

# Nomination for a Member of the European Court of Auditors: Italy

## 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) 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, 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 makes a statement before the committee and has to answer its questions. 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 to submit a new nomination (Rule 129 of the EP's Rules of Procedure). However, Parliament's opinion is not binding for the Council.

According to Article 286 (1) TFEU, the 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 between the Member States, with some of them having 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 nomination: Italy<sup>1</sup>

The Italian Court of Auditors, the Corte dei conti (Cdc), was established in its current form in 1948 and is the external audit body of the state, independent from both the government and the parliament. It audits ministries, public authorities and state agencies, publicly funded bodies, regions, provinces, municipalities, metropolitan areas and their subsidiaries as well as private companies in which the Italian State, the regions or local bodies have a controlling interest. In addition to its **audit competences** (laid down in Articles 81, 97, 100, 117 and 119 of the Italian constitution), it also has a **jurisdictional competence**, including for matters of public accounts (cf. Articles 103 and 108 of the Italian constitution). It performs the functions of the public prosecutor before the regional jurisdictional sections which are exercised by the Regional Prosecutor of the Cdc: it can carry out investigative activities, directly or by delegating investigative acts to the Italian Financial Police or other police forces. The investigative activities of the Regional Prosecutor, even where delegated, are confidential and encompass requests for documents and information, exhibition of documents, personal hearings, inspections and assessments, documentary seizure and appointment and use of technical consultants. Formally, and in consideration of the above prerogatives, the Cdc is part of the

<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, Poland, Portugal, Slovakia, Slovenia, Spain (lower house) and Sweden. The author wishes to thank all correspondents.



judiciary. While the Cdc is completely independent of the government and parliament, it has an **advisory role** for both. It reports its audit results to Parliament.

The Cdc's governing body is the Council of the Presidency of the Cdc. It has eleven members: the President and Deputy President of the Cdc, the General Prosecutor of the Cdc and four members appointed by Parliament and four judges of the Cdc. From the four members nominated by parliament, two are appointed by the Camera dei deputati, the lower house, and two by the Senate, the upper house. They are professors of law and/or lawyers with at least 20 years of experience. The President is nominated by the President of the Republic, based on a proposal from the President of the Council of Ministers, which itself results from a choice made from a shortlist of Cdc judges established by the Council of the Presidency of the Cdc. The current President is Guido Carlini, who has been in office since 15 September 2020 and whose mandate will last until he reaches the retirement age of 70.<sup>2</sup>

The Italian government is responsible for the nomination of the country's Member of the European Court of Auditors. It is required to inform both chambers of the Italian Parliament, i.e. the Camera dei deputati and the Senate, about its proposals according to paragraph 1 of [Article 17 of law n. 234/2012](#). The information note should detail the procedure followed by the government for the nomination, the reason for the choice and the nominee's CV, including current and past assignments. Only after the candidate has taken up his or her function, the competent parliamentary committees have the right to organise a hearing (paragraph 3 of Art. 17 of law n. 234/2012). While these hearings are not linked to deliberations and votes, the Senate has the right to draw up a resolution on any matter under debate, including this one. Such a resolution may have an impact on the relationship between the Houses of Parliament and the Government.

So far, Italy has had 4 ECA Members, all of them male. The mandate of the current member, Mr Pietro Russo, expires on 29 February. The new candidate for the post is Mr Manfredi Selvaggi. His hearing before the CONT Committee is scheduled for 22 February.

Mr Selvaggi has been serving as Coordinator of the National Recovery and Resilience Plan (NRRP) mission structure at the Presidency of the Council of Ministers since May 2023. He has been a Magistrate of the Cdc since 1997, in roles such as Substitute Prosecutor General until 2005, then as Deputy Prosecutor General until 2021. Since that time, he has been the President of a Chamber of the Court. In the meantime, as per 2013, he has also held the role of Regional Prosecutor of the Cdc (until 2016 for Molise, from 2016 to 2021 for Emilia-Romagna and from 2021 for Puglia). Between 1990 and 1997, he was a Member of the State Police within the Department of Public Security of the Ministry of the Interior, including in managerial roles such as Head of Division, Head of Mobile Squad and Head of Cabinet of the Questor at the Regional Headquarters. He holds Master's Degrees in Law (University of Rome - La Sapienza) and in Administrative Science (University of Molise) as well as a further specialisation in administrative law and science (University of Naples - Federico II). He is entitled to practice as a lawyer.

## Further nominations

At the time of writing, the Bulgarian seat at the Court is vacant, with former Bulgarian ECA member Iliana Ivanova having become Commissioner in autumn 2023. The current mandate formally expires on 31 December 2024.

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<sup>2</sup> For the section on the Cdc, please see 'Public Audit in the EU 2023 edition' and the [Cdc's homepage](#).