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**A7-0098/2010**

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# REPORT

on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section IX – European Data Protection Supervisor  
(C7-0180/2009 – 2009/2076(DEC))

Committee on Budgetary Control

Rapporteur: Ryszard Czarnecki

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## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### **on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section IX – European Data Protection Supervisor (C7-0180/2009 – 2009/2076(DEC))**

*The European Parliament,*

- having regard to the European Union general budget for the financial year 2008<sup>1</sup>,
  - having regard to the final annual accounts of the European Communities for the financial year 2008 – Volume I (C7-0180/2009)<sup>2</sup>,
  - having regard to the European Data Protection Supervisor's annual report to the discharge authority on internal audits carried out in 2008,
  - having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial year 2008, together with the institutions' replies<sup>3</sup>,
  - having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 248 of the EC Treaty<sup>4</sup>,
  - having regard to Article 272(10) and Articles 274, 275 and 276 of the EC Treaty and Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
  - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>5</sup>, and in particular Articles 50, 86, 145, 146 and 147 thereof,
  - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A7-0098/2009),
1. Grants the European Data Protection Supervisor discharge in respect of the implementation of its budget for the financial year 2008;
  2. Sets out its observations in the resolution below;
  3. Instructs its President to forward this Decision and the resolution that forms an integral part of it to the Council, the Commission, the Court of Justice of the European Union, the Court of Auditors, the European Ombudsman and the European Data Protection Supervisor, and to arrange for their publication in the Official Journal of the European

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<sup>1</sup> OJ L 71, 14.3.2008.

<sup>2</sup> OJ C 273, 13.11.2009, p. 1.

<sup>3</sup> OJ C 269, 10.11.2009, p. 1.

<sup>4</sup> OJ C 273, 13.11.2009, p. 122.

<sup>5</sup> OJ L 248, 16.9.2002, p. 1.

Union (L series).

## 2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**with observations forming an integral part of its Decision on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section IX – European Data Protection Supervisor (C7-0180/2009 – 2009/2076(DEC))**

*The European Parliament,*

- having regard to the European Union general budget for the financial year 2008<sup>1</sup>,
  - having regard to the final annual accounts of the European Communities for the financial year 2008 – Volume I (C7-0180/2009)<sup>2</sup>,
  - having regard to the European Data Protection Supervisor's annual report to the discharge authority on internal audits carried out in 2008,
  - having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial year 2008, together with the institutions' replies<sup>3</sup>,
  - having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 248 of the EC Treaty<sup>4</sup>,
  - having regard to Article 272(10) and Articles 274, 275 and 276 of the EC Treaty and Article 314(10) and Articles 317, 318 and 319 of the treaty on the Functioning of the European Union,
  - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>5</sup>, and in particular Articles 50, 86, 145, 146 and 147 thereof,
  - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A7-0098/2009),
1. Notes that in 2008 the European Data Protection Supervisor (EDPS) had commitment appropriations available amounting to a total of EUR 5,3 million (2007: EUR 5 million<sup>6</sup>), with a utilisation rate of 86,14 %, below the average of the other institutions (95,67 %);
  2. Notes the continuous increase in permanent posts from 29 in 2007 to 33 in 2008 (2006: 24 posts) allocated to the EDPS; welcomes the fact that all those posts are filled, and notes the controlled growth and restricted expansion in both tasks and staff, ensuring that new

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<sup>1</sup> OJ L 71, 14.3.2008.

<sup>2</sup> OJ C 273, 13.11.2009, p. 1.

<sup>3</sup> OJ C 269, 10.11.2009, p. 1.

<sup>4</sup> OJ C 273, 13.11.2009, p. 122.

<sup>5</sup> OJ L 248, 16.9.2002, p. 1.

<sup>6</sup> 2006: EUR 4,1 million

staff are adequately integrated and trained; notes, however, that the expenditure under article "Other staff" demonstrates the implementation rate below the average (51,98 %);

3. Notes that the Court of Auditors indicated in its annual report that the audit did not give rise to any significant observations as regards the EDPS;
4. Welcomes the consolidation of the management of financial and human resources, as well as the improvement in functionality and efficiency of internal control functions achieved in 2008; looks forward to future developments regarding financial and human resources as well as internal work processes, which were selected by the EDPS among its main objectives for 2009;
5. Recalls that the administrative handling of all EDPS missions is ensured by the Paymaster's Office of the Commission (on the basis of the Administrative Cooperation Agreement between the Secretaries-General of the Commission, Parliament and the Council, signed together with the EDPS on 7 December 2006 for a further period of three years with effect from 16 January 2007);
6. Recalls that the evaluation performed by the EDPS Internal Audit Service (that is, Commission's internal auditor on the basis of the Administrative Cooperation Agreement) had demonstrated the functionality and efficiency of the internal control system and its ability to provide reasonable assurance for the achievement of the institution's objectives, and awaits the results of the follow-up audit; welcomes the fact that the internal report on internal controls showed 80 % rate of implementation of internal recommendations;
7. Welcomes the annual publication of declarations of financial interests of the elected Members of the institution (EDPS and Assistant Supervisor), containing relevant information on remunerated posts or activities and declarable professional activities;
8. Requests that the EDPS include in its next activity report (financial year 2009) a chapter providing a detailed account of the follow-up during the year to Parliament's earlier discharge decisions.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	23.3.2010
<b>Result of final vote</b>	+: 28 -: 0 0: 0
<b>Members present for the final vote</b>	Marta Andreasen, Jean-Pierre Audy, Inés Ayala Sender, Zigmantas Balčytis, Andrea Češková, Jorgo Chatzimarkakis, Andrea Cozzolino, Ryszard Czarnecki, Luigi de Magistris, Tamás Deutsch, Martin Ehrenhauser, Jens Geier, Ingeborg Gräßle, Martin Häusling, Ville Itälä, Cătălin Sorin Ivan, Iliana Ivanova, Elisabeth Köstinger, Bogusław Liberadzki, Monica Luisa Macovei, Christel Schaldemose, Theodoros Skylakakis, Bart Staes, Georgios Stavrakakis, Søren Bo Søndergaard
<b>Substitute(s) present for the final vote</b>	Monika Hohlmeier, Marian-Jean Marinescu, Véronique Mathieu, Olle Schmidt, Derek Vaughan