

**Measuring compliance with Regulation (EC) 45/2001
in EU institutions (“Survey 2013”)**

General Report

Brussels, 24 January 2014

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Executive Summary

As public administrations, EU institutions and bodies ("EU institutions")¹ process personal data both in their day to day work and in their core business activities. In doing so, they must comply with relevant data protection law, notably Regulation (EC) No. 45/2001 (the Regulation).² The European Data Protection Supervisor (EDPS) monitors and ensures compliance with this Regulation.³

The EDPS has performed a **general stock-taking exercise**, focussing on aspects that give a good indication of the progress made in the implementation of the Regulation in **62 EU institutions**. This general report is based on the responses received from EU institutions by 30 September 2013.⁴

The responses are shown in comparative tables, by Group⁵ of EU institutions. **Benchmarks** are based on the results achieved in each Group. These benchmarks are therefore not set up *in abstracto* by the EDPS, but result from performance levels achieved by comparable institutions and agencies. This allows for **comparing peers** and shows the threshold institutions or bodies of the relevant Group can be reasonably expected to meet.

In line with the EDPS enforcement policy⁶, this general report will be published. It emphasises the progress made in comparison to the 2011 survey, but also underlines shortcomings and is intended to encourage greater accountability for compliance with data protection by EU institutions. It also evaluates the results of the **visits** carried out based on the 2011 survey, concluding that they have proven to be a **valuable instrument** for increasing compliance.

The responses received and previous compliance visits have shown that the implementation of the Regulation is not only a matter of time and resources, but also of **organisational will**. This report is not meant to evaluate the performance of the Data Protection Officer, but to assess the performance of EU institutions responsible for protecting the right of individuals to privacy with respect to the processing of personal data. Ensuring compliance is indeed a process that requires the **commitment** and **support** of the hierarchy in all EU institutions.

The EDPS will take the results of this survey into account in planning further supervision and enforcement activities. This programme will combine **guidance** to EU institutions, **enforcement actions** and other measures to promote **accountability**. In particular, compliance visits triggered by a manifest lack of commitment by an institution or body have been planned on the basis of the results of this survey.

¹ See annex 3 of the report for the list acronyms.

² Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

³ In accordance with Article 41 (2) of the Regulation.

⁴ Several bodies and agencies replied after this date: Clean Sky JU, EASO, and EIT. Where possible, their replies were still incorporated in this report.

⁵ See annex 1 of the report.

⁶ See the EDPS Policy Paper of 13 December 2010 on "Monitoring and Ensuring Compliance with Regulation (EC) 45/2001", p.8

1. Introduction

As public administrations, EU institutions process personal data, both in their core business activities and in their administrative tasks.

It is the responsibility of EU institutions to protect fundamental rights and freedoms of natural persons with respect to the processing of personal data and to put in place appropriate and effective measures to ensure that the principles and obligations set out in Regulation (EC) 45/2001 (the Regulation) are complied with and to be able to demonstrate this.

It is the duty and task of the European Data Protection Supervisor (EDPS) to monitor and ensure that individuals' rights are respected in accordance with the Regulation.⁷

In his Policy Paper adopted in December 2010⁸ the EDPS announced that "*he will continue to conduct periodic 'surveys' in order to ensure that he has a representative view of data protection compliance within EU institutions/bodies, and to enable him to set appropriate internal objectives to address his findings*".

In June 2013 the EDPS embarked on his fourth stock-taking exercise. This exercise is the continuation of the 2007, 2009 and 2011 exercises and allows charting compliance trends over time.

The exercise had a wide scope, involving all relevant EU institutions, and focussed on aspects that give a good indication of the progress made in the implementation of the Regulation by EU institutions. Apart from the usual questions on the state of the inventory and the register, this edition of the survey additionally included questions on transfers under Article 9 of the Regulation, data protection training given to staff, contractual clauses for processors and the involvement of the DPO in designing new processing operations.

This general report is based on the responses received during summer and autumn 2013 from the 62 EU institutions and bodies (including certain former second and third pillar bodies) to EDPS letters raising specific questions. The content of the EDPS letters varied slightly following the status –recent or less recent, with or without Data Protection Officer (DPO) appointed– of the EU institutions. The EDPS received replies from all EU institutions concerned except GSA and EUSC. The EDPS will address this issue separately.

The EDPS will take the results of this exercise –including benchmarks for different categories of EU institutions– into account when planning his 2014 supervision and enforcement action programme. This programme will combine guidance to EU institutions, enforcement actions and other measures to promote accountability.

The report is organised as follows: section 2 explains the methodology and the benchmarks; section 3 contains a comparative analysis of the replies received in response to our letters, question by question, each preceded by a short explanation why this question was relevant; section 4 follows up on the visits launched as a consequence of the 2011 survey; where possible, the results achieved in terms of

⁷ In accordance with Article 41 (2) of the Regulation

⁸ See the EDPS Policy Paper of 13 December 2010 on "Monitoring and Ensuring Compliance with Regulation (EC) 45/2001", p.8.

compliance before and after the visits are compared to analyse their impact; section 5 concludes and summarises.

2. Methodology

2.1. Questions asked and timing

The survey was carried out as a desk exercise, requesting information from EU institutions. The list of questions was sent to the EU institutions in mid-June 2013; a formal reminder was sent in early September 2013; where necessary, additional reminders were sent on working level. Replies arrived throughout summer and autumn 2013. In winter 2013-2014, EU institutions were consulted on the draft report.

EU institutions were asked to supply documentation on the following aspects:

1. an up-to-date copy of the inventory of processing operations;
2. an up-to-date copy of the register established under Article 26 of the Regulation, including information on operations subject to prior checking by the EDPS;
3. notification of the appointment of a DPO (if not notified yet);
4. a copy of any associated implementing rules already adopted or the draft version of these for consultation (if not notified yet);
5. information on data protection training given to staff;
6. contractual clauses on data protection for processors;
7. information on the involvement of the DPO in designing new processing operations;
8. information on transfers of personal data to recipients not subject to national legislation implementing Directive 95/46/EC.

For bodies established or having become operational after the 2011 survey, questions 5 to 8 were voluntary.

An overview of the answers given to questions 1 and 2 is displayed in a comparative table (see section 3.1 below). Question 3 and 4 are discussed afterwards. Questions 5 to 8, which do not lend themselves easily to quantitative analysis, are analysed qualitatively in the body of this report.

Following the practice in the 2011 survey, EU institutions have been split into four different groups to allow for more meaningful comparisons.

2.2. Establishing peer groups and setting benchmarks

In order to allow meaningful comparisons between EU institutions, the EDPS first developed benchmarks in his 2011 Survey. For the 2013 survey, these benchmarks have been adapted.

The purpose of these benchmarks is to compare EU institutions to the performance of their peers. The percentages of the benchmarks have not been fixed by the EDPS in a vacuum, but are based on the performance of the EU institutions. However, it would not be fair to compare a well-established institution like the Council or the Commission with a recently established Agency which is still in the process of growing and setting up. For this reason, the benchmarks are established by Group of comparable EU institutions. Mature institutions can thus be held to a stricter standard than newly established bodies.

The groups have been established in the following manner: the year the EDPS was set up (2004) is the first criterion to establish the division. The first appointment of a

DPO has been taken into account as a second criterion. The four groups are defined as follows (see annex 1):

Group A: Set up before 2004 and appointed a DPO before 2004

Group B: Set up before 2004, appointed a DPO after 2004

Group C: Set up after 2004, but before 2011

Group D: Set up in 2011 or later

Benchmarks concerning the procedures presenting specific risks in the sense of Article 27 are established without prejudice to the fact that core business processing operations must always be notified prior to their launching.

Compared to the benchmark established in the 2011 survey, the current benchmarks have been updated to reflect the general rise in compliance rates (see Inventory and notifications to the DPO in section 3.1 below).

Group A:

- an intelligible inventory and a rate of at least 95% of Article 25 processing operations notified;
- procedures presenting specific risks in the sense of Article 27 must all have been notified to the EDPS;
- a DPO is in office;
- implementing rules have been adopted.

Group B:

- an intelligible inventory and a rate of at least 90% of Article 25 processing operations notified;
- procedures presenting specific risks in the sense of Article 27 and for which the EDPS has issued Guidelines must all have been notified to the EDPS, save if the procedure has not yet been adopted internally;
- a DPO is in office;
- implementing rules have been adopted.

Group C:

- an intelligible inventory and a rate of at least 85% of Article 25 processing operations notified;
- procedures presenting specific risks in the sense of Article 27 and for which the EDPS have issued Guidelines must all have been notified to the EDPS, save if the procedure has not yet been adopted internally;
- a DPO is in office;
- implementing rules submitted to the EDPS for consultation or adopted.

Group D:

- an intelligible inventory and a rate of at least 30% of Article 25 processing operations notified;
- a DPO is in office;
- implementing rules submitted to the EDPS for consultation or adopted.

The EDPS has put a figure on certain data to refine his assessment of the comparative results and establish benchmarks.⁹ Nevertheless, as the report will show, certain parameters cannot be easily translated into figures. Therefore, the exercise requires a certain amount of interpretation (see some limitations of the methodology in annex 2). In any case, these factors are never considered in isolation. They are part of a global picture which will be carefully evaluated before leading to possible further action.

The benchmarks mentioned in this report will be particularly helpful in steering further progress in ensuring compliance with the Regulation where necessary. This is a process that will require sufficient permanent attention.

2.3. Coding

In several cases, EU institutions indicated in their inventories that they were still evaluating whether or not certain processing operations fall under Article 27. It should be noted that different EU institutions show different degrees of caution in labelling processing operations as "to be evaluated", which can have an impact on notification rates.

For the calculation of the notification rates processing operations which from the information available will *prima facie* not fall under Article 27 have not been counted.¹⁰ Conversely, those that clearly will fall under Article 27, as well as those for which it could not be decided based on the information provided, were counted. However, if a planned implementation date was given and it was in the first quarter of 2014 or later, procedures were not counted. The reason for this was that while processing operations are to be indicated in the inventory before starting, practices differ between EU institutions as to how far in advance processing operations are included in the inventory. In order to avoid penalising EU institutions with long-term planning, this cut-off date was chosen.

In several cases, inventories labelled processing operations as not subject to prior checking, even though the information available clearly indicated that they would be. Such processing operations were counted as subject to Article 27.

Processing operations which have been submitted to the EDPS under Article 27(3) (consultation on need for prior checking) and where the result has been that no prior check was needed were not counted either.

The tables in this report mention such adaptations when they occur.

⁹ It should be noted that perfect 100% scores for Article 25 notifications are very hard to achieve, as new processing operations are regularly proposed or existing processing operations updated (especially in larger institutions). For this reason, a score of 95% for Article 25 notifications can for all practical purposes be seen as sufficient. For institutions with a register in such a state, the challenge usually shifts to maintaining it up to date.

¹⁰ This assessment was made based on the outcome of earlier Article 27(3) consultations on similar processing operations.

3. Comparative results of the survey

3.1. Inventory and notifications to the DPO

The EDPS has requested an update of the inventory of all identified processing operations involving personal data, as well as of the register containing all processing operations notified to the DPO under Article 25 of the Regulation, including information on the state of Article 27 notifications

The inventory and the register are important tools in ensuring compliance with the Regulation. All processing operations have to be notified to the DPO, who keeps a register (Articles 25 and 26 of the Regulation); the inventory contains basic information on processing operations and is a tool for the institutions to have an overview of their processing operations and to identify priorities (e.g. processing operations falling under Article 27 of the Regulation). While not specifically mentioned in the Regulation, the inventory has proven to be a valuable tool in achieving compliance. Maintaining the register, on the other hand, is a specific obligation for DPOs under Article 26 of the Regulation. Comparing the inventory and the register allows quickly seeing how far EU institutions have advanced in their compliance efforts for Article 25 of the Regulation. While the percentage of processing operations notified is not the only measure of compliance, it is an important one.

A **large majority** of EU institutions keep –as recommended by the EDPS– **both an inventory and a register**. Those EU institutions who do not keep a separate inventory sometimes add a section on future processing operations to the register, effectively integrating the two documents in one (e.g. the EP).

The formats used for registers and inventories differ between EU institutions. It should be noted that **not all documents submitted as "registers" included all the information required under Article 26**, second subparagraph, of the Regulation. In order for the register to serve its purpose in informing data subjects and to be in compliance with the Regulation, EU institutions should adapt the format and content of their registers accordingly to include the missing items. The minimum content of the register is clearly defined in Article 26 of the Regulation. Sometimes, institutions were not clear on the terminology between the register and the inventory.¹¹

Compared to the last general survey carried out in 2011, **notification rates have risen in general**. The table below provides an overview of notification rates in the current survey and changes compared to the 2011 survey. The column "Article 25" refers to all processing operations. This also includes those which additionally have to be notified to the EDPS under Article 27 of the Regulation. The column "Article 27" provides separate information on these processing operations.

¹¹ E.g. Eurofound, ENISA

Institution / body / agency	Results in 2013 survey		Results in 2011 survey		Change	
	Article 25	Article 27	Article 25	Article 27	Art. 25	Art. 27
EC	96%	100%	98%	97%	-2	3
CoR	98%	100%	100%	84%	-2	16
Council	94%	100%	80%	89%	14	11
ECA	100%	100%	89%	72%	11	28
ECB	100%	83%	96%	73%	4	10
ECJ ¹²	97%	93%	84%	87%	13	6
EESC ¹³	99%	95%	89%	92%	10	3
EIB	100%	97%	99%	88%	1	9
EP ¹⁴	93%	100%	98%	98%	-5	2
OLAF ¹⁵	100%	100%	100%	100%	0	0
OMBUDSMAN	100%	100%	100%	100%	0	0
CDT	75%	92%	82%	70%	-7	22
CEDEFOP	90%	93%	62%	65%	28	28
CPVO	91%	90%	70%	80%	21	10
EASME (formerly EACI) ¹⁶	90%	90%	73%	100%	17	-10
EASA ¹⁷	81%	65%	18%	26%	63	39
EDPS	98%	100%	55%	90%	43	10
EEA	95%	100%	80%	60%	15	40
EFSA	78%	84%	57%	75%	21	9
EIF ¹⁸	51%	77%	99% ¹⁹	88%	Not comparable	
EIF (only own processing) ²⁰	9%	29%	n/a	n/a	Not comparable	
EMCDDA	76%	93%	71%	81%	5	12
EMA	100%	94%	100%	87%	0	7
EMSA	97%	85%	100%	70%	-3	15
ENISA	89%	100%	73%	66%	16	34
ETF	100%	100%	33%	75%	67	25

¹² Three processing operations counted as possibly prior-checkable which were marked "to be determined" in the inventory, one non-prior check Opinion adopted in the meantime as update. Double entries (original notification and update) and processing operations that were not implemented not counted.

¹³ One processing operation was counted as a new, separate operation, but is in fact an update of an already notified operation and was thus not counted separately.

¹⁴ Several processing operations that were noted as not yet notified in the inventory/register have been notified shortly after the submission of the reply and were counted as notified.

¹⁵ Two prior-check notifications were submitted following the replies.

¹⁶ One notification for prior checking was submitted following the replies.

¹⁷ Two processing operations marked as "to be determined" if Article 27 applies in the inventory and for which Article 27 clearly will not apply were not counted.

¹⁸ The EIF relies on the EIB for administrative support. Many processing operations are carried out by the EIB for the EIF and are covered under "corporate notifications". The numbers in this line refer to all processing operations listed in the EIF inventory, including corporate notifications.

¹⁹ 2011 numbers refer to EIB results; they are not comparable

²⁰ This line excludes all processing operations marked as "corporate notifications".

EUROFOUND²¹	92%	100%	100%	100%	-8	0
FRA	99%	100%	100%	68%	-1	32
OHIM ²²	90%	90%	90%	89%	0	1
EU-OSHA	96%	100%	100%	43%	-4	57
EACEA	98%	95%	45%	66%	53	29
Chafea (formerly EAHC) ²³	52%	100%	50%	50%	2	50
ECDC ²⁴	96%	100%	No reply	No reply		
EFCA ²⁵	79%	100%	40%	31%	39	69
ENIAC ²⁶	100%	0%	n/a	0%		0
ERA	86%	89%	19%	53%	67	36
FRONTEX	R	R	R	R		
GSA ²⁷		No reply	n/a	n/a		
INEA (formerly TEN-T EA)	69%	63%	48%	55%	21	8
Artemis	100%	57%	0%	0%	100	57
Clean Sky	93%	100%	R	R		
ECHA	100%	100%	57%	42%	43	58
ERCEA	98%	95%	10%	20%	88	75
F4E	66%	83%	10%	18%	56	65
FCH JU ²⁸	100%	67%	0%	57%	100	10
IMI JU ²⁹	100%	100%	R	R		
REA	96%	82%	20%	28%	76	54
SESAR	78%	67%	16%	28%	62	39
ACER	28%	31%	0%	0%	28	31
BEREC ³⁰	13%	33%			13	33
CEPOL	3%	43%	0%	0%	3	43
EASO ³¹	19%	25%			19	25
EBA ³²	14%	67%			14	67

²¹ Some inconsistencies between inventory and register documents: 3 processing operations labelled as not yet notified in the inventory are included in the register and have thus been counted as notified. Numbers based on "inventory" document.

²² Several processing operations that were marked as "archived" (meaning no longer active, merged into successor notifications etc.) not counted.

²³ The register and the inventory distinguished between processing operations on different levels of detail, inventory entries were grouped for the calculation of notification rates.

²⁴ ECDC did not reply to the 2011 survey, thus no comparison to past performance could be made.

²⁵ Several processing operations not counted due to late planned implementation dates given.

²⁶ ENIAC was not included in the 2011 survey.

²⁷ The GSA did not submit a formal reply to the survey on time.

²⁸ Procurement and selection of experts were marked as not subject to prior checking in the inventory/register document, but in fact do fall under Article 27; they were counted as subject to prior checking.

²⁹ Several processing operations related to procurement, grants and selection of experts were notified shortly following the survey replies.

³⁰ BEREC became operational after the 2011 survey. One processing operation that will be subject to prior checking (selection of interim staff) was not counted due to launch date given as 09/14.

³¹ EASO became operational after the 2011 survey.

³² EBA became operational after the 2011 survey. The register and inventory distinguished processing operations on different levels of detail, inventory entries were grouped for the calculation. Several processing operations not counted due to late planned implementation dates given.

EDA ³³	R	R	n/a	n/a		
EEAS	32%	67%	0%	0%	32	67
EIGE	63%	86%	0%	0%	63	86
EIOPA ³⁴	13%	58%			13	58
EIT	15%	70%	0%	0%	15	70
ESMA ³⁵	35%	61%	0%	0%	35	61
ESRB ³⁶	100%	100%	14%	100%	86	0
EUISS ³⁷	n/a	n/a				
eu-LISA ³⁸	n/a	n/a	n/a	n/a		
EUSC ³⁹		No reply	n/a ⁴⁰	n/a		

Key	
R	Register
No reply	Did not reply on substance on this point
n/a	Not available, e.g. document not included in reply
Blank	Organisation became operational after the 2011 survey

Figure 1: Comparative results Article 25 and 27 notifications

In a limited number of cases, rates have declined slightly. This usually concerns mature EU institutions with a high compliance rate in cases where updates of the inventory have led to DPOs becoming aware of additional processing operations. This can lead to fluctuations in the 90% to 100% range and is not as such a cause for concern. Given that new processing operations are constantly developed, achieving a notification rate of 100% for Article 25 notifications is very difficult, especially for large institutions. For Article 27 notifications, even one or two new processing operations that have not been notified yet can cause what would at first sight seem to be a noticeable drop in notification rates. The reason for this is that the number of such processing operations can be quite low – this was the case for EASME.

3.2. Adoption of implementing rules ("IRs")

The EDPS has requested from EU institutions a copy of their implementing rules (IR) on the tasks, duties and powers of the DPO pursuant to Article 24(8) of the Regulation, unless where he already received these earlier in other contexts.

The IR pursuant to Article 24(8) of the Regulation are, in general, adopted or submitted for consultation to the EDPS in the year of establishment of a new EU body and at the latest, the year after. If the IRs are not adopted in the year after the establishment of the body, this may be a cause of concern for the EDPS. The IRs serve to flesh out the requirements of the Regulation and are an important tool for establishing the DPO function. The EDPS has issued guidelines on aspects that should be addressed in IRs and has also identified best practices in this regard.⁴¹

³³ EDA provided a register document that did not allow notification rates to be calculated.

³⁴ EIOPA became operational after the 2011 survey.

³⁵ One processing operation that was submitted for prior checking shortly after the survey reply counted as notified

³⁶ Note: the ESRB relies on the ECB for administrative support in the standard processing operations.

³⁷ The EUISS did not include a register or inventory in its reply.

³⁸ Eu-LISA became operational after the 2011 survey; its reply did not include a register or an inventory.

³⁹ The EUSC did not reply to the survey on time.

⁴⁰ EUSCs reply to the 2011 did not include an inventory

⁴¹ Available on the EDPS website

Almost all EU institutions have **adopted IR** or are **in the process of adopting IR**. eu-LISA and EASO included draft IRs for consultation in their replies to the survey. The EDPS has provided both agencies with advice on how to improve their texts. The only body without IRs left is the EUISS. The EUISS is a former second-pillar agency whose adaptation to the new EU institutional set-up is still underway.

3.3. Appointment and role of the DPO

The EDPS has requested those bodies who have not yet notified him of the appointment of a DPO to appoint a DPO as soon as possible and to notify this.

The importance of the DPO as a partner both for controllers in the EU institutions as well as for the EDPS cannot be overstated.

DPOs play a key role in ensuring compliance with the Regulation. They are the **first point of contact** for staff in the EU institutions of the EU when it comes advising them on their rights and obligations and **fostering a data protection culture**. Additionally, they are also the main **liaison point** for the EDPS.

Internally, DPOs can disseminate good practices within their EU institutions, act as a hub of knowledge, and give advice to controllers and flag problems. In relation with the EDPS, DPOs are essential partners. Being embedded in their EU institutions, they have the closest insight into what is happening "on the ground" and are thus an invaluable source of information, besides also acting as the main liaison with the EDPS, for example for Article 27 notifications.

Only two bodies did not have a DPO appointed by the time the survey questionnaires were sent out (eu-LISA and EUISS).

eu-LISA has decided to appoint one of its current staff members as interim DPO until the selection procedure for a DPO will be finished.

As already noted, the re-organisation of the **EUISS** is still underway. However, in its reply, the EUISS informed the EDPS about the appointment of a DPO as a first step towards compliance with the Regulation.

3.4. Information on data protection training given to staff

The EDPS has requested information on the data protection training given to staff using a questionnaire, including items such as length and substance of training classes given as well as the number of participants.

Data protection is not the exclusive domain of specialised DPOs and the EDPS – in order to create a data protection culture in the EU institutions, staff at large also need to be aware about their rights and obligations. While the EDPS can provide training as well, he focuses on training the DPOs ("train the trainers"), so raising awareness and providing internal training is an additional task of DPOs.⁴²

The **amount and frequency of training classes differ widely** between EU institutions.

About two thirds of the EU institutions include data protection in their welcome programme for newcomers or offer general introductions to data protection.

⁴² This follows from Article 24(1)(a) of the Regulation; many implementing rules give more substance to this provision.

Depending on their size, such training classes might be organised according to demand or on a regular yearly or twice yearly basis.

More than a quarter of the EU institutions also mentioned more **specialised training for specific groups of staff**. This mostly refers to **middle management** (heads of unit and similar) "in charge" of processing operations as well as **human resources** staff. Other groups that were mentioned as having received specialised training were **security guards and receptionists** (concerning CCTV), **case handlers** for core business system involving personal data and **IT staff**. Sometimes, training for data protection coordinators (DPCs) was mentioned as well. Several agencies also mentioned that training courses offered by the Commission were open to their staff.

Four EU institutions mentioned that **e-learning modules** were available, under development, or planned (ECA, EEAS, EC, ECHA).

The two figures below provide information both on training and the availability of information material in general, as well as more detailed information on training given for specific groups of staff.⁴³

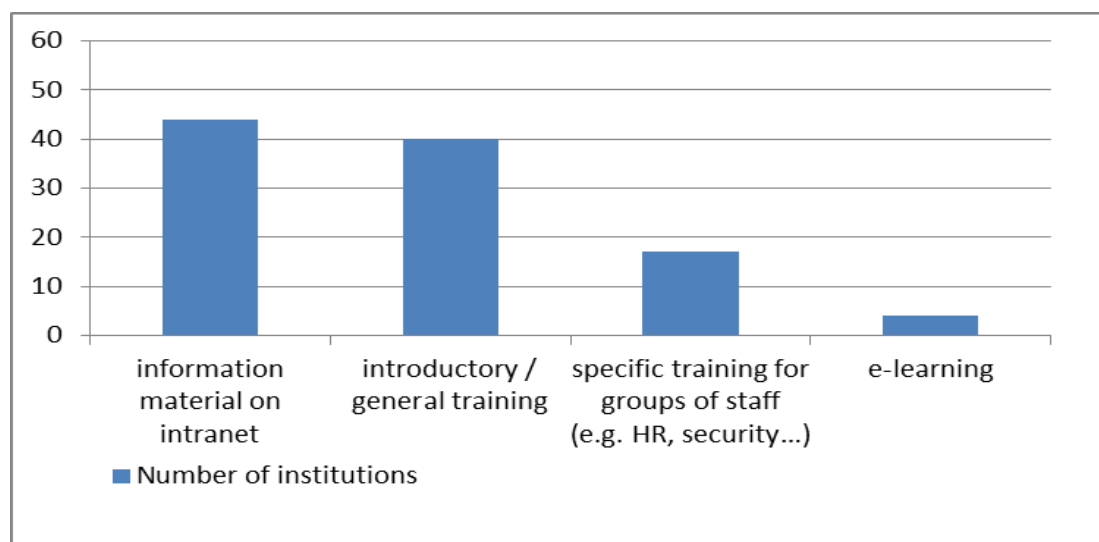


Figure 2: Training provided to staff (general)

⁴³ Figure 2 provides information on whether the institution indicated specific training or not; figure 3 splits these into more detailed categories. As EU institutions with such specific training options sometimes provide these for several groups, the aggregated numbers in figure 3 are higher than those in figure 2.

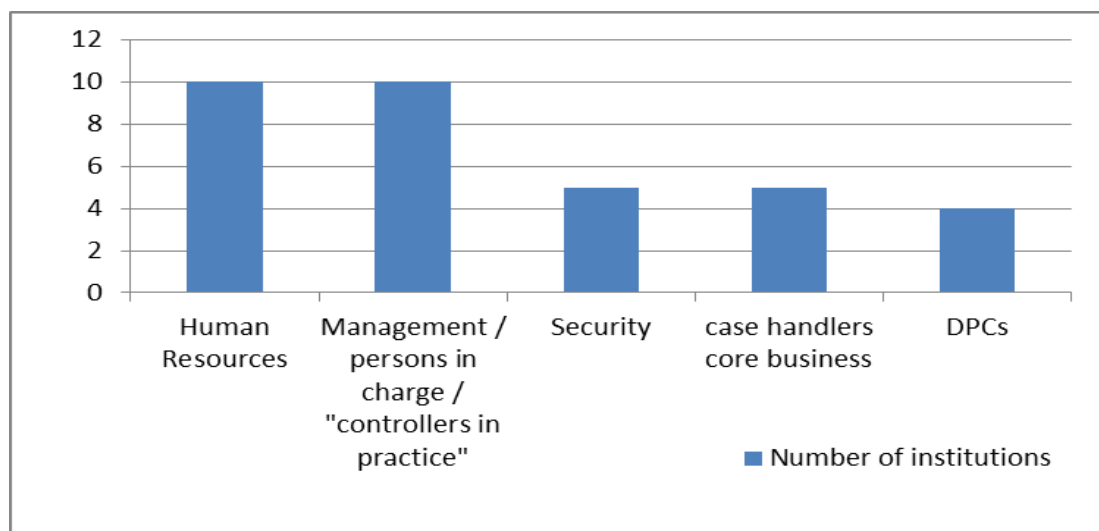


Figure 3: Training provided to staff (specific)

In addition to the specific target groups for trainings mentioned here, several EU institutions highlighted training given on the **relationship between data protection and public access** under Regulation (EC) 1049/2001.⁴⁴

Several EU institutions reported that the DPOs **could not provide training to staff due to lack of time**. This concerned both full-time and part-time DPOs. In these cases, EU institutions should ensure that their DPOs are in a position to also fulfil this part of their mandate – be it by providing additional assistance/resources or augmenting part-time DPO's share of working time devoted to this role.

3.5. Contractual clauses on data protection for processors

The EDPS has requested a copy of the standard contractual clauses on data protection used in contracts with third-party processors.

A sizable number of EU institutions have outsourced some services to external processors. As these processors are working under the direction and responsibility of the institution or body with whom they have the contract, it is an obligation for the institution or body to ensure that personal data are protected to the standard of the Regulation. Article 22 and 23 of the Regulation contain specific rules concerning data security that are binding in such cases.

In the course of his supervision activities, the EDPS has come across numerous instances of such outsourced processing. Questions of contracts and data protection clauses have been addressed in a number of prior check Opinions. However, so far there has been no systematic survey of the clauses used. This gap is to be filled by this question. The answers will also provide input for possible EDPS guidance in this respect and help to identify good clauses that could serve as a model for other institutions.

The analysis shows that a number of EU institutions are using the template clause elaborated by the Directorate-General for the Budget (DG Budget) of the Commission. Indeed, there is an interest in having a template clause, ready to use for standard processing operations. In addition, contractors are able to know in

⁴⁴ On this matter, see also the EDPS background paper on "Public access to documents containing personal data after the *Bavarian Lager* ruling", available on the EDPS website.

advance which obligations they are expected to comply with in terms of data protection.

The DG Budget clause follows a two-fold approach. The first paragraphs elaborate on the obligations of the controller vis-à-vis the personal data from the contractor and the contractors' rights. The other paragraphs describe the obligations of the contractor pursuant to Article 23 of the Regulation. They provide that the processor should only act on behalf of the controller, in particular for what concerns purposes of the processing, categories of data, recipients and data subjects' rights. It also reproduces the list of security requirements relating to the measures referred to in Article 22 of the Regulation, in accordance with Article 23(3).

It goes without saying that the Regulation applies to the processing of the contractor's data by EU institutions and they have, as controller, the obligation to inform the data subject(s) (i.e. the contractor if he is a natural person, the contractor's legal representatives, or the natural persons that work under the contractor's direct authority) about his rights. However, the privacy statement would have been the most appropriate channel to do so. More importantly, the fact that processors and controllers obligations are put together in the same clause is rather confusing. The two aspects - contractor's rights/controller's obligations on the one hand and contractor's obligations on the other hand - should be at least separated by subtitles.

Other clauses, different from the one established by DG Budget, encourage the same confusion between contractor's rights and contractor's obligations. The EDPS has constantly recommended avoiding this confusion between the processing of the contractor's data and the processing of data generated by the contract.

Some EU bodies also provided specific data protection clauses that were used in complex areas where the standard clause was not deemed sufficient in relation to the activity envisaged. An institution elaborated a specific clause for its case management system. This tailor-made approach can be motivated for example by complex technology, the use of cloud computing or any other sensitive processing operations. The EDPS encourages this as a good practice. The role of the DPO in that context should be underlined, as he/she could be the one advising on the appropriate clause to be adopted: a standard clause for standard processing operations or a specific one, if the sensitivity of the processing operations foreseen by the contract so requests.

Finally, as a matter of principle, the EDPS does not encourage sub-processing by subcontractors. It is advisable to insert a clause on subcontracting in the contract. As a minimum, such clause should require that the contractor shall not subcontract any of its processing operations without the prior approval of the controller.

3.6. Involvement of the DPO in designing new processing operations

The EDPS has requested EU institutions to provide information on how the DPO is involved in the design of new processing operations.
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Thinking of how to integrate data protection into the design of processing operations from the beginning is a path to good data protection. This principle of "**data protection by design**" will be formally integrated in the new General Data Protection Regulation for the private and most of the public sector in the EU Member States,

which is currently under discussion in the European Parliament and the Council.⁴⁵ Even in the current absence of a specific obligation on the EU institutions, "data protection by design" is a good practice. It helps to spot problems early in the design process –thus avoiding e.g. costly software re-designs at later stages⁴⁶– and to integrate a data protection culture into the development cycle. While "privacy by design" does not necessarily require involving the DPO at all stages, since it is in the first place the responsibility of the controller, having the DPO on board ensures that data protection aspects will be duly taken into account.

As this question was intentionally phrased in a very open way, the form of replies varied widely.

Nonetheless, there is ample evidence that many EU institutions are aware of the necessity of thinking about data protection from the beginning and involving their DPOs. The ways to ensure this differ between EU institutions.

Many institutions mentioned regular participation of their DPOs in IT steering committees or similar bodies as well as regular meetings with persons 'in charge' (middle management in HR, IT...).

Several EU institutions mentioned that their project management templates included a consultation of the DPO or checkbox(es) on data protection.⁴⁷ Similarly, several EU institutions mentioned that the standard operating procedures for requests for changes and similar include a check by their DPOs, ensuring that they are aware of changes.

On the other hand, several replies also mentioned that DPOs are not involved (early) enough or that consultations were framed too generally.⁴⁸

In general, the larger the body or institution, the more likely formalised procedures are. Several smaller bodies explicitly drew attention to their size as a factor that enables their DPOs to more easily have a good picture of what is happening. Sometimes, institutions also mentioned part-time DPOs' other tasks that made sure they were kept up-to-date (e.g. roles in IT or as legal advisor to the Director). This was especially the case in smaller agencies. The EDPS would like to point out while this may work for small agencies or agencies that have just been set up, a more formalised consultation process seems to be necessary for larger organisations.

Another aspect that was mentioned as a success factor was a good working relationship with other relevant departments, such as HR, IT and corporate services.

The EDPS considers the following ways of ensuring the DPO's proper involvement as especially valuable:

- Regular meetings with relevant departments (IT, HR...)
- Inclusion of a "data protection check" (if necessary with consultation of the DPO) in project management documents (and similar).

⁴⁵ While discussions on whether or not to include the EU institutions in its scope are still on-going, this principle will become more relevant for them - in case the will not be included in its scope, it is highly likely that this principle will be included in a revision of Regulation 45/2001.

⁴⁶ One institution specifically mentioned that this problem, noting that it was less the case for HR-related systems now that the DPO regularly participates in the HR/IT steering committee.

⁴⁷ E.g. ECB, EP, EACEA (who mentioned that they use the EC's template).

⁴⁸ E.g. CPVO, ERA

3.7. Information on transfers of personal data to recipients not subject to national legislation implementing Directive 95/46/EC

The EDPS has requested EU institutions to provide information on transfers of personal data to recipients not subject to national legislation implementing Directive 95/46/EC.

The Regulation contains different rules on transfers of personal data depending on the identity of the recipient.⁴⁹ **Article 9 contains the rules for recipients not subject to national legislation implementing Directive 95/46/EC.**⁵⁰ Such recipients can be split into two major categories: (a) recipients established in **third countries**, for example when contracting with service providers outside the EU, as well as **international organisations** and (b) certain authorities in the EU Member States which are exempt from the legislation implementing Directive 95/46/EC, for **example security services** or sometimes **law-enforcement** agencies.

As transfers to third parties necessarily entail a certain loss of control over personal data, it is important that the recipients be subject to appropriately strict data protection rules. This is not a problem for transfers within or between EU institutions, and also not for transfers to most recipients in the EU.⁵¹ For transfers to other third parties, this can become a problem, as their data protection standards are often weaker than the EU standard. For this reason, Article 9, which regulates such transfers, is more restrictive than the rules for intra-EU transfers. This reflects the increased risk associated with such transfers. The EDPS asked for information on such transfers in an open manner to obtain a general overview, also with a view to adopting guidance.

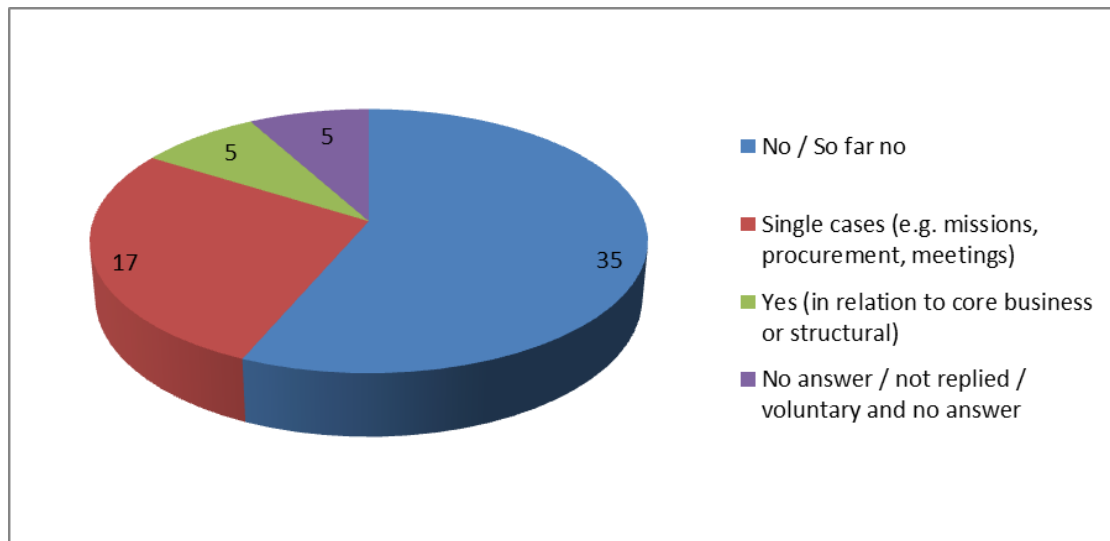


Figure 4: Overview of Article 9 transfers

⁴⁹ Article 7 regulates transfers within and between EU institutions; Article 8 regulates transfers to recipients subject to national legislation implementing Directive 95/46/EC, i.e. the private sector as well as most of the public sector (excluding security services and sometimes law-enforcement) in the EU Member States; Article 9 regulates transfers to other recipients.

⁵⁰ The Data Protection Directive 95/46/EC is the current backbone of EU data protection law. It covers the private sector as well as most of the public sector in the Member States.

⁵¹ As they are (with some exceptions in the law-enforcement and security sectors) subject to national legislation implementing Directive 95/46/EC.

35 EU institutions stated that they did not carry out such transfers at all; 17 more stated that there were no structural transfers, but that they might occur in single specific cases. Examples given included settling travel insurance claims and paying for official trips. 4 of these institutions noted that they make use of **external service providers for certain IT functions** which are established outside the EU or might have backup servers outside the EU.⁵² For example, several institutions use Google Analytics for their websites. This means that log files will be kept on servers in the USA. Similarly, a service provider established in the USA runs an internal social network for Commission staff. 3 institutions mentioned public procurement and grant awards procedures, which might include Article 9 transfers if the beneficiary is established outside the EU. In these cases usually reference is made to the data protection clauses in these contracts as a safeguard (see also 3.5 above). The Commission also mentioned a planned programme for visiting translators from third countries as well as punctual transfers in the course of inspections (external audit).

Several EU institutions mentioned more recurrent transfers in the context of **working groups or other meetings with partners in third countries**. These transfers usually concern professional contact information of staff. ERA's meetings with railway administrations in third countries (mostly in the Balkans) are an example. Such transfers happen in a number of EU institutions, all of which noted that they ask for the unambiguous consent of the data subject.⁵³ Another aspect mentioned by one institution was the verification of security clearances –staff working with classified information need to be security-cleared; these certificates are issued by **security authorities** in the Member States, which may be exempted from the national legislation implementing Directive 95/46/EC. Transferring personal data to such authorities in order to verify the authenticity of security clearances is thus an Article 9 transfer.⁵⁴

Article 9 transfers as part of the core business activities of EU institutions are rare.

OLAF is one of the main cases here, as its investigation activities frequently require such transfers. It has also asked for an authorisation under Article 9(7) in the context of the prior checking procedure for the Investigative Data Consultation Platform (IDCP).

The EIB is sometimes requested to carry out Article 9 transfers. It currently also develops an administrative cooperation agreement with investigation authorities in a third country on cooperation in anti-money-laundering, countering the financing of terrorism and fraud.

EFCA's activities in coordinating fisheries control activities also require transfers to certain third countries, as the control system is based on two multilateral conventions, to which also non-EU Member States are parties. The personal data transferred here refer basically to the identities of inspectors carrying out quota control inspections and the owners of vessels.

⁵² In one of these cases, the external service provider is established outside the EU, but still in the EEA, so strictly speaking, this is not a transfer under Article 9.

⁵³ Unambiguous consent of the data subject is one of the reasons for a derogation from the general prohibition of such transfers, see Article 9(6)(a) of the Regulation.

⁵⁴ In this case, Article 9(6)(d) offers a derogation for transfers "necessary [...] on important public interest grounds". Ensuring that confidential information stays confidential can qualify as such an important public interest.

The OHIM mentioned transfers of registered design applications, which include personal data, to the Chinese patent office. However, these applications are already made public by the OHIM on its own accord before the transfer; the transfer is therefore made from a public register.

The EEAS mentioned possible exchanges in the follow-up on breaches of classified information. The EU has agreements with several third countries and international organisations on the exchange of classified information; the EEAS stressed that transfers of personal data would only occur if in exceptional cases and with adequate safeguards. A second category of transfers mentioned by the EEAS referred to its security interests (including security of staff posted outside the EU), for which such transfers might be necessary, for example after security incidents. Again, such transfers would only happen on a case-by-case basis, after assessing the safeguards provided by the third party. It also mentioned that it was in the process of rolling out data protection rules for the EU representations in third countries.

3.8. Bodies that have not replied to the survey

By the time of adoption of this text, only two bodies had not replied to the survey on substance. These were the GSA and the EUSC.

The GSA referred to its recent move from Brussels to Prague as well as a doubling in staff size (which put a very high workload on HR staff) as factors that delayed compliance efforts.

The EUSC referred to a severe staff shortage compounded by several long-term absences as factors delaying compliance. It also announced that the recruitment of an additional person to provide support for data protection compliance efforts was planned. It announced that a reply would follow, but likely only well after the end of the data collection phase for the present survey.

While the reasons invoked by these two agencies may explain a certain delay, the fact remains that the Regulation needs to be complied with. As mentioned in the introduction, the results of this survey will feed into the planning of enforcement actions for 2014. When EU institutions do not reply in time, this can be a cause for concern.

4. Follow up of the previous survey: compliance visits

4.1. General remarks

As a consequence of the previous survey –apart from general follow up and some specific cases– the EDPS has visited 8 bodies that were flagged during the 2011 exercise. These visits were triggered by a manifest lack of commitment by the body as well as by other evidence gained during the previous exercise.

At the time, an inspection as such was not envisaged for these bodies because the level of compliance with Regulation (EC) 45/2001 was extremely low. It would have been difficult to "check the reality" of processing operations not yet notified or of non-existent compliance tools (inventory, register), as there would have been no baseline of expectations against which to check.

These compliance visits serve to secure commitment from top and middle management. This "top down" approach is meant to ensure buy-in from management; experience has shown that effective data protection is not only a matter of resources, but also of organisational will. In a nutshell, these visits are "visits with courtesy, but not courtesy visits". The instrument of such compliance visits has since been codified in Article 36 of the Rules of Procedure of the EDPS.⁵⁵

To boost compliance, the EDPS used the visits to set up precise roadmaps, in agreement with the hierarchy of the body concerned. The roadmaps included specific objectives and deadlines: establishment of an inventory, progress in the level of Articles 25 and 27 notifications, notification of targeted procedures for which the EDPS has issued Guidelines, and other matters specific to the body visited (ensuring a long term DPO function, providing training to staff on data protection, etc.).

A comparison of the notification levels between the 2011 survey and the present results has been conducted to evaluate the effects of such visits.

Name	Results in 2013 survey		Results in 2011 survey		Change in rates	
	Article 25	Article 27	Article 25	Article 27	Article 25	Article 27
EASA	81%	65%	18%	26%	+63	+39
ECDC	96%	100%	No reply	No reply		
EIGE	63%	86%	No inventory ⁵⁶	No inventory		
ERCEA	98%	95%	10%	20%	+88	+75
ETF	100%	100%	33%	75%	+67	+25
FRONTEX	R	R	R	R	-	-
REA	96%	82%	20%	28%	+76	+54
ESMA	35%	61%				

Figure 5: Evolution of notification rates for visited agencies⁵⁷

⁵⁵ Available on the EDPS website.

⁵⁶ EIGE submitted a very early draft inventory after the closing date for the 2011 survey

⁵⁷ Same key as for Figure 1.

The table above shows the percentages for Article 25 and Article 27 notifications both in 2011 and 2013 for each of the bodies visited, as well as the change in percentage points. It is clear that the visits have had a clear effect. While there have been improvements across the board (see section 3.1 above), those bodies which have received a visit from the EDPS showed above-average improvements. The following sections provide additional information about each of the visits and the improvements seen afterwards.

4.2. EASA

The EDPS visited the EASA on 19 April 2012 due to concerns about its notification rates in the 2011 survey. It seems that EASA has adopted a very cautious approach as regards flagging processing operations in its inventory for possible prior checking. Article 25 notifications show a strong upwards trends, situating EASA in the middle field compared to its peers. For Article 27 notifications, EASA's progress is in line with the roadmap agreed. EASA seems to be in control of its processing operations and this result may be partly due to the careful approach in designating upcoming processing operations as possibly prior-checkable. Further actions are expected from them on Article 27 in order to comply with the Roadmap agreed between the two institutions.

4.3. ECDC

The ECDC did not reply to the 2011 survey; no DPO was in office from March 2011 until November 2011. For these reasons, a visit took place on 12 June 2012.

In the follow-up, ECDC brought its inventory and register into form. This included an internal outreach exercise of the DPO, which resulted in a large number of new notifications. The ECDC made very good progress and shows its commitment in achieving compliance with the roadmap.

4.4. EIGE

EIGE's activities were officially launched in June 2010; its reply to the 2011 survey arrived too late; by spring 2013, it still had not notified any processing operations for prior checking. The EDPS visited EIGE on 22 May 2013. While the roadmap is not completed yet, EIGE has gone from having no Article 25 or 27 notifications to rates of 63% and 86%, respectively. Compared to EIGE's peers in Group D, this is a very respectable result.

4.5. ERCEA

Due to certain matters of concern the EDPS had come across as regards the level of compliance during the 2011 survey, the Assistant EDPS visited ERCEA on 28 March 2012. The roadmap set out deadlines for completing the register and notifying risky processing operations under Article 27. It also requested ERCEA to find solutions for improving the internal visibility of the DPO. ERCEA complied with all deadlines on time, which is a very good result

4.6. ETF

ETF's results in the 2011 survey were below the benchmarks and there were some concerns about its practices regarding video surveillance. For these reasons, the Assistant EDPS visited the ETF on 27 April 2012. The roadmap established deadlines for completing the inventory and register as well as for clarifying the situation regarding video surveillance. For the current survey, ETF has obtained very

good results; the case is closed. This is a very positive result and shows how visits can work to significantly improve compliance.

4.7. FRONTEX

The visit to Frontex on 12 December 2012 was triggered by the fact that the EDPS came across a series of concerns concerning the commitment of Frontex in achieving compliance with the data protection Regulation.

Most of the measures referred to in the answer to the current survey date back to activities before the visit. This shows that Frontex should continue working on its inventory and register as to diminish its backlog of cases. At this stage, Frontex does not seem to have implemented the specific recommendation of adopting a separate inventory of processing operations and it should concentrate its effort on this aspect, already underlined during the visit.

4.8. REA

As REA showed a lack of notifications in the 2011 survey, the EDPS visited the Agency on 27 March 2012. Following the visit, REA started clearing its backlog of notifications. In the long term, the visit has proved to be useful, as the roadmap is now close to completion, with only a few notifications still pending.

4.9. ESMA - inverted visit

ESMA was set up in the beginning of 2011, so the lack of inventory for the 2011 survey was not as such a big problem. However, by February 2013, the EDPS still had not been notified about the appointment of a DPO, nor had he received any notifications for prior checking from ESMA. For this reason, a visit was announced. Due to difficulties in finding a date, the visit took the form of an inversed meeting with ESMA's Executive Director and the DPO, who was appointed in March 2013, visiting the EDPS offices in Brussels on 25 April 2013. Following the meeting, a roadmap was established, notably to ensure that ESMA's inventory and register would be completed. In its reply to the 2013 survey, ESMA'S notification rates were at 35% for Article 25 and 61% for Article 27, slightly above the average for agencies in group D.

4.10. Evaluation of the visits programme

These results show that compliance visits have proven to be a useful tool in improving compliance by providing information, sensitising top management and agreeing on concrete targets and deadlines. Most of the visited bodies now meet the benchmarks for their group. The programme will thus be continued in the following years. The results of the present survey will also be an important factor in deciding on the EU institutions to be visited in 2014.

Most visits have led to significantly increased compliance; however, in case a visit does not lead to positive changes, further follow-up action needs to be considered. In such cases, the EDPS may decide to carry out an inspection or make use of enforcement powers granted under Article 47(1) of the Regulation.⁵⁸

⁵⁸ See the EDPS policy paper of November 2013 on "Inspections conducted by the EDPS", p.5

5. Conclusion & Planned Follow-up

In general, the results of this year's survey show steady progress towards full implementation of the Regulation in the institutions of the EU.

For the well-established and mature institutions in Group A, not much has changed in terms of the replies - notification rates are high and the DPO function is consolidated. The task at hand for these EU institutions is now shifting from establishing the inventory and register to maintaining it. In some cases notification rates fell slightly, due to new processing operations being set up. This is as such no cause for alarm, but shows that keeping inventories and registers in shape requires constant attention and is not a one-off exercise. The task for these EU institutions now is to mainstream data protection and to have it become a reflex.

The results in Group B are similar, with results that are broadly comparable to those which the EU institutions in Group A achieved in the 2011 survey. The ETF can be mentioned as a success story in this group - following the visit, which generated additional commitment by management and staff, the register has been brought in order and is now complete. Agencies that were lagging behind have also made up ground, such as EASA. However, the EIF still trails behind.

The biggest improvements, however, are visible in Group C. These relatively young bodies now show notification rates better than Group B in the 2011 survey. The ECDC is a success story here, as well as ECHA.

It is understandable that Group D shows lower rates. But even so, the improvements compared to the 2011 survey are striking. While back then, bodies in this group rarely had an inventory and register in place, they are now making important steps forward. While there is still a long way to go, most of these bodies are on a good track. The EDPS will provide support and coaching where necessary to ensure proper implementation of the Regulation. Again, agencies visited show sometimes striking improvements, such as EIGE.

This survey is not only meant to provide a state of play on the implementation of the Regulation. It also informs the EDPS' supervision and enforcement activities. Several factors need to be taken into account for this planning: the bodies which did not reply to the survey as well as the results achieved by those who did reply.

Based on the results of the survey, it seems that a number of bodies still have problems in complying with the Regulation. Given that the results of the visits programme have shown it to work, it will continue.

Additionally to visits, the EDPS may consider other enforcement measures, using his powers under the Regulation.

Annex (1) Groups of EU institutions

Group A (12): Institutions that were founded before 2004 and had appointed a DPO before the establishment of the EDPS:

European Commission, Committee of the Regions, Council, European Court of Auditors, European Central Bank, European Court of Justice, European Economic and Social Committee, European Investment Bank, European Parliament, OLAF, European Ombudsman, Centre of Translations.

Group B (17): Bodies that were established (or started their activities) before or in 2004, but appointed a DPO at a later stage:

CEDEFOP, CPVO, EASME (formerly EACI), EASA, EDPS, EEA, EFSA, EIF, EMCDDA, EMA, EMSA, ENISA, ETF, EUROFOUND, FRA, OHIM, EU-OSHA.

Group C (18): Bodies that were established (or started their activities) after 2004, but before 2011:

EFCA, EACEA, Chafea (formerly EAHC), ECDC, ENIAC, ERA, FRONTEX, GSA, INEA (until 31 December 2013: TEN-T EA), ARTEMIS JU, Clean Sky JU, ECHA, ERCEA, F4E, FCH JU, IMI JU, REA, SESAR.

Group D (15): Bodies that were established (or started their activities) in 2011 or later, as well as former second and third pillar bodies:

ACER, BEREC, EASO, EBA, EIOPA, EIGE, EIT, ESMA, ESRB, EEAS, eu-LISA, CEPOL, EDA, EUISS, EUSC.

Annex (2) Some limitations of the methodology

- I. Inventories may contain procedures involving processing operations identified by the body but not yet adopted (e.g. anti-harassment procedure). Obviously the procedure cannot be notified before its adoption. In the calculation however it will appear as a non-notified processing operation and thus show a lower level of compliance.
- II. A Body may identify in its inventory a future risky processing operation, but as the procedure linked to this processing operation is not sufficiently developed, it cannot yet be notified under Article 27. In the calculation, this will appear as a non-notified processing operation and show a lower level of compliance. In order to mitigate this effect, planned processing operations with a planned implementation date of Q1/14 or later were not counted; however, not all EU institutions provided planned implementation dates.
- III. A body which does not properly identify all the procedures involving processing of personal may appear to have a better compliance record than is actually the case.
- IV. Only the processing operations formally notified to the DPO or the EDPS are taken into consideration, draft versions of Article 25 or 27 notifications are not included in the percentages.
- V. The EDPS may suspend the analysis of a notification if EDPS Guidelines on the same procedure are under way. In the calculation however it may appear as a non-notified processing operation and thus show a lower level of compliance. If the EDPS receives notifications on such processing operations before the Guidelines are published, they will be counted as notified; only their analysis will be suspended.

Annex (3) List of institutional acronyms

ACER	Agency for the Cooperation of Energy Regulators
ARTEMIS JU	ARTEMIS Joint Undertaking
BEREC	Body of European Regulators for Electronic Communications
CdT	Centre de Traduction
Cedefop	European Centre for the Development of Vocational Training
CEPOL	European Police College
CFCA	Community Fisheries Control Agency
Chafea	Consumers, Health and Food Executive Agency
Clean Sky JU	Clean Sky Joint Undertaking
CoR	Committee of the Regions
Council	Council of the European Union
CJEU	Court of Justice of the European Union
EC	European Commission
CPVO	Community Plant Variety Office
EACEA	Education, Audiovisual and Culture Executive Agency
EACI	Executive Agency for Competitiveness & Innovation (until 31/12/2013, since 01/01/2014: EASME)
EAHC	Executive Agency for Health and Consumers (until 31/12/2013, since 01/01/14: Chafea)
EASA	European Aviation Safety Agency
EASME	Executive Agency for Small and Medium-sized Enterprises
EASO	European Asylum Support Office
EBA	European Banking Authority
ECA	European Court of Auditors
ECB	European Central Bank
ECDC	European Centre for Disease Prevention and Control
ECHA	European Chemicals Agency
EDA	European Defence Agency
EDPS	European Data Protection Supervisor
EEA	European Environment Agency
EEAS	European External Action Service
EESC	European Economic and Social Committee
EFSA	European Food Safety Authority
EIB	European Investment Bank
EIF	European Investment Fund
EIGE	European Institute for Gender Equality
EIOPA	European Insurance and Occupational Pensions Authority
EIT	European Institute of Innovation and Technology
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EMA	European Medicines Agency
EMSA	European Maritime Safety Agency
ENISA	European Network and Information Security Agency
EP	European Parliament
ERA	European Railway Agency
ERCEA	European Research Council Executive Agency
ESRB	European Systemic Risk Board
ESMA	European Securities and Markets Authority
ETF	European Training Foundation
eu-LISA	European Agency for the operational management of large-scale IT system in the area of freedom, security and justice
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
EUISS	European Union Institute for Security Studies

EUSC	European Union Satellite Centre
F4E	Fusion for Energy
FRA	European Union Agency for Fundamental Rights
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FCH-JU	Fuel Cells and Hydrogen Joint Undertaking
GSA	European Global Navigation Satellite Systems Agency
IMI JU	Innovative Medicines Initiative Joint Undertaking
INEA	Innovation and Networks Executive Agency (formerly TEN-T EA)
OHIM	Office of Harmonization for the Internal Market (Trade Marks and Designs)
OLAF	European Anti-fraud Office
Ombudsman	European Ombudsman
EU-OSHA	European Agency for Safety and Health at Work
REA	Research Executive Agency
SESAR JU	Single European Sky ATM Research Joint Undertaking
TEN-T EA	Trans-European Transport Network Executive Agency (until 31/12/2013, since 01/01/2014: INEA)