



2019/2057(DEC)

18.11.2019

AMENDMENTS

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Draft opinion

Pascal Durand

(PE642.907v02-00)

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section II – European Council and Council
(2019/2057(DEC))

Amendment 1
Domènec Ruiz Devesa

Draft opinion
Recital B

Draft opinion

B. whereas, under the terms of *Article 319(2) of the Treaty on the Functioning of the European Union*, the Commission must submit to the European Parliament, at the latter's request, any necessary information concerning the execution of expenditure and the operation of financial control systems;

Amendment

B. whereas, under the terms of *Rule 100 of the Rules of Procedure of the European Parliament* “other discharge procedures”, the provisions governing the procedure for granting discharge to the Commission in accordance with Article 319 of the TFEU, in respect of the implementation of the budget, shall also apply to the procedure for granting discharge to the President of the European Parliament, to the persons responsible for the implementation of the budget of the Council, the Court of Justice of the European Union, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions, to the Commission in respect of the implementation of the budget of the European Development Fund and to the bodies responsible for the budgetary management of legally independent entities which carry out Union tasks;

Or. en

Amendment 2
Pascal Durand

Draft opinion
Recital B a (new)

Draft opinion

Amendment

B a. whereas all institutions are bound to cooperate to ensure the smooth functioning of the discharge procedure in full respect of the relevant provisions in the TFEU and in the relevant secondary law; whereas the lack of cooperation from

the Council in the discharge procedure has resulted in Parliament's refusal to grant discharge to the Secretary-General of the Council since 2009; whereas the sustained lack of cooperation from the Council makes it impossible for Parliament to take an informed decision on granting a discharge, which, as a result, has a lasting negative effect on citizens' perception of the credibility of the EU institutions and of transparency in the use of EU funds; whereas this lack of cooperation also has an adverse impact on the functioning of the institutions and discredits the procedure for political scrutiny of budget management as laid down in the Treaties;

Or. en

Amendment 3
Vladimír Bilčík

Draft opinion
Recital B a (new)

Draft opinion

Amendment

B a. whereas, under the terms of Article 319 of the Treaty on the Functioning of the European Union, the Parliament shall give a discharge to the Commission;

Or. en

Amendment 4
Domènec Ruiz Devesa

Draft opinion
Recital B a (new)

Draft opinion

Amendment

B a. whereas the procedure of giving discharge separately to the individual Union institutions and bodies is a long-standing practice accepted by all the other institutions except the Council, and whereas this procedure has been developed to guarantee transparency and democratic accountability towards Union citizens and to pursue the necessary fight against fraud;

Or. en

Amendment 5
Laura Huhtasaari

Draft opinion
Recital B a (new)

Draft opinion

Amendment

B a. whereas, under the terms of Article 15(1) of the Treaty on European Union, the European Council provides the Union with the necessary impetus for its development and defines its general political directions and priorities; whereas the Council is the major institution of the European Union, representing the Member States, which solely can endow the Union with a popular mandate and democratic legitimacy, as there is no ‘demos’ at the supranational European level;

Or. en

Amendment 6
Vladimír Bilčík

Draft opinion
Recital B b (new)

Draft opinion

Amendment

B b. whereas the discharge procedure is used to examine the accounts of the institution in question in order to verify implementation is lawful and regular and respects the principles of sound financial management;

Or. en

Amendment 7
Laura Huhtasaari

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the need for a ***memorandum of understanding*** between the European Parliament, Council and the Commission on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that the negotiations with the Council to this end should be resumed ***and extended to the Commission, so as to ensure that Parliament is provided with the necessary information on how the Council is implementing its budget, either directly or via the Commission;***

Amendment

1. Underlines the need for a ***continuing dialogue*** between the European Parliament, Council and the Commission on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that the negotiations with the Council to this end should be resumed;

Or. en

Amendment 8
Domènec Ruiz Devesa

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the need for a

Amendment

1. Underlines the ***urgent*** need for a

memorandum of understanding between the European Parliament, Council **and the Commission** on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that ***the negotiations with the Council to this end should be resumed and extended to the Commission, so as to ensure that Parliament is provided with the necessary information on how the Council is implementing its budget, either directly or via the Commission;***

memorandum of understanding between the European Parliament **and the Council**, ***that duly respects their respective roles***, on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that ***satisfactory cooperation between both institutions in the form of an open and formal dialogue procedure would send a positive signal to the citizens of the Union;***

Or. en

Amendment 9

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 1

Draft opinion

1. Underlines the need for a memorandum of understanding between the European Parliament, Council **and the Commission** on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that ***the negotiations with the Council to this end should be resumed and extended to the Commission, so as to ensure that Parliament is provided with the necessary information on how the Council is implementing its budget, either directly or via the Commission;***

Amendment

1. Underlines the need for a memorandum of understanding between the European Parliament **and the Council** on the provision of the information necessary for Parliament to take an informed decision on discharge; ***welcomes the progress that has been achieved so far in the negotiations between the Parliament and the Council on the “Non Paper” on the cooperation between the European Parliament and the Council during the annual discharge procedure and calls on both institutions to intensify their efforts in order to achieve an agreement without undue delay;*** considers that, ***if those negotiations with the Council do not succeed, they should be extended to the Commission, so as to ensure that Parliament is provided with the necessary information on how the Council is implementing its budget, either directly or via the Commission;***

Amendment 10
Vladimír Bilčík

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the need for a memorandum of understanding between the European Parliament, Council and the Commission on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that the negotiations with the Council to this end should be resumed and extended to the Commission, so as to ensure that Parliament is provided with the necessary information on how the Council is implementing its budget, either directly or via the Commission;

Amendment

1. ***Notes the persisting problems highlighted by the European Parliament with regard to the discharge procedure; underlines the urgent need for a memorandum of understanding between the European Parliament, Council and the Commission on the provision of the information necessary for Parliament to take an informed decision on discharge; considers that the negotiations with the Council to this end should be resumed and extended to the Commission, so as to ensure that Parliament is provided with the necessary information on how the Council is implementing its budget, either directly or via the Commission;***

Amendment 11
Pascal Durand

Draft opinion
Paragraph 1 a (new)

Draft opinion

1 a. Believes that answers to a number of recurring questions in the questionnaires to the different institutions, bodies and agencies, such as those on gender- and geographical balance, conflict of interests, lobbying and whistle-blowers' protection, could possibly be included in the evaluation report on

Amendment

the Union's finances, drawn up in accordance with Article 318 TFEU, insofar as these issues have a link with the implementation of the budget; recalls that the report referred to in Article 318 TFEU is explicitly mentioned in Article 319(1) TFEU as one of the documents to be examined in the context of the discharge procedure;

Or. en

Amendment 12
Domènec Ruiz Devesa

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Underlines the role of Parliament within the discharge procedure, as governed by the Treaty on the Functioning of the European Union and the Financial Regulation, and, fully acknowledging the Council's role as an institution giving recommendations in the discharge procedure, stresses that a distinction must be maintained in respect of the different roles played by Parliament and the Council in order to comply with the institutional framework laid down in the Treaties and in the Financial Regulation;

Or. en

Amendment 13
Domènec Ruiz Devesa

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. *Recalls that Parliament grants discharge to the other institutions after considering the documents provided, the replies given to the questions and after hearing the secretaries-general of the other institutions;*

Or. en

Amendment 14
Pascal Durand

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. *Considers that the commitments of the Commissioners-designate constitute a positive change in attitude compared to the stance taken by the Commission hitherto, as expressed in its letter of 23 January 2014, in which it stated that the Commission should not be expected to oversee the implementation of the budgets of the other institutions;*

Or. en

Amendment 15
Pascal Durand

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. *Suggests that, if the negotiations on a memorandum of understanding are not resumed swiftly, Parliament insists on inserting a “rdv-clause”, in the context of the negotiations on the next MFF, in the*

proposal for an Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, by which the three institutions would commit themselves to jointly defining the practical arrangements for the sharing and provision of the necessary information to the European Parliament in the framework of the discharge procedure, as well as to starting negotiations to that effect without delay;

Or. en

Amendment 16

Gwendoline Delbos-Corfield

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 3

Draft opinion

3. Is of the opinion that Parliament should *address its decisions on discharge in respect of the implementation of the budget* to the Commission *alone*, while continuing the practice of adopting accompanying resolutions with observations addressed to each of the Union's institutions and bodies, so as to ensure that no section of the EU budget is implemented without proper scrutiny;

Amendment

3. Is of the opinion that, *if no interinstitutional solution is found*, Parliament should *grant* discharge to the Commission *only*, while continuing *with* the practice of adopting accompanying resolutions with observations addressed to each of the Union's institutions and bodies, so as to ensure that no section of the EU budget is implemented without proper scrutiny;

Or. en

Amendment 17

Domènec Ruiz Devesa

Draft opinion

Paragraph 3

Draft opinion

3. Is of the opinion that Parliament should ***address its decisions on discharge in respect of the implementation of the budget to the Commission alone, while continuing the practice of adopting*** accompanying resolutions with observations addressed to ***each of the Union's institutions and bodies, so as to ensure that no section of the EU budget is implemented*** without proper scrutiny;

Amendment

3. Is of the opinion that Parliament should ***continue to grant discharge to each of the institutions and bodies of the Union and continue to adopt*** accompanying resolutions with observations addressed to ***them as it has been doing regularly, in order*** to ensure that no section of the EU budget is ***executed*** without proper scrutiny;

Or. en

Amendment 18

Pascal Durand

Draft opinion

Paragraph 3 a (new)

Draft opinion

3 a. Recalls that each institution and body is required under the Financial Regulation to take appropriate measures to act on the observations accompanying the European Parliament's discharge decision and to report on the measures taken in light of those observations; points out that a refusal by an institution to comply with this requirement, after being called upon to act, might give rise to an action for failure to act under Article 265 TFEU;

Or. en

Amendment 19

Domènec Ruiz Devesa

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3 a. *Recalls the difficulties repeatedly encountered in the Council discharge procedures to date, due to the lack of cooperation from the Council, which led Parliament to refuse to grant discharge to the Secretary-General of the Council in relation to the financial years 2009 to 2017; reiterates that the Council must take part fully and in good faith in the annual discharge procedure, just as the other institutions do, in order to be transparent and fully accountable to Union citizens for the funds entrusted to it as a Union institution;*

Or. en

Amendment 20
Maria Grapini

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. *Considers that, in the context of the discharge granted by Parliament to the Commission, the democratic legitimacy of the Union's institutions will need to be further strengthened by improving transparency and accountability, and the discharges should be granted to each individual agency, so as to avoid the dilution of agencies' responsibilities and so that the real problems are known in each agency;*

Or. en

Amendment 21
Laura Huhtasaari

Draft opinion
Paragraph 4

Draft opinion

4. Takes the view that, while the current situation could be improved through better cooperation between Union institutions inside the Treaties framework, a revision of the Treaties could ultimately be required in order to render the discharge procedure more clear, in the sense that the Parliament is tasked with the explicit competence to grant discharge to all institutions and bodies individually.

Amendment

deleted

Or. en

Amendment 22
Domènec Ruiz Devesa

Draft opinion
Paragraph 4

Draft opinion

4. Takes the view that, while the current situation could be improved through better cooperation between Union institutions inside the Treaties framework, a revision of the Treaties could ultimately be required in order to render the discharge procedure more clear, in the sense that the Parliament is tasked with the explicit competence to grant discharge to all institutions and bodies individually.

Amendment

4. Takes the view that **the next revision of the Treaties should consider clarifying the discharge procedure**, so that Parliament **has the task and** explicit competence to grant **management approval** to all institutions and **organisations** individually.

Or. en

Amendment 23
Vladimír Bilčík

Draft opinion

Paragraph 4

Draft opinion

4. Takes the view that, while the current situation could be improved through better cooperation between Union institutions inside the Treaties framework, a revision of the Treaties could ultimately be **required** in order to render the discharge procedure more clear, in the sense that the Parliament is tasked with the explicit competence to grant discharge to all institutions and bodies individually.

Amendment

4. Takes the view that, while the current situation could be improved through better cooperation between Union institutions inside the Treaties framework, ***the possibility of*** a revision of the Treaties could ultimately be ***reflected upon*** in order to render the discharge procedure more clear, in the sense that the Parliament is tasked with the explicit competence to grant discharge to all institutions and bodies individually; ***underlines that the impact of such changes on the inter-institutional balance as provided for in the Treaties should be thoroughly examined by the competent Committee.***

Or. en

Amendment 24

Maria Grapini

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Considers that the European Parliament should grant discharge to the Commission taking into account the Report of the European Court of Auditors;

Or. en

Amendment 25

Maria Grapini

Draft opinion

Paragraph 4 b (new)

4 b. Considers that the European Court of Auditors should present a comparative and duly justified analysis of the costs of the European Agencies in its annual report, in order to further enhance the efficiency and the economy of operations as well as the transparency and the responsibility of the Union's institutions and to implement the principles of budgeting according to the performance and good governance of human resources;

Or. en