ANNEX VI

Procedure for the consideration and adoption of decisions on the granting of discharge

Article 1

Documents

1. The following documents shall be printed and distributed:
   (a) the revenue and expenditure account, the financial analysis and the balance sheet forwarded by the Commission;
   (b) the Annual Report and special reports of the Court of Auditors, accompanied by the Institutions' answers;
   (c) 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;
   (d) the Council recommendation.

2. These documents shall be referred to the committee responsible. Any committee concerned may deliver an opinion.

3. Where other committees wish to deliver opinions, the President shall set the time-limit within which these shall be communicated to the committee responsible.

Article 2

Consideration of report

1. Parliament shall consider a report from the committee responsible concerning discharge by 30 April of the year following the adoption of the Court of Auditors' Annual Report as required by the Financial Regulation.

2. Parliament's Rules relating to amendments and voting shall apply unless otherwise provided in this Annex.

Article 3

Content of the Report

1. The discharge report drawn up by the committee responsible shall comprise:
   (a) a proposal for a decision granting discharge or postponing the discharge decision (April part-session vote) or a proposal for a decision granting or refusing to grant discharge (October part-session vote);
   (b) a proposal for a decision closing the accounts of all the Community's revenue, expenditure, assets and liabilities;
   (c) a motion for a resolution containing comments accompanying the proposal for a decision referred to in point (a) including both an
assessment of the Commission's budgetary management over the financial year and observations relating to the implementation of expenditure for the future;

(d) as an Annex, a list of the documents received from the Commission and those requested but not received;

(e) the opinions of the committees concerned.

2. If the committee responsible proposes postponing the discharge decision, the relevant motion for a resolution shall also set out, \textit{inter alia}:

(a) the reasons for postponement;

(b) the further action that the Commission is expected to take and the deadlines for doing so;

(c) the documents required for Parliament to take an informed decision.

\textbf{Article 4}

\textbf{Consideration and vote in Parliament}

1. Any report by the committee responsible concerning the discharge shall be included on the agenda of the first part-session following its tabling.

2. Amendments shall be admissible only to the motion for a resolution tabled pursuant to Article 3(1)(c).

3. Unless otherwise stipulated in Article 5, the vote on the proposals for decisions and the motion for a resolution shall follow the order of Article 3.

4. Parliament shall decide by a majority of the votes cast, pursuant to Article 198 of the EC Treaty.

\textbf{Article 5}

\textbf{Procedural variants}

1. April part-session vote

In the first instance, the discharge report shall propose either to grant or to postpone discharge.

(a) If a proposal to grant discharge secures a majority, discharge is granted. This shall also constitute closure of the accounts.

If a proposal to grant discharge fails to secure a majority, discharge will be deemed to be postponed and the committee responsible shall table a new report within six months containing a new proposal to grant or refuse to grant discharge.

(b) If a proposal to postpone discharge is adopted, the committee responsible shall table a new report within six months containing a new proposal to grant or refuse to grant discharge. In this case the closure of accounts shall also be postponed and retabled with the new report.
If a proposal to postpone discharge fails to secure a majority, discharge shall be deemed granted. In this instance the decision shall also constitute closure of the accounts. The motion for resolution may still be put to the vote.

2. October part-session vote

In the second instance, the discharge report shall propose either to grant or to refuse to grant discharge.

(a) If a proposal to grant discharge secures a majority, discharge is granted. This shall also constitute closure of the accounts.

If a proposal to grant discharge fails to secure a majority, this shall constitute refusal of discharge. A formal proposal to close the accounts for the year in question shall be submitted at a subsequent part-session at which the Commission shall be invited to make a statement.

(b) If a proposal to refuse discharge secures a majority, a formal proposal to close the accounts for the year in question shall be submitted at a subsequent part-session at which the Commission shall be invited to make a statement.

If a proposal to refuse discharge fails to secure a majority, discharge shall be deemed granted. In this instance the decision shall also constitute closure of accounts. The motion for resolution may still be put to the vote.

3. In the event of the motion for resolution or the proposal on closure containing provisions which contradict Parliament's vote on the discharge, the President, after consulting the chair of the committee responsible, may postpone that vote and fix a new deadline for tabling amendments.

**Article 6**

**Implementation of discharge decisions**

1. The President shall forward any decision or resolution of Parliament pursuant to Article 3 to the Commission and to each of the other institutions and shall arrange for their publication in the Official Journal in the series appropriate to acts of a legislative character.

2. The committee responsible shall report to Parliament at least annually on the action taken by the institutions in response to the comments accompanying the discharge decisions and the other comments contained in Parliament's resolutions concerning the implementation of expenditure.

3. On the basis of a report by the committee responsible for budgetary control, the President, acting on behalf of Parliament, may bring an action before the Court of Justice against the institution concerned, pursuant to Article 232 of the EC Treaty, for failure to comply with the obligations deriving from the comments accompanying the discharge decision or the other resolutions concerning implementation of expenditure.