

# Nominations for Members of the European Court of Auditors (Slovakia)

## 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 nominations<sup>1</sup>

### Slovakia

The Supreme Audit Office of the Slovak Republic, the Najvyšší kontrolný úrad Slovenskej republiky, audits the management of the funds and property of the state, local authorities and the European Union. It ensures that customs and tax are correctly collected.<sup>2</sup> It was established in 1993 as an independent external audit body and performs financial, compliance and performance audits.<sup>3</sup>

The key legislations governing the work of the Najvyšší kontrolný úrad are Articles 60-63 of the Constitution of the Slovak Republic and Act no 39/1993 on the Supreme Audit Office of the Slovak Republic. A President, supported by two Vice-Presidents, heads the institution. Both the President and the two Vice-Presidents are elected (and dismissed) by the Slovak parliament, the Národná rada (National Council), via secret ballot. Their 7-year terms are once renewable. Currently, the President is Ľubomír Andrassy, who was appointed on 25 May 2022.

As for the European Court of Auditors, it is the Slovak government with the Ministry of Finance in the lead<sup>4</sup> that nominates the candidate. Neither the head of state, i.e. the President, nor the National Council are involved in the procedure, which does not have a specific legal basis in national law.

So far, the country has had two different ECA members, both of whom were male. Mr Ladislav Balko's mandate expired on 6 May 2022. Mr Martin Klus is the new nominee and his statement before the CONT committee will take place on 22 March 2023. Between 2003 and 2014, he held various positions at the universities of Banská Bystrica and Trnava, where he was Vice Rector for International relations, PR and publishing activities between 2010 and 2014. Between December



2014 and November 2022, he was a member of the city council of Banská Bystrica. From 2016 to 2020, he was a member of the National Council of the Slovak Republic. From the parliamentary elections in 2020 until the ministerial resignations of Sloboda a Solidarita (SaS) party in Eduard Heger's Cabinet in September 2022, Klus was the State Secretary of the Ministry of Foreign and European Affairs. In September 2022, he became a member of the National Council again. He holds master and doctoral degrees in Political Sciences, International Affairs (2003 and 2007) as well as an MBA (2012).

## 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 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.

## Upcoming nominations in 2023

The Hungarian mandate will end on 31 August 2023 and a nomination is likely to take place in the next few months. For Belgium, Denmark, Ireland, Spain, Italy, Finland and Sweden, the current mandates expire on 29 February 2024, and the nominations are likely to take place before the end of the EP's current legislature in 2024. The Portuguese post at the ECA is vacant since the death of Mr João Figueiredo on 30 June 2021, and it is not clear whether it will be filled before the expiry of the current mandate on 29 February 2024.

<sup>1</sup> 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.

<sup>2</sup> <https://www.nku.gov.sk/documents/10272/98326/About+SAO+SR+-+2019+brochure+EN/61f37126-0146-409b-89d3-b158dfbf2091>

<sup>3</sup> <https://www.nku.gov.sk/web/sao/about-us>

<sup>4</sup> <https://spravy.rtvs.sk/2023/01/kandidatom-na-clena-europskeho-dvora-auditorov-je-martin-klus/>

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