Basic information

2022/2089(DEC) DEC - Discharge procedure	Procedure completed
2021 discharge: General budget of the EU - European Data Protection Supervisor **Subject** 8.70.03.11 2021 discharge	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	PEKSA Mikuláš (Greens/EFA)	14/07/2022
	Shadow rapporteur MARINESCU Marian-Jean (EPP) MANDA Claudiu (S&D) MITUȚA Alin (Renew) CZARNECKI Ryszard (ECR) KUHS Joachim (ID) FLANAGAN Luke Ming (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	BRICMONT Saskia (Greens/EFA)	10/10/2022

European Commission

Commission DG	Commissioner
Budget	HAHN Johannes

Key events

Date	Event	Reference	Summary

23/06/2022	Non-legislative basic document published	COM(2022)0323	
13/09/2022	Committee referral announced in Parliament		
28/02/2023	Vote in committee		
30/03/2023	Committee report tabled for plenary	A9-0070/2023	Summary
09/05/2023	Debate in Parliament		
10/05/2023	Decision by Parliament	T9-0145/2023	Summary
10/05/2023	Results of vote in Parliament		
29/09/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/2089(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/9/09747

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE738.390	16/12/2022	
Committee opinion	LIBE	PE738.487	01/02/2023	
Amendments tabled in committee		PE742.345	02/02/2023	
Committee report tabled for plenary, single reading		A9-0070/2023	30/03/2023	Summary
Text adopted by Parliament, single reading		T9-0145/2023	10/05/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	06247/2023	16/02/2023	

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2022)0323	23/06/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N9-0066/2022 OJ C 391 12.10.2022, p. 0006	12/10/2022	
CofA	Court of Auditors: opinion, report	N9-0003/2023 OJ C 429 11.11.2022, p. 0008	11/11/2022	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Budget 2023/1837 OJ L 242 29.09.2023, p. 0157

2021 discharge: General budget of the EU - European Data Protection Supervisor

2022/2089(DEC) - 30/03/2023 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Mikuláš PEKSA (Greens/EFA, CZ) on the discharge for implementation of the European Union general budget for the financial year 2021, section IX - European Data Protection Supervisor.

The committee responsible recommended that the European Parliament **give discharge** to the European Data Protection Supervisor in respect of the implementation of the budget for the financial year 2021.

Budgetary and financial management

The report notes that the Supervisor's budget for 2021 amounted to **EUR 19 463 193,** which represents a minimal decrease of 0.07% compared to 2020. It further notes that the budget implementation rate was 86% for the year 2021, which is a significant increase compared to 2020, when the implementation rate was 73%.

Internal management, performance and control

Members acknowledge that 2021 was a challenging year, not least due to the COVID-19 pandemic, which created the immediate need to safeguard staff wellbeing and at the same time created new tasks, including the setting up the EU Digital COVID Certificate and the monitoring of Passenger Locator Forms, contact tracing apps, and other technologies used to fight against the virus, and ensuring that they were fully in line with the Union personal data protection legislation.

The report welcomes that the Supervisor immediately created an internal COVID-19 task force to actively monitor and assess the Union’s responses to the pandemic. It also welcomes that the Supervisor launched a competition to employ more specialised experts on data protection and adapted the internal organisation to reflect the increased workload on data protection. Members welcome the Supervisor’s launch of a Business Continuity and Crisis Management review exercise with relevant internal and external stakeholders following an internal assessment of the lessons learnt from the COVID-19 pandemic.

Human resources, equality and staff well-being

At the end of 2021, the Supervisor had 132 staff members, a slight increase from the end of 2020 and a significant increase from the end of 2019 when there were 107 staff members. Members are concerned to see an increase in the number of contract staff and a decrease in the number of civil servants between the end of 2020 and the end of 2021. They encouraged the Supervisor to **offer permanent contracts** to its employees to guarantee business continuity and work security.

The number of EU nationalities represented in the staff had further increased to 21, compared to 20 at the end of 2020. While both senior management positions are occupied by men, women represent 75% of middle management.

The current rules allow for teleworking up to three days a week and the Supervisor is setting up a working group to develop a strategic approach to ensure that the workload is fairly distributed among staff. No cases of psychological or sexual harassment have been reported.

Ethical framework and transparency

The Supervisor's ethical framework, which was updated in 2019, includes, among other things, mandatory training for new staff on harassment, prevention of conflicts of interest and other ethical issues. The EDPS does not currently use the inter-institutional transparency register, but publishes on its website the EDPS' programme, recorded meetings and interventions, including meetings with interest representatives. The EDPS is invited to join the inter-institutional agreement on a mandatory transparency register.

The report makes the following observations, *inter alia*:

- the Supervisor's workload is expected to increase further due to the growing trend towards **digitalisation** in the Union, the revision of the agencies' mandates and the initiatives presented by the Commission, in particular in the area of justice and home affairs, namely the opinions on Europol's mandate, on the digital services and digital markets legislation and on the NIS 2.0 Directive, as well as the joint opinions on the artificial intelligence act and the Union's digital COVID certificate. It is important to adapt human and financial resources to the growing workload and to increase the Supervisor's budget accordingly;

- the EDPS is making efforts to become a **paperless institution**;

- the report welcomes the **cooperation** between the Supervisor in his supervisory functions and the other EU institutions, bodies and agencies, in particular the European Public Prosecutor's Office. It welcomes the Supervisor's close monitoring of the evaluation of the European Central Bank's digital euro project. It welcomes the Supervisor's proposed initiative to create a pool of experts to support national data protection authorities in their work on investigations;

- as regards **communication**, the EDPS has organised several events which have helped to strengthen its role and the understanding of its mission by the general public. It prepared a public pilot phase of two social media platforms, EU Voice and EU Video, launched in 2022 to promote the use of decentralised, free and open technologies as alternative social networks.

2021 discharge: General budget of the EU - European Data Protection Supervisor

2022/2089(DEC) - 10/05/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 579 votes to 16, with 33 abstentions, to **grant discharge** to the European Data Protection Supervisor in respect of the implementation of the budget for the financial year 2021.

In its resolution, adopted by 577 votes to 21 with 37 abstentions, Parliament made the following observations:

Budgetary and financial management

The Supervisor's budget for 2021 amounted to **EUR 19 463 193**, which represents a minimal decrease of 0.07% compared to 2020. It further notes that the budget implementation rate was 86% for the year 2021, which is a significant increase compared to 2020, when the implementation rate was 73%. In 2021, the Supervisor met or exceeded the targets set for eight of the nine key performance indicators.

Internal management, performance and control

Members acknowledge that 2021 was a challenging year, not least due to the COVID-19 pandemic, which created the immediate need to safeguard staff wellbeing and at the same time created new tasks, including the setting up the EU Digital COVID Certificate and the monitoring of Passenger Locator Forms, contact tracing apps, and other technologies used to fight against the virus, and ensuring that they were fully in line with the Union personal data protection legislation.

Parliament welcomed that the Supervisor immediately created an internal COVID-19 task force to actively monitor and assess the Union's responses to the pandemic which has raised concerns about the protection of personal data and privacy rights of individuals.

It also welcomed that the Supervisor launched a competition to employ more specialised experts on data protection and adapted the internal organisation to reflect the increased workload on data protection. Members welcome the Supervisor's launch of a Business Continuity and Crisis Management review exercise with relevant internal and external stakeholders following an internal assessment of the lessons learnt from the COVID-19 pandemic.

Human resources, equality and staff well-being

At the end of 2021, the Supervisor had 132 staff members, a slight increase from the end of 2020 and a significant increase from the end of 2019 when there were 107 staff members. Members are concerned to see an increase in the number of contract staff and a decrease in the number of civil servants between the end of 2020 and the end of 2021. They encouraged the Supervisor to offer **permanent contracts** to its employees to guarantee business continuity and work security.

The number of EU nationalities represented in the staff had further increased to 21, compared to 20 at the end of 2020. While both senior management positions are occupied by men, women represent 75% of middle management.

Parliament welcomed the Supervisor’s focus on ensuring the mental well-being of both Supervisor and Board staff during the COVID-19 pandemic. It welcomed that the Supervisor has developed the system for flexible working arrangements and welcomed that no cases of psychological or sexual harassment were reported.

Ethical framework and transparency

The Supervisor's ethical framework, which was updated in 2019, includes, among other things, mandatory training for new staff on harassment, prevention of conflicts of interest and other ethical issues. The EDPS does not currently use the inter-institutional transparency register, but publishes on its website the EDPS' programme, recorded meetings and interventions, including meetings with interest representatives. The EDPS is invited to join the inter-institutional agreement on a mandatory transparency register.

There were no cases of staff leaving the institution in order to join the private sector in 2021 and no cases involving cooling-off periods.

Parliament also commented on digital transition, cybersecurity and data protection, buildings and security, environment and sustainability, interinstitutional cooperation and communication.

The resolution highlighted the following points in particular:

- the Supervisor continues to test and demonstrate open source tools, rather than proprietary tools, in order to maintain independence from suppliers, retain control of its technical systems, and better guarantee privacy and the protection of user data;

- it is important to adapt human and financial resources to the growing workload and to increase the Supervisor's budget: the Supervisor's workload is expected to increase further due to the growing trend towards digitalisation in the Union, the revision of the agencies' mandates and the initiatives presented by the Commission, in particular in the area of justice and home affairs, namely the opinions on Europol’s mandate, on the digital services and digital markets legislation and on the NIS 2.0 Directive, as well as the joint opinions on the artificial intelligence act and the Union's digital COVID certificate;

- the EDPS is making efforts to become a paperless institution. It continues to encourage the use of public transport, reimbursing 50% of monthly or annual season tickets;

- cooperation between the EDPS and other EU institutions, bodies and agencies, in particular the European Public Prosecutor's Office, is welcomed. The EDPS needs additional resources to monitor the European Central Bank's digital euro project. The EDPS is encouraged to continue the dialogue with Europol about the Agency's processing of large-scale data sets;

- as regards **communication**, the EDPS has organised several events which have helped to strengthen its role and the understanding of its mission by the general public. It prepared a public pilot phase of two social media platforms, EU Voice and EU Video, launched in 2022 to promote the use of decentralised, free and open technologies as alternative social networks.