

Nominations for Members of the European Court of Auditors (Lithuania)

Treaty provisions and appointment procedure

As set out in Article 285 of the Treaty on the Functioning of the European Union (TFEU), the European Court of Auditors (ECA) shall consist of one national of each Member State. Article 286 (2) of the TFEU further specifies that each Member State has the right to propose its candidate. The Council then adopts the list of Members as proposed by the Member States. Often, this is a partial renewal of the Court - only one or a few Members are appointed at the same time, as the mandates of the Members expire at different points in time. The Council can only act after consulting the European Parliament; in practice, the Committee on Budgetary Control (CONT) is responsible and the Member-designate of the ECA answers a questionnaire, makes a statement before the committee, and has to answer its questions in a public hearing. CONT then votes on the nomination and thus issues a recommendation to plenary, which votes within two (in practice sometimes three) months of receipt of the nomination. In case of an unfavourable opinion, the President shall ask the Council to withdraw its nomination and submit a new nomination (Rule 129 of the EP's Rules of Procedure). However, Parliament's opinion is not binding on the Council.

According to Article 286 (1) of the TFEU, potential Members of the ECA "shall be chosen from among persons who belong or have belonged in their respective States to external audit bodies or who are especially qualified for this office." In addition, their independence must be beyond doubt. The procedure according to which the Member States nominate varies widely. Some Member States have purely executive procedures in place while others involve their national parliaments in the process or use application procedures. Upcoming and recent nominations demonstrate a wide variety of procedures in different Member States.

Upcoming nomination¹

Lithuania

The Lithuanian national audit office, the Valstybes Kontrole, performs three different functions: (1) it audits the state and all public institutions as the country's supreme audit institution as well as (2) all use of European funds as its audit authority. In addition, (3) it monitors the soundness of the Lithuanian budget from a fiscal point of view, including the country's compliance with the EU's Maastricht criteria (independent fiscal institution).

An Auditor General heads the Vastybes Kontrole. The President of the Republic recommends a candidate for the post to the Seimas, Lithuania's unicameral parliament. The Seimas can approve (or not) the recommended candidate. He or she is selected for a once-renewable term of 5 years. The current Auditor general is Mindaugas Macijauskas, who was appointed on 5 May 2020 after having worked for the national audit office since 2002.

Three Deputy Auditors General assist the Auditor General in their tasks. The President of the Republic appoints them based on the recommendation of the Auditor General for five years, once-renewable. The Seimas is not involved. Each Deputy Auditor General heads several auditing units. A Head of Administration oversees the smooth running of the institution itself.²

¹ This text has benefitted from the answers to request 4679 on 'National Nomination Procedures for Members of the European Court of Auditors (ECA)' launched through the ECPRD (European Centre for Parliamentary Research and Documentation) network. The following national parliaments responded to the request: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic (lower house), Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain (lower house) and Sweden. The author wishes to thank all correspondents.

² <https://www.valstybeskontrole.lt/LT/Struktura>



For the European Court of Auditors, it is the Lithuanian government, i.e. the Cabinet of Ministers, that nominates the candidate with the consent of the President of the Republic and after consultation of the Seimas.³ For this consultation, the government presents the candidate to the Seimas. The nominee attends a meeting of the Seimas and, following his or her presentation, must answer questions. After this procedure in the plenary, the political groups and the committee(s) responsible consider the candidate, who can be invited to these bodies to answer questions. They present their conclusions to the plenary. Within 10 days of their initial presentation, the plenary debates the candidate once more. Following this procedure, the Seimas adopts a protocol resolution on the approval or disapproval of the candidate that is then forwarded to the government together with the opinion of the Seimas.⁴

So far, Lithuania has had three different ECA members, two of whom were female. At the time of writing, the Lithuanian post at the ECA is vacant, following the expiry of Mr Rimantas Šadžius' mandate on 15 June.

Ms Laima Andrikienė is the new nominee. Her statement in the CONT committee will take place on 6 October 2022. In 1990, she was elected to the Supreme Council of Lithuania (Reconstituent Seimas of Lithuania). She is a signatory of the Act of the Re-Establishment of the State of Lithuania. She was a Member of the Seimas from 1992 to 2000 and a Minister of European Affairs from 1996 to 1998. Between 2002 and 2004, she was Director of the Institute of EU Policy and Management and later Dean of the Faculty of Public Management, both at the Law University of Lithuania. From 2004 to 2014 and from 30 May 2016 to 2019, she was a Member of the European Parliament for the Homeland Union (Tėvynės sąjunga – Lietuvos krikščionys demokratai), a member party to the European People's Party. During her time as an MEP, she was, among others, a member of the Committee on Budgets, the Committee on International Trade and the Sub-committee on Security and Defence. In 2020, she became a member of the Seimas again and was elected Chair of the Foreign Affairs Committee in January 2022. She holds a degree in Economics and Mathematics (1980) and a Doctorate in Social Sciences (1986, nostrified in 1994, from Vilnius University).

Other examples of nomination procedures at national level

Austria

In Austria, the government is responsible for making proposals for the country's commissioner, Judge at the European Court of Justice, Member of the European Court of Auditors and the member of the Board of Directors of the European Investment Bank. It has the duty to inform the Austrian federal parliament ("Nationalrat") and the federal President of its intentions. The parliament's main committee ("Hauptausschuss") has to agree on these proposals.

Ireland

Mr Tony Murphy, the current Irish Member of the ECA since 2018 and its President since 1 October 2022, was nominated after a competitive procedure. The post was publicly advertised and applicants invited to express their interest. The applications were then screened and a shortlist established, with the shortlisted candidates undergoing a competitive interview. A Selection Committee (the Secretary General to the Government, the Secretary General of the Department of Finance and two external third parties with senior level experience, in this case a retired Supreme Court Judge and the Chairperson of the Low Pay Commission) was in charge of this competitive process and made a recommendation to the government on its basis.

Further upcoming nominations

Barring exceptional developments, three further nominations are likely to take place in the near future. These concern the Slovakian (expiry of current term on 06/05/2022), Estonian (31/12/2022) and Portuguese (30/09/2022) posts. The latter has been vacant since the death of Mr João Figueiredo in June 2021.

³ Article 52 of the [Law on the Government](#).

⁴ Articles 180²⁰, 200, 201 and 202 (without applying Article 202(4)) of the [Statute of the Seimas of the Republic of Lithuania](#).

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Administrator responsible: Michaela FRANKE
Contact: poldep-budg@ep.europa.eu

Editorial assistant: Mirari URIARTE

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