European Data-protection Supervisor***

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,<sup>1</sup> and in particular Article 37 thereof,

The European Commission hereby presents to the budgetary authority the preliminary draft amending budget No 2 to the 2004 budget for the reasons set out in the explanatory memorandum.

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<sup>1</sup> 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 provides appropriations for the budget lines in Section VIII Part B of the 2004 budget to finance the European Data-protection Supervisor. This amending budget contains a total of EUR 1 272 000 in expenditure and EUR 90 000 in revenue. It also proposes the entry of 15 posts in the establishment plan of Section VIII Part B. This proposal is identical to the budget adopted in 2002 for Section VIII Part B in terms of expenditure and the establishment plan. It is slightly different in terms of revenue to take account of the impact of the transitional reform measures on revenue.<sup>2</sup>

### 2. GROUNDS FOR THE PROPOSAL

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>3</sup> provides for the establishment of an independent supervisory authority to monitor the application of the provisions of this Regulation. This authority, referred to as the “European Data-protection Supervisor” (hereinafter the “Supervisor”), is aided by an Assistant Supervisor.

On 1 July 2002 the Council, Parliament and the Commission approved Decision No 1247/2002/EC on the regulations and general conditions governing the performance of the European Data-protection Supervisor's duties.<sup>4</sup>

On 22 December 2003 the Council and Parliament approved the appointment of the European Data-protection Supervisor on the basis of these rules. This appointment was published on 17 January 2004.

According to the Treaty, each institution evaluates its needs and makes the necessary financial requests to the budgetary authority. This means the Supervisor himself should table budgetary requests, according to his estimates and under his responsibility.

However, to give the Supervisor the necessary resources to start his work, the budgetary authority, acting on a proposal by the Commission, created a Section VIII Part B in the 2002, 2003 and 2004 budgets to contain the appropriations intended for the Supervisor to carry out his duties.

In the 2002 budget this Section VIII Part B contained an establishment plan and appropriations. However, as the appropriations for 2002 were not used and it was uncertain when the Supervisor and his assistant were to be appointed, the budgetary authority did not allocate appropriations to Section VIII Part B in 2003 or 2004.

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<sup>2</sup> Council Regulation (EC, Euratom) No 2181/2003 of 8 December 2003 concerning transitional measures to be adopted for the reform of the Staff Regulations, in particular with regard to pay and pension.

<sup>3</sup> OJ L 8, 12.1.2001, p. 1.

<sup>4</sup> OJ L 183, 12.7.2002, p. 1.

The Supervisor has now been appointed and it is important that his budget be allocated the amount he needs to start his duties. As he has been appointed only recently and there is no practical possibility of him presenting an amending budget in such a short term, the Commission proposes that the appropriations and establishment plan approved by the budgetary authority in the 2002 budget be entered in Section VIII Part B.

The Supervisor himself could present another amending budget in the course of 2004 to fine-tune the budget and/or establishment plan in Section VIII Part B.

### **3. POSTS AND APPROPRIATIONS REQUESTED FOR SECTION VIII PART B - EUROPEAN DATA-PROTECTION SUPERVISOR**

#### **3.1. Reminder of the framework chosen for the 2002 budget**

Under Article 43(2) of Regulation No 45/2001, the budget authority ensures that the European Data-protection Supervisor is provided with the human and financial resources necessary for the performance of his or her tasks.

In Article 43(4) and (3), the Regulation mentions that the European Data-protection Supervisor shall be assisted by a Secretariat and that the Supervisor's budget shall be shown in a separate budget heading in Section VIII of the general budget of the European Union.

This budgetary framework has mainly been based on the budget allocations for the European Ombudsman, an institution which is comparable as regards its size and as its type.

### 3.2. Establishment plan

As they are to be considered as members of the authority, the European Data-protection Supervisor and his Assistant are not mentioned in the establishment plan:

Grade	Permanent	Temporary
A1		
A2		
A3	1	
A4		
A5	3	
A6	3	
A7	1	
A8		
B1		
B2		
B3	1	
B4	2	
B5	1	
C1		
C2		
C3		
C4	1	
C5	2	
D1		
D2		
D3		
D4		
TOTAL	15	0

### 3.3. Appropriations

#### 3.3.1. *Remuneration of the European Data-protection Supervisor and his Assistant*

Under Decision No 1247/2002/EC of the European Parliament, of the Council and of the Commission of 1 July 2002, the European Data-protection Supervisor is treated in the same way as a judge of the Court of Justice of the European Communities as regards the determination of remuneration, allowances, retirement pension and any other benefit in lieu of remuneration. The Assistant Supervisor is treated as the Registrar of the Court of Justice of the European Communities in this respect.

#### 3.3.2. *Human resources for the secretariat*

It seems realistic to assume that the Supervisor will as soon as possible recruit a central team of five people (for example one A, two B and two C). Recruitment of the remaining 10 staff would take place in a second stage. The 2002 budget which serves as a reference for this amending budget was based on this assumption.

### 3.3.3. *Infrastructure*

While being based on the budget allocations for the European Ombudsman, the calculation of the appropriations required for the lines under Title 2 has also taken account of the fixed costs related to the starting up period.

**SUMMARY TABLE PER HEADING OF THE FINANCIAL PERSPECTIVE**

Financial perspective HEADING / Sub-heading	Financial perspective 2004		Budget 2004 incl. PDAB 1/2004		PDAB 2/2004		Budget 2004 incl. PDAB 1/2004 and PDAB 2/2004	
	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 OPERATIONS								
-Structural fund	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		8 683 805 979	7 510 377 641			8 683 805 979	7 510 377 641
			38 194 021				38 194 021	
4. EXTERNAL ACTION								
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		6 039 768 114	6 039 768 114	1 272 000	1 272 000	6 041 040 114	6 041 040 114
			117 231 886				115 959 886	115 959 886
6. RESERVES								
- Guarantee reserve	221 000 000		221 000 000	221 000 000			221 000 000	221 000 000
- Emergency aid reserve	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	
7. PRE-ACCESSION STRATEGY								
- Sapard			226 700 000	401 800 000			226 700 000	401 800 000
- ISPA			453 300 000	658 000 000			453 300 000	658 000 000
- Phare			809 700 000	1 604 100 000			809 700 000	1 604 100 000
- Turkey			242 600 000	192 300 000			242 600 000	192 300 000
- EU Solidarity Fund			p.m.	p.m.			p.m.	p.m.
Total	3 455 000 000		1 732 300 000	2 856 200 000			1 732 300 000	2 856 200 000
Margin			1 722 700 000				1 722 700 000	
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	
<b>TOTAL</b>	<b>115 608 000 000</b>	<b>111 554 000 000</b>	<b>111 300 255 149</b>	<b>99 724 386 671</b>	<b>1 272 000</b>	<b>1 272 000</b>	<b>111 301 527 149</b>	<b>99 725 658 671</b>
Margin			4 307 744 851	11 829 613 329			4 306 472 851	11 828 341 329



# STATEMENT OF REVENUE

## SECTION VIII Part B - EUROPEAN DATA-PROTECTION SUPERVISOR

### TITLE 4

#### MISCELLANEOUS COMMUNITY TAXES, LEVIES AND DUES

Article, Item	Heading	BUDGET 2004	Amending budget	BUDGET 2004 + amending budget
4 0 0	<i>Proceeds of the tax on the salaries, wages and allowances of Members of the institution, officials and other servants</i>	p.m.	76 000	76 000
4 0 1	<i>Staff contributions to the financing of the pension fund</i>	p.m.	10 000	10 000
4 0 4	<i>Proceeds of the special levy on the salaries of members of the institutions, officials and other servants in active employment</i>	p.m.	4 000	4 000

## STATEMENT OF EXPENDITURE

### SECTION VIII Part B - EUROPEAN DATA-PROTECTION SUPERVISOR

Article, Item	Heading	BUDGET 2004	Amending budget	BUDGET 2004 + amending budget
B-100	Salaries, allowances and payments related to salaries	p.m.	235 000	235 000
B-101	Accident and sickness insurance and other social security charges	p.m.	12 000	12 000
B-104	Missions expenses, travel expenses and other ancillary expenditures	p.m.	44 000	44 000
B-105	Allowance and expenses on entering and leaving the service	p.m.	73 000	73 000
B-106	Courses	p.m.	5 000	5 000
B-109	Adjustments of emoluments	p.m.	6 000	6 000
B-1100	Basic salaries	p.m.	104 000	104 000
B-1101	Family allowances	p.m.	14 000	14 000
B-1102	Expatriation and foreign residence allowances (including art 97 of the ECSC Staff Regulation)	p.m.	25 000	25 000
B-1103	Secretarial allowance	p.m.	2 000	2 000
B-111	Other Staff	p.m.	21 000	21 000
B-112	Further training	p.m.	5 000	5 000
B-113	Sickness, accident, occupational disease and unemployment insurance and maintenance of pension rights	p.m.	11 000	11 000
B-114	Miscellaneous allowances and grants	p.m.	7 000	7 000
B-115	Overtime	p.m.	1 000	1 000
B-1175	Translation and interpretation costs	p.m.	65 000	65 000
B-1178	Support for activity	p.m.	38 000	38 000
B-118	Allowance and expenses in connection with officials entering	p.m.	130 000	130 000

	and leaving the service and transfers			
B-119	Adjustments to salaries of officials and other servants	p.m.	6 000	6 000
B-130	Mission expenses, travel expenses and incidental expenditure	p.m.	18 000	18 000
B-170	Entertainment and representation expenses	p.m.	1 000	1 000
B-200	Rent, charges and buildings expenditures	p.m.	58 000	58 000
B-210	Equipment, operating costs and services relating to data processing	p.m.	46 000	46 000
B-211	Equipment, installation costs and services relating to telecommunications	p.m.	10 000	10 000
B-220	Movable property and associated costs	p.m.	50 000	50 000
B-223	Documentation and library expenditure	p.m.	1 000	1 000
B-230	Current administrative expenditure	p.m.	15 000	15 000
B-250	Meetings in general	p.m.	9 000	9 000
B-260	Limited consultations, studies and survey	p.m.	2 000	2 000
B-270	Expenditure on publishing and information	p.m.	58 000	58 000
B-10 0	Provisional appropriations	p.m.	200 000	200 000