

RESOLUTION (EU) 2019/1433 OF THE EUROPEAN PARLIAMENT**of 26 March 2019****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2017, Section IX — European Data Protection Supervisor**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2017, Section IX — European Data Protection Supervisor,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0116/2019),
- A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of the Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting (PBB) and good governance of human resources;
1. Welcomes the conclusion of the Court of Auditors (the 'Court'), according to which the payments as a whole for the year ended on 31 December 2017 for administrative and other expenditure of the European Data Protection Supervisor (EDPS) were free from material error and that the examined supervisory and control systems for administrative and other expenditure were effective;
 2. Notes that in its annual report for 2017, the Court observed no serious weaknesses in respect of the audited topics related to the human resources and procurement activities of the EDPS;
 3. Regrets however that according to the EDPS annual activity report only a single payment was examined in 2017 by the Court; takes the view that even if the EDPS is not a decentralised Union agency and its budget represents a very small percentage of the Union budget, the legality and regularity of EDPS transactions should nevertheless be properly examined by the Court, as from 2018, as transparency is vital for the appropriate functioning of this Union body; requests therefore that the Court issues separate annual activity reports on the annual accounts of this important Union body;
 4. Notes that in 2017, the EDPS had a total allocated budget of EUR 11 324 735, which represented a 21,93 % increase compared to the 2016 budget, and that the budget implementation in terms of commitment appropriations for 2017 amounted to EUR 10 075 534; notes with concern that the implementation rate continued decreasing from 94,66 % in 2015 and 91,93 % in 2016 to 89 % of the available appropriations in 2017; notes that the budget implementation in terms of payment appropriations amounted to EUR 9 368 686,15, corresponding to 77 % of the available appropriations; highlights in this regard Titles I and III with appropriation rates of 88,24 % and 73,10 %; calls on the EDPS to step up its efforts and to define the budget estimates prudently;
 5. Notes that the budget of the EDPS was strongly influenced by two major legislative changes (General Data Protection Regulation ⁽¹⁾ and the Directive for Data Protection in the Police and Justice Sectors ⁽²⁾); notes that most of the additional resources were allocated to the EDPS for the establishment of the secretariat of the newly created European Data Protection Board (EDPB);

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽²⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

6. Notes the ongoing work of the EDPS on introducing PBB procedures and calls for a swift implementation of those principles; notes that the EDPS evaluated its key performance indicators (KPIs) to take into account its new objectives and priorities based on the EDPS' Strategy 2015 - 2019; welcomes the fact that the strategy is on track, with the values for the majority of KPIs meeting or exceeding their respective targets;
7. Notes that the budget of the EDPS is mostly administrative, with a large amount being used for expenditure relating to persons, buildings, furniture, equipment and miscellaneous running costs;
8. Welcomes the decision of the EDPS to publish its annual activity reports by 31 March with a view to optimising and speeding up the discharge procedure;
9. Underlines the increasingly important role of the EDPS in ensuring the implementation of European data protection and privacy rules in Union institutions and bodies; welcomes the activities of the EDPS, including an increasing number of opinions on Union proposals related to data protection and privacy issues, the support to Union institutions to prepare for the new data protection rules, the participation in the first EU-US Privacy Shield joint review, and the supervision of Europol; encourages the EDPS to continue working in close connection with national data protection authorities in the Member States to ensure effective coordinated supervision and to cooperate in the preparation for the new legal framework;
10. Welcomes the implementation by the EDPS of a 5 % staff reduction in its establishment plan and notes that the Court had no further remarks in that regard;
11. Welcomes the inclusion of the detailed missions undertaken by the members of the EDPS as requested in the last discharge resolution;
12. Welcomes the interinstitutional cooperation as evidenced, for instance through the Service Level Agreements between the EDPS and other Union institutions, the Commission's assistance in financial, accounting and budgetary matters or the participation in various inter-institutional calls for tenders, in particular in the area of Information Technology and Administration;
13. Welcomes the charts in the annual activity report, which provide detailed information about the number of missions, the average duration and the average cost of the staff of the EDPS and its Members; notes the inclusion of a comparative table on procurement as requested in the discharge report of 2016;
14. Regrets that the EDPS does not have an automatic system to extract Human Resource-related information; encourages the EDPS to find a swift agreement with the Commission in relation to adapting the IT-Tool SYSPER for its human resource management;
15. Welcomes the intensified communication to citizens and stakeholders as well as the steady increase of followers on social media platforms; welcomes also the launch of the new website of the EDPS in March 2017;
16. Notes that extra working space was granted to the EDPS to cope with the growing numbers of staff and the creation of the EDPB;
17. Welcomes the high proportion of women in management positions and the measures to ensure gender balance in the institution; notes, however, that only 32 % of total staff were men; underlines that measures to promote gender balance and equal opportunities should benefit all genders;
18. Welcomes the work of the confidential counsellor and the measures to raise awareness about harassment among the staff of the EDPS; encourages the EDPS to monitor closely the efficiency of its policy in this regard, to continue raising awareness about harassment at the work place and to foster a culture of zero tolerance toward harassment;
19. Notes that the 80 members of staff came from 16 different Member States in total; calls on the EDPS to strive for a proportionate representation of all Member States among the population of the staff;

20. Notes that the issue of 'revolving doors' has been dealt with in the Code of Conduct of the Members of the EDPS; welcomes the fact that CVs and declarations of interests of the members of the EDPS are available on the institution's website; encourages the EDPS to ensure that it is transparent with regard to its activities and to exchange best practices with other Union institutions;
 21. Welcomes the available information on the internal control measures; welcomes the follow-up to the recommendations of the Internal Audit Service resulting from the Annual Internal Audit for 2016 and that the three pending recommendations are about to be closed;
 22. Welcomes the Ethics framework of the EDPS, which concerns the Supervisors and all the members of the Secretariat in their relations with other Union institutions and other stakeholders; welcomes the formal establishment of the position of the Ethics Officer of the EDPS; encourages the efforts of the EDPS to align the Code of Conduct to new trends and best practices;
 23. Regrets the lack of information on internal procedures for whistleblowing provided by the EDPS in the context of the 2017 discharge; stresses the importance of ensuring that necessary procedures are in place and that all staff are properly informed of their rights, in order to build an institutional culture of trust;
 24. Notes that the United Kingdom's decision to withdraw from the European Union would not have any direct impact on the financial, human or structural organisation of the EDPS; welcomes the decision of the EDPS to maintain all of its four British members of staff.
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