

Nominations for Members of the European Court of Auditors (The Netherlands)

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 nominations¹

The Netherlands

At national level, the Dutch supreme audit institution, the Netherlands Court of Audit (Algemene Rekenkamer), is headed by three board members, who are appointed for life. However, board members can either end their term on their own initiative. They have to retire when they reach the age of 70. The Dutch Supreme Court (Hoge Raad) can also decide to end their mandate following misconduct, based on the compatibility law.²

The nomination procedure has three steps: first, the Court of Audit draws up a list of six candidates that it recommends to the House of Representatives (Tweede Kamer). Second, the Committee on Government Expenditure of the House of Representatives interviews them. Afterwards, they cast a secret ballot to nominate three candidates. According to the constitution, Parliament needs to propose three candidates to the government in order to guarantee the independence of the Court of Audit. Theoretically, the house is not bound by the recommendation of the Court of Audit, but in practice, it has always selected the recommended candidates. Third, the cabinet then selects the candidate it deems the most suitable. The nominated candidate is then appointed for life by Royal Decree.³

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 authors wish to thank all correspondents.

² <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vi32nlmmx1op>

³ https://www.parlement.com/id/vh8lnhrp1wzx/algemene_rekenkamer_rekenkamer



For the European Court of Auditors, it is the Dutch government that nominates the candidate. Neither chamber of the parliament is involved in the nomination procedure. The current nominee, Mr Stephanus Abraham (Stef) Blok, was selected following an open call for expressions of interest organised towards the end of 2021⁴ by the Office for the Senior Civil Service (Bureau Algemene Bestuursdienst), a service responsible for organising recruitment procedures for senior civil servants.

So far, the Netherlands have had four different ECA members, all of whom were male. At the time of writing, the Dutch post at the ECA is vacant, following the death of Mr Alex Brenninkmeyer, who had been an ECA member since 1 January 2014.

Mr Blok is the new nominee and his statement before the CONT committee will take place on 15 June 2022. From 1988 to 1998, he held various positions at ABN AMRO Bank NV, including that of branch manager, credit analyst and senior account manager for corporate banking. In 1998, he became a member of the House of Representatives for the VVD party, focusing on finance and economic and social affairs, and led the group from 2010 to 2012.

In 2012, he became Minister for Housing and the Civil Service, a position he held until 2017. In 2017, he was Minister of Security and Justice until October of that year. Between 2018 and 2021, he was Minister of Foreign and European affairs. From May 2021 until January 2022, he was Minister of Economic affairs and Climate policy.

He holds a degree in Business Administration from the Rijksuniversiteit Groningen (1983-1988).

Other recent 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, 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.

Poland

In Poland, the government nominates the candidate for the post after the Polish Supreme Audit Office (Najwyższa Izba Kontroli - NIK) and the national parliament's (Sejm) European Union Affairs Committee have expressed their opinions and upon interministerial consultations.

Further nominations in 2022

In 2022, it is likely that there will be 4 further nominations at various points throughout the year, barring exceptional developments. These concern the Slovakian (expiry of current term on 06/05/2022), Lithuanian (15/06/2022) and Estonian (31/12/2022) members. The Portuguese post at the ECA is currently vacant, following the death of Mr João Figueiredo in June 2021. The current term expires on 30/09/2022.

⁴ <https://twitter.com/BureauABD/status/1474319929633644544>

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