

# Nominations for Members of the European Court of Auditors

## 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 may 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 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 nominations<sup>1</sup>

### Slovenia

In Slovenia, the Ministry of Finance publishes a call for an expression of interest of potential candidates for ECA members in the Official Gazette of the Republic of Slovenia.<sup>2</sup> Based on the candidatures received, the Minister of Finance proposes a candidate to the government, which then takes the final decision on the nomination of the candidate. The Slovenian National Assembly, similar to other institutions, is not formally involved in the nomination process. So far, Slovenia has had three different ECA members, all of whom were male. The mandate of the current Slovenian ECA Member, Mr Samo Jereb, will come to an end on 6 May 2022.

The new nominee is Mr Jorg Kristijan Petrovič, whose statement before the CONT committee takes place on 10 January. Mr Petrovič has been working for the Court of Audit of the Republic of Slovenia since 2004, first as Head of the Department for the Audit of the Budget, Justice and Political Parties (until 01/2013) and since then as the First Deputy President of the Court of Audit. Prior to his posts at the Court of Audit, he was chief finance and budget officer of the municipality of Trzin (1999-2004) and audit assistant at the Court of Audit (1996-1999). He holds a Bachelor degree in Finance (1996) and a Master degree in Accounting and Auditing (2004).

### 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

<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 Documentatio) 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 authors wish to thank all correspondents.

<sup>2</sup> [https://www.uradni-list.si/\\_pdf/2021/Ra/r2021097.pdf](https://www.uradni-list.si/_pdf/2021/Ra/r2021097.pdf), p. 1350.



and upon interministerial consultations. So far, Poland has had four different ECA members (including Mr Marek Opiola now seeking a renewal of his mandate), all of whom were male.

Mr Opiola has been ECA Member since 1 February 2021, replacing Mr Janusz Wojciechowski for the remainder of the mandate (until 6 May 2022), as Mr Wojciechowski became European Commissioner for Agriculture on 1 December 2019. Mr Opiola's (first) nomination received a positive opinion by the Sejm's European Union Affairs Committee on 27 October 2020.<sup>3</sup> Following a hearing with the nominee in the [CONT committee on 7 December 2020](#) and in line with [the report of the CONT committee](#)<sup>4</sup>, the European Parliament gave an [unfavourable opinion on his nomination on 15 December 2020](#)<sup>5</sup>. The Council nevertheless appointed Mr Opiola as ECA member in [its decision of 19 January 2021](#). For the current procedure at national level, Mr Opiola's (second) nomination received a positive opinion by the Sejm's European Union Affairs Committee on 30 September 2021.<sup>6</sup>

Mr Opiola, whose statement before the CONT committee takes place on 10 January 2022, is currently a member of Chamber V of the Court, which is responsible for "Financing and administering the Union".<sup>7</sup> Prior to becoming an ECA member, he was Vice-President of the Polish Supreme Audit Office from November 2019. (All former Polish Members of the ECA previously held important positions in the Supreme Audit Office: Jacek Uczkiewicz, ECA Member from 2004 to 2010, was Vice-President of the NIK from 1995 to 2001 and from 2013 until 2016; Augustyn Kubik, ECA Member in 2010-2015, was an advisor to the President of the NIK in 2007-2010 and Janusz Wojciechowski, ECA Member in 2016-2019 was NIK's President from 1995 until 2001.) Between 2005 and 2019, Mr Opiola was Polish Sejm Member from the Law and Justice party. Throughout his mandates, he was active in the following parliamentary committees: the National Defense Committee, the Special Security Services Committee and the Regulations and Deputies' Affairs Committee. He holds a Master in Political Science (2003) and a postgraduate diploma on National Security Studies (2004).

## Czech Republic

In the Czech Republic, the government nominates its candidate for the ECA. In contrast to other nominations, such as for the Commissioner, judges at the European Court of Justice and to the governing bodies of the European Investment Bank and the European Bank for Reconstruction and Development (EBRD), it is not obliged to submit its nominations to the Chamber of Deputies' Committee on European Affairs. Theoretically, the Committee may decide to deliberate on the nomination based on its general competences, but has never yet done so in practice. So far, the Czech Republic has had two ECA members (including Mr Jan Gregor now seeking a renewal of his mandate), all of whom were male.

Mr Gregor has been ECA Member since 7 May 2016, replacing Mr Jan Kinšt, whose mandate had come to an end. At the time, following a hearing with the nominee in the [CONT committee on 15 March 2016](#)<sup>8</sup> and in line with the [report of the CONT committee](#)<sup>9</sup>, the European Parliament had given a [favourable opinion on his nomination on 13 April 2016](#).<sup>10</sup> The Council appointed Mr Gregor as ECA member in [its decision of 21 April 2016](#).

Mr Gregor, whose statement before the CONT committee takes place on 10 January 2022, is currently a member of Chamber V of the Court, which is responsible for "Financing and administering the Union", and Chair of the Audit Quality Control Committee of the Court and a Member of the Administrative Committee.<sup>11</sup> Prior to his ECA mandate, he held various positions in the Ministry of Finance, notably as Head of Unit of the Horizontal Relations Unit of the European Integration Department (10/1998-01/2001), as Director of the National Fund Department (2/2001-8/2010) and Deputy Minister of the Public Budgets Section (9/2010-04/2016). During his studies (1993-1998) at the Prague University of Economics, he specialised in International Trade and European economic integration.

<sup>3</sup> <http://orka.sejm.gov.pl/zapisy9.nsf/0/013BCE52ADF4DE98C125861000496410/%24File/0069509.pdf>, p. 9. 19 votes to 17, no abstentions.

<sup>4</sup> Texts tabled: A9-0249/2020, 7 votes to 23, no abstentions.

<sup>5</sup> Text adopted: P9\_TA(2020)0339; 156 votes to 536, with 3 abstentions.

<sup>6</sup> <https://orka.sejm.gov.pl/zapisy9.nsf/0/9CECA71CE122E70FC12587610045F0D0/%24File/0175509.pdf>. 14 votes to 7, no abstentions.

<sup>7</sup> [https://www.eca.europa.eu/Other%20publications/COMPOSITION/COMPOSITION\\_EN.pdf](https://www.eca.europa.eu/Other%20publications/COMPOSITION/COMPOSITION_EN.pdf)

<sup>8</sup> Mr Gregor's hearing starts at 10:40 of the recording.

<sup>9</sup> Texts tabled: A8-0057/2016, 15 votes to 3, 8 abstentions.

<sup>10</sup> Texts adopted: P8\_TA(2016)0116, 382 votes to 256, 57 abstentions.

<sup>11</sup> [https://www.eca.europa.eu/Other%20publications/COMPOSITION/COMPOSITION\\_EN.pdf](https://www.eca.europa.eu/Other%20publications/COMPOSITION/COMPOSITION_EN.pdf)

## Latvia

In Latvia, the Cabinet of Ministers, under the lead of the Ministry of Finance, organised open competitions for the position of ECA member in 2004, 2009 and 2015. Following the government's appointment of a selection committee, these open competitions resulted in the appointments of Mr Igors Ludboržs (2004 and 2009) and Mr Mihails Kozlovs (2016), the two - male - ECA members Latvia has had so far.

The composition of the selection committee varied: in 2004, it was chaired by the President of the Saeima (national parliament), with the chair of a parliamentary committee, a minister, another government representative and three representatives of professional associations (employers, accountants and auditors) as members.<sup>12</sup> In 2009, the Minister of Finance chaired the committee, with two chairs of parliamentary committees and two government representatives as members.<sup>13</sup> In 2015, the committee was chaired by the permanent secretary of the Minister of Finance, with a chair of a parliamentary committee and three government representatives as members.<sup>14</sup>

In 2021, there was no open competition. Instead, the Cabinet of Ministers took an executive decision based on the recommendation of the Minister of Finance on 17 August 2021.<sup>15</sup> The recommendation was accompanied by a justification of both the choice of procedure and the nomination of Mr Kozlovs, based on his qualifications and professional achievements.

Mr Kozlovs has been an ECA Member since 7 May 2016 and replaced Mr Ludboržs, whose second mandate had come to an end. At the time, following a hearing with the nominee in the [CONT committee on 15 March 2016](#)<sup>16</sup> and in line with [the report of the CONT committee](#)<sup>17</sup>, the European Parliament gave a [favourable opinion on Mr Kozlovs' nomination on 13 April 2016](#).<sup>18</sup> The Council appointed Mr Kozlovs as ECA member in [its decision of 21 April 2016](#).

Mr Kozlovs, whose statement before the CONT committee takes place on 10 January 2022, is currently dean of Chamber IV of the Court, which is responsible for "Regulation of markets and competitive economy", and a Member of both the Audit Quality Control Committee the Administrative Committee of the Court.<sup>19</sup> Prior to his ECA mandate, he held positions in the Ministry of Finance, notably as Head of the EU Integration Unit (01/2001-01/2002) and Director of the EU Integration Department (01/2002-05/2003). He was counsellor (05/2003-10/2010) and Deputy Director (04/2012-04/2016) at the Latvian Permanent Representation to the EU in Brussels. Between October 2010 and April 2012, he was adviser to the executive board director at the EBRD. He holds a bachelor and a master degree in Social Sciences, an Executive MBA and a postgraduate degree in "Audit of public organisations and policies".

## Other recent examples of nomination procedures at national level

### Austria

In Austria, the constitution states that 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.

Mrs Helga Berger, whose statement before the CONT committee took place on 25 June 2020, was Director General of Budget and Public Finances in the Austrian federal ministry of finance. She was nominated as the country's ECA Member by the government and confirmed unanimously by the main committee of the federal parliament.

### 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 (with the Secretary General to the Government, the Secretary General of the Department of Finance and two external

<sup>12</sup> <https://likumi.lv/ta/id/84256>

<sup>13</sup> <https://likumi.lv/ta/id/197977-par-atklata-konkursa-izsludinasanu-uz-eiropas-kopienu-revizijas-palatas-locekla-amatu>

<sup>14</sup> <https://likumi.lv/ta/id/276133-par-atklata-konkursa-izsludinasanu-uz-eiropas-savienibas-revizijas-palatas-locekla-amatu>

<sup>15</sup> <https://likumi.lv/ta/id/325491>

<sup>16</sup> Mr Kozlovs' hearing starts at 09:54 of the recording.

<sup>17</sup> Texts tabled: A8-0059/2016, 14 votes to 4, 8 abstentions.

<sup>18</sup> Texts adopted: P8\_TA(2016)115, 386 votes to 123, 186 abstentions.

<sup>19</sup> [https://www.eca.europa.eu/Other%20publications/COMPOSITION/COMPOSITION\\_EN.pdf](https://www.eca.europa.eu/Other%20publications/COMPOSITION/COMPOSITION_EN.pdf)

third parties with senior level experience, in this case a retired Supreme Court Judge and the Chairperson of the Low Pay Commission, as its members) was in charge of this competitive process and made a recommendation to the government on its basis.<sup>20</sup>

## Further nominations in 2022

In 2022, it is likely that there will be 6 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), Maltese (30/09/2022), Cypriot (1/11/2022) 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.

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<sup>20</sup> [https://merriionstreet.ie/en/News-Room/Releases/Government\\_nominates\\_Mr\\_Tony\\_Murphy\\_to\\_the\\_European\\_Court\\_of\\_Auditors.html](https://merriionstreet.ie/en/News-Room/Releases/Government_nominates_Mr_Tony_Murphy_to_the_European_Court_of_Auditors.html) consulted 18/05/2020.

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