



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 January 2009  
(OR. fr)**

**17525/08**

**INST 193  
EDPS 3  
DATAPROTECT 108  
JAI 732  
CAB 71**

**"I" ITEM NOTE**

---

from: General Secretariat of the Council  
to: COREPER

---

No Cion prop.: 14725/08 RESTREINT (D(2008) 8715)

---

Subject : Decision of the European Parliament and of the Council appointing the European Data Protection Supervisor and the Assistant Supervisor

---

1. The European Data Protection Supervisor was first appointed in 2004 <sup>1</sup> under Article 286 of the EC Treaty. The term of office is five years.
2. On 21 October 2008 the Commission adopted and submitted to the European Parliament and to the Council a proposal based on Article 42(1) of Regulation (EC) No 45/2001 <sup>2</sup> establishing a list of candidates for the posts of European Data Protection Supervisor and Assistant Supervisor, following a public call for candidates.

---

<sup>1</sup> 2004/55/EC: Decision of the European Parliament and of the Council of 22 December 2003 appointing the independent supervisory body provided for in Article 286 of the EC Treaty (European Data Protection Supervisor), OJ L 12, 17.1.2004, p. 47.

<sup>2</sup> 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, OJ L 8, 12 January 2001, p. 1.

3. That proposal has been examined by the preparatory bodies at the European Parliament and at the Council. A public hearing of the candidates took place on 5 November 2008 within the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament, as provided for in Article 3 of Decision 1247/2002<sup>3</sup>. At its meeting on 11 December 2008 the Conference of Presidents endorsed the opinion of the competent committee, proposing Mr Peter Hustinx for the post of European Data Protection Supervisor and Mr Giovanni Buttarelli for the post of Assistant Supervisor.
4. Since the current term of office expires on 16 January 2009<sup>4</sup> and there are no plans for a Council meeting before that date to adopt the text of the decision making the appointments, as finalised by legal/linguistic experts (16891/08), it must be adopted by the written procedure, which will be initiated on Thursday 8 January 2009 and will be concluded on Monday 12 January 2009 at 17.00.
5. The Permanent Representatives Committee is therefore asked to decide to apply the written procedure for the adoption of that Decision, on the basis of Article 19(7)(e) of the Council's Rules of Procedure.



---

<sup>3</sup> Decision No 1247/2002/EC on the regulations and general conditions governing the performance of the European Data Protection Supervisor, OJ L 183, 12.7.2002, p. 1.

<sup>4</sup> See Article 1 of Decision 2004/55/EC making the appointments (footnote 2).