2010 discharge: EU general budget, European Data Protection Supervisor

2011/2209(DEC) - 08/09/2011 - Court of Auditors: opinion, report

PURPOSE: presentation of the Court of Auditors' report on the implementation of the budget concerning the financial year 2010 (Section IX - European Data Protection Supervisor).

CONTENT: the Court of Auditors presents its 34th annual report on the implementation of the budget concerning the financial year 2010.

Pursuant to the provisions of the Treaty on the Functioning of the European Union (TFEU) the Court presents to the European Parliament and to the Council in the framework of the discharge procedure, the statement of assurance (the 'DAS') on the reliability of the annual accounts of the EU and on the legality and regularity of transactions underlying those accounts for each institution and organ of the EU, on the basis of an external audit.

This audit included the financial implementation of the European Data Protection Supervisor (EDPS).

Based on its audit work, the Court concludes that the payments as a whole for administrative and other expenditure were free from material error. **The most likely rate of error is 0.4 %.**

The Court again concludes that the supervisory and control systems for administrative and other expenditure were effective in ensuring the regularity of payments. However, the Court noted a certain number of errors and weaknesses in the implementation of public procurement procedures by the institutions and bodies of the EU. Decisions regarding recruitment were not always correctly recorded. These weaknesses are not significant for all policy groups taken together, but are significant in the context of each institution or body and must be taken into consideration by administrators.

Accordingly, the Court recommends to the institutions and bodies of the EU:

- to ensure that appropriate documentation is established to justify the recruitment decisions made and that eligibility criteria set out in vacancy notices are respected;
- to ensure that authorising officers have appropriate checks and better guidance at their disposal so as to improve the design, coordination and performance of procurement procedures.

The Court makes a certain number of particular observations as regards each EU institution or body of the European Union and which do not call into question the overall positive assessments set out above because they do not affect significantly administrative expenses as a whole.

In the specific case of the EDPS, the Court particularly notes the following points:

- **organisation of internal competition** : an internal competition in four different fields (legal field with experience in data protection, technological field with experience in data protection, human resources and secretarial assistance) was organised by the European Data Protection Supervisor (EDPS)'s Office in 2009. While the specialised nature of the functions performed by the EDPS's Office may justify the organisation of an internal competition, this policy should not be considered as the norm. Best practice is to use the services of the European Personnel Selection Office (EPSO), which organises open competitions on a regular basis;

- **follow-up on observations in the court of Auditors 2009 annual report**: with regard to payment of social allowances to staff members : the 2009 report asked the EDPS to ensure that Staff are requested to deliver at appropriate intervals documents proving their personal situation. In this respect, the European Data Protection Supervisor should improve its system for the timely monitoring and control of these documents. The EDPS has corrected the errors noted in the 2009 DAS and in 2010 and 2011 has implemented tools for better management of the allowances (formal contacts within the EDPS and with the PMO and yearly information fiche).