Regulations and general conditions governing the performance of the European Data Protection Supervisor's duties

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PURPOSE : to present a proposal for a Decision on the regulations and general conditions for the performance of the duties of the European Data Protection Supervisor. CONTENT : the Community institutions and bodies commonly deal with personal data in the course of their activities. To ensure the protection of natural persons as regards the processing of these data by the Community institutions and bodies, and to avoid these exchanges being called into question by the Member States on the grounds of data protection, the Treaty signed in Amsterdam introduced, in the Treaty establishing the European Community, a specific provision to that effect. Article 286 lays down that, from 1 January 1999, the Community institutions and bodies must apply the Community rules on the protection of personal data and that the application of those rules must be monitored by an independent supervisory body. The Community legislator responded to this call in the Treaty be means of Regulation 45/2001/EC 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. The Regulation lays down a series of principles to which the processing of personal data by the Community institutions and bodies is subject. Alongside these substantive provisions, the Regulation sets up an independent supervisory authority, entitled the European Data Protection Supervisor, which is entrusted with ensuring the application of the provisions of the Regulation. It is assisted by an Assistant Supervisor. The Regulation also lays down that the European Parliament, the Council and the Commission shall by common accord determine the regulations and general conditions governing the performance of the European Data Protection Supervisor's duties and, in particular, his or her salary, allowances and any other benefits in lieu of remuneration. However, two essential aspects of the regulations and the general conditions governing the performance of the duties of the European Data Protection Supervisor remain to be determined - the remuneration of the Supervisor and the seat of the body. As regards the Supervisor's remuneration, it is important to ensure regulations for the European Supervisor which correspond to his duties of supervising the Community institutions and bodies, his powers and his independence. In addition, account must be taken of the influence which the figure of the European Mediator has had on the institutional profile of the Supervisor in the Regulation. It is therefore proposed that the European Data Protection Supervisor receive the same remuneration as the European Mediator who, in turn, is on the same footing as a judge of the Court of Justice of the European Communities as regards his remuneration, allowances and retirement pension. As regards the remuneration of the Assistant Supervisor, it is therefore proposed that he be on the same footing as the Registrarof the Court of Justice. Moreover, it is proposed that the seat of the European Data Protection Supervisor be established in Brussels.