












# Procedure file

Basic information		
DEC - Discharge procedure	<a href="#">2017/2144(DEC)</a>	Procedure completed
2016 discharge: EU general budget, European Data Protection Supervisor		
Subject 8.70.03.06 2016 discharge		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Budgetary Control	 <a href="#">GRÄSSLE Ingeborg</a>	21/03/2018
		Shadow rapporteur	
		 <a href="#">SALAFRANCA SÁNCHEZ-NEYRA José Ignacio</a>	
		 <a href="#">KOHN Arndt</a>	
		 <a href="#">CZARNECKI Ryszard</a>	
		 <a href="#">TAKKULA Hannu</a>	
		 <a href="#">JÁVOR Benedek</a>	
		 <a href="#">JALKH Jean-François</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Legal Affairs	The committee decided not to give an opinion.	
	 Civil Liberties, Justice and Home Affairs		
European Commission	Commission DG	Commissioner	
	<a href="#">Budget</a>	OETTINGER Günther	

Key events			
26/06/2017	Non-legislative basic document published	<a href="#">COM(2017)0365</a>	Summary
13/09/2017	Committee referral announced in Parliament		
20/03/2018	Vote in committee		
26/03/2018	Committee report tabled for plenary	<a href="#">A8-0099/2018</a>	Summary
18/04/2018	Results of vote in Parliament		
18/04/2018	Debate in Parliament		

18/04/2018	Decision by Parliament	<a href="#">T8-0132/2018</a>	Summary
18/04/2018	End of procedure in Parliament		
03/10/2018	Final act published in Official Journal		

Technical information	
Procedure reference	2017/2144(DEC)
Procedure type	DEC - Discharge procedure
Stage reached in procedure	Procedure completed
Committee dossier	CONT/8/10761

Documentation gateway					
Non-legislative basic document		<a href="#">COM(2017)0365</a>	26/06/2017	EC	Summary
Court of Auditors: opinion, report		N8-0008/2018 <a href="#">OJ C 322 28.09.2017, p. 0001</a>	13/07/2017	CofA	Summary
Committee draft report		<a href="#">PE612.041</a>	29/01/2018	EP	
Committee opinion	<b>LIBE</b>	<a href="#">PE615.185</a>	07/02/2018	EP	
Supplementary non-legislative basic document		<a href="#">05940/2018</a>	09/02/2018	CSL	Summary
Amendments tabled in committee		<a href="#">PE618.346</a>	02/03/2018	EP	
Committee report tabled for plenary, single reading		<a href="#">A8-0099/2018</a>	26/03/2018	EP	Summary
Text adopted by Parliament, single reading		<a href="#">T8-0132/2018</a>	18/04/2018	EP	Summary

Final act
Budget 2018/1335 <a href="#">OJ L 248 03.10.2018, p. 0145</a> Summary

## 2016 discharge: EU general budget, European Data Protection Supervisor

**PURPOSE:** presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2016, as part of the 2016 discharge procedure.

Analysis of the accounts of the EU Institutions: European Data Protection Supervisor.

Consolidated annual accounts of the EU: this Commission document concerns the EUs consolidated annual accounts for the year 2016, prepared on the basis of the information presented by the institutions and bodies under Article 148(2) of the Financial Regulation applicable to the general budget of the European Union. It details how spending by the EU institutions and bodies was carried out.

The consolidated annual accounts of the EU provide financial information on the activities of the institutions, agencies and other bodies of the EU from an accrual accounting and budgetary perspective. It also presents the accounting principles applicable to the European budget (in particular, consolidation).

The document also presents the different financial actors involved in the budget process (accounting officers, internal officers and authorising officers) and recalls their respective roles in the context of the tasks of sound financial management.

Audit and discharge: the EUs annual accounts and resource management are audited by the European Court of Auditors, its external auditor, which as part of its activities draws up for the European Parliament and the Council:

- an annual report on the activities financed from the general budget, detailing its observations on the annual accounts and underlying transactions;
- an opinion, based on its audits and given in the annual report in the form of a statement of assurance, on (i) the reliability of the accounts and (ii) the legality and regularity of the underlying transactions involving both revenue collected from taxable persons and payments to final beneficiaries.

The European Parliament is the discharge authority within the EU. The discharge represents the final step of a budget lifecycle. It is the political aspect of the external control of budget implementation and is the decision by which the European Parliament, acting on a Council recommendation, "releases" the Commission (and other EU bodies) from its responsibility for management of a given budget by marking the end of that budget's existence.

This discharge procedure may produce three outcomes: (i) the granting; (ii) postponement; (iii) or the refusal of the discharge.

(2) Implementation of the EDPSs appropriations for the financial year 2016: the EDPS was allocated a budget of EUR 9 288 043. This represents an increase of 4.55 % compared to the 2015 budget.

Austerity policies were put in place. Most budgetary lines, for the fourth consecutive year, remained frozen to 0% and the overall increase as to EDPS current activities was of 1.30%.

Nevertheless, some additional resources were requested for some activities foreseen in the EDPS Multiannual Financial Framework 2014-2020 (MFF 2014-2020).

As regards the budget implementation of the EDPS, the [Annual Report 2016](#) stated that the 2016 was characterised by the following:

- preparing for and implementing the General Data Protection Regulation ([GDPR](#));
- improved regulation of data flows;
- continuation of the small task force created in 2015 which has the responsibility of assessing the necessary legal, operational and budgetary means for the future set up of a new EU body, the European Data Protection Board (EDPB). In line with the GDPR, the new EDPB must be fully operational by May 2018;
- launch of the Ethics Advisory Group to develop innovative and effective ways of ensuring EU values are upheld in an era of ubiquitous data and intelligent machines;
- creation of a Digital Clearing House for competition, consumer and data authorities to share information and ideas on how to ensure the individual interest is best served in specific cases.

## 2016 discharge: EU general budget, European Data Protection Supervisor

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Based on the observations contained in the report by the Court of Auditors, the Council called on the European Parliament to grant discharge to all of the EU institutions in respect of the implementation of their respective budgets for the financial year 2016.

The Council notes with satisfaction that the estimated level of error reported by the Court for payments in the "Administration" policy area further decreased by 0.6 percentage points to 0.2 % in 2016, well below the materiality threshold of 2 %. It welcomes that no serious weaknesses were identified by the Court in the systems examined.

The Council underlines the need to respect the principles of annuality and of sound financial management and that the carry-over of appropriations should always be compliant with the rules of the Financial Regulation and be motivated with factual and genuine reasons.

The Council regrets that not all the EU institutions, bodies and agencies have achieved the 5 % reduction of posts in the establishment plan by the end of 2017 and urges these institutions, bodies and agencies to carry out the remaining reduction as soon as possible in order to achieve this target fully.

The Council also notes the Court's findings that the total number of staff posts in the establishment plans decreased by 1.1 % between 2012 and 2017, the number of posts actually occupied by staff increased by 0.4 % over the period from 1 January 2013 to 1 January 2017, and the actual payments for salaries for permanent officials and temporary agents increased by 9.2 % between 2012 and 2016.

While recognising that during the period 2013-2017 some EU institutions, bodies and agencies were tasked with new responsibilities and equipped with new resources, the Council considers that the gap between the expectations and the outcome is significant.

In this context, the Council acknowledges that by focusing solely on the headcount based on establishment plan posts, the methodology chosen was not suited to achieve the goal of reducing administrative expenditure.

The Court did not detect any specific problem concerning the European Data Protection Supervisor.

## 2016 discharge: EU general budget, European Data Protection Supervisor

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The Committee on Budgetary Control adopted the report by Ingeborg GRÄSSLE (EPP, DE) calling on the European Parliament to grant discharge to the European Data Protection Supervisor discharge in respect of the implementation of the budget for the financial year 2016.

Members welcomed the conclusion of the Court of Auditors, according to which the payments as a whole for the year ended on 31 December 2016 for administrative and other expenditure of the European Data Protection Supervisor were free from material error and that the examined supervisory and control systems for administrative and other expenditure were effective.

Financial and budgetary management: Members welcomed the overall prudent and sound financial management of the Supervisor in the 2016 budget period and expressed support for the successful paradigm shift towards performance-based budgeting in the Commissions budget planning. It encouraged the Supervisor to apply that method to its own budget-planning procedure.

Members also noted that in 2016, the Supervisor had a total allocated budget of EUR 9 288 043 (EUR 8 760 417 in 2015) and that the implementation rate was 91.93% (94.66% in 2015). They noted the decrease of the implementation rate and the Supervisors forecast for maintaining this trend in the upcoming years.

While noting that the creation of the European Data Protection Board continues to be undertaken by the Supervisor, Members considered that budget estimations should ensure an efficient budgetary performance in the upcoming years.

Supervisors actions: Members welcomed the launch in 2016 of the Supervisors Accountability Initiative, designed to equip all the Union institutions, beginning with the Supervisor as a data controller itself, to lead by example in how the institutions comply and demonstrate compliance with data protection rules.

Members made a series of observations and recommendations to the Supervisor:

- fully respect and implement the General Data Protection Regulation (GDPR) and the Directive for data protection in the police and justice sectors;
- follow-up the internal control systems recommendations relating in particular to information security and business continuity policies;
- inform Parliaments Committee on Budgetary Control of the amounts paid in 2016 under Service Level Agreements in which fees depend on consumption;
- establish an independent disclosure, advice and referral body with sufficient budgetary resources, in order to help whistleblowers use the right channels to disclose their information on possible irregularities affecting the financial interests of the Union, while protecting their confidentiality and offering needed support and advice;
- promote effective actions maximising the benefits of new technologies while ensuring full respect for fundamental rights;
- all the key performance indicators set in the Supervisors 2015-2019 strategy have been met and that the Supervisor had at times exceeded its targets in 2016, which shows that the implementation of the strategy is on track.

The report noted the Supervisor has published in its annual activity report a chapter about inter-institutional cooperation with other institutions as was requested in the 2015 discharge report. It noted that in 2016 the Supervisor signed two new Single Cooperation Agreements and called on the Supervisor to continue strengthening inter-institutional cooperation and to provide an update on its achievements in its next annual activity report.

Members called on the Supervisor to include in its annual activity report:

- a detailed list of missions undertaken by its members in 2016, indicating the price, the place and the cost of each mission;
- the missions undertaken in 2017 to be included in its next annual activity report;
- information on implementing measures to ensure effective internal control of the processes in order to guarantee an economic, efficient and effective achievement of the Supervisors objectives.
- an overview of the sections on procurement and missions management, to include a comparative table of the last four years;
- information on whistleblowing and anti-harassment decisions, disciplinary procedures and administrative investigations.

Lastly, while regretting the decision of the United Kingdom to withdraw from the European Union, Members stressed that at this point no predictions can be made about the financial, administrative, human and other consequences related to the withdrawal. Impact assessments should be performed and Parliament informed of the results by the end of 2018.

## 2016 discharge: EU general budget, European Data Protection Supervisor

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The European Parliament decided by 569 votes to 124, with 4 abstentions, to grant discharge to the European Data Protection Supervisor discharge in respect of the implementation of the budget for the financial year 2016.

Members welcomed the conclusion of the Court of Auditors, according to which the payments as a whole for the year ended on 31 December 2016 for administrative and other expenditure of the European Data Protection Supervisor were free from material error and that the examined supervisory and control systems for administrative and other expenditure were effective.

Parliament stressed that the discharge procedure needs to be streamlined and sped up. It requested that the Committee and the Court of Auditors follow best practice in the private sector and proposes in this regard to review the timetable for the discharge procedure so that the vote on the discharge would take place in Parliaments plenary part-session in November, thereby closing the discharge procedure within the year following the accounting year in question.

Financial and budgetary management: Members welcomed the overall prudent and sound financial management of the Supervisor in the 2016 budget period and expressed support for the successful shift towards performance-based budgeting in the Commissions budget planning. They encouraged the Supervisor to apply that method to its own budget-planning procedure.

Members also noted that in 2016, the Supervisor had a total allocated budget of EUR 9 288 043 (EUR 8 760 417 in 2015) and that the implementation rate was 91.93% (94.66% in 2015). They noted the decrease of the implementation rate and the Supervisors forecast for maintaining this trend in the upcoming years.

While noting that the creation of the European Data Protection Board continues to be undertaken by the Supervisor, Members considered that budget estimations should ensure an efficient budgetary performance in the upcoming years.

Supervisors actions: Members welcomed the launch in 2016 of the Supervisors Accountability Initiative, designed to equip all the Union institutions, beginning with the Supervisor as a data controller itself, to lead by example in how the institutions comply and demonstrate compliance with data protection rules.

Members made a series of observations and recommendations to the Supervisor:

- fully respect and implement the General Data Protection Regulation (GDPR) and the Directive for data protection in the police and justice sectors;
- follow-up the internal control systems recommendations relating in particular to information security and business continuity policies;
- inform Parliaments Committee on Budgetary Control of the amounts paid in 2016 under Service Level Agreements in which fees depend on consumption;
- establish an independent body with sufficient budgetary resources to support whistleblowers wishing to disclose information on possible irregularities negatively impacting on the Unions financial interests, while ensuring their confidentiality is protected;
- promote effective actions maximising the benefits of new technologies while ensuring full respect for fundamental rights;
- contribute more to solutions driving innovation and ensuring compliance with privacy and data protection rules, especially by increasing transparency, user control and accountability in big data processing;

All the key performance indicators set in the Supervisors 2015-2019 strategy have been met and that the Supervisor had at times exceeded its targets in 2016, which shows that the implementation of the strategy is on track.

The Supervisor has published in its annual activity report a chapter about inter-institutional cooperation with other institutions as was requested in the 2015 discharge report. It noted that in 2016 the Supervisor signed two new Single Cooperation Agreements and called on the Supervisor to continue strengthening inter-institutional cooperation and to provide an update on its achievements in its next annual activity report.

Members called on the Supervisor to include in its annual activity report:

- a detailed list of missions undertaken by its members in 2016, indicating the price, the place and the cost of each mission;
- the missions undertaken in 2017 to be included in its next annual activity report;
- information on implementing measures to ensure effective internal control of the processes in order to guarantee an economic, efficient and effective achievement of the Supervisors objectives.
- an overview of the sections on procurement and missions management, to include a comparative table of the last four years;
- information on whistleblowing and anti-harassment decisions, disciplinary procedures and administrative investigations.

Lastly, while regretting the decision of the United Kingdom to withdraw from the European Union, Members stressed that at this point no predictions can be made about the financial, administrative, human and other consequences related to the withdrawal. Impact assessments should be performed and Parliament informed of the results by the end of 2018.

## 2016 discharge: EU general budget, European Data Protection Supervisor

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**PURPOSE:** to grant discharge to the European Data Protection Supervisor for the financial year 2016.

**NON-LEGISLATIVE ACT:** Decision (EU) 2018/1335 of the European Parliament on discharge in respect of the implementation of the general budget of the European Union for the financial year 2016, Section IX European Data Protection Supervisor.

**CONTENT:** the European Parliament decided to grant discharge to the European Data Protection Supervisor in respect of the implementation of the budget of the European Data Protection Supervisor for the financial year 2016.

This decision is accompanied by a resolution of the European Parliament containing the observations which form an integral part of the discharge decision in respect of the implementation of the general budget of the European Union for the financial year 2016 (please refer to the summary dated 18.4.2018).

Parliament welcomed the overall prudent and sound financial management of the Supervisor in the 2016 budget period while expressing support for the successful paradigm shift towards performance-based budgeting in the Commissions budget planning.

In 2016, the Supervisor had a total allocated budget of EUR 9 288 043 and that the implementation rate was 91.93 % (94.66 % in 2015). Parliament noted the decrease of the implementation rate and the Supervisors forecast for maintaining this trend in the upcoming years.

Parliament welcomed the launch in 2016 of the Supervisors Accountability Initiative, designed to equip all the Union institutions, beginning with the Supervisor as a data controller itself, to lead by example in how the institutions comply and demonstrate compliance with data protection rules.

It welcomed the adoption in 2016 of an equal opportunities strategy and the consideration of measures to improve wellbeing at work. It also expressed the need to establish an independent disclosure, advice and referral body with sufficient budgetary resources, in order to help whistleblowers.

Parliament encouraged the growing contribution of the Supervisor to solutions driving innovation and ensuring compliance with privacy and data protection rules, especially by increasing transparency, user control and accountability in big data processing. It welcomed the aim of the Supervisor, as set out in the strategy concerning its mandate, to make data protection as simple and effective as possible for all involved.