

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 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 nominations¹

Cyprus

In Cyprus, the government nominates the candidate for the European Court of Auditors. The House of Representatives is not involved in the nomination procedure. So far, Cyprus has had two different ECA members, both of whom were male. After two terms, the mandate of the current Cypriot ECA Member, Mr Lazaros Stavrou Lazarou, will end on 1 November 2022.

The new nominee is Mr Lefteris Christoforou, whose statement before the CONT committee takes place on 21 April. Mr Christoforou has been a Member of the European Parliament since 2014. He has been a member of the Committee on Budgets since 2014 and on the Committee for Budgetary Control since 2019. In 2004, the Cyprus Parliament appointed him as an observer to the European Parliament and a short-term Member from Cyprus' accession until the European elections in 2004.

Between 1996 and 2014, he was a Member of the House of Representatives in Cyprus for the Democratic Rally Party (DISY). From 2001 to 2014, he was the Chairman of the House Standing Committee on Trade, Energy, Industry and Tourism. During his mandates, he was also a Member of the House Standing Committees on Financial and Budgetary Affairs, on Institutions and Values, on Refugees and Missing Persons and on Home Affairs. Before entering politics, he worked at Laiki Bank (Cyprus) from 1991 to 1996 and at Macedonia Thrace Bank (Greece) from 1985 to 1991.

He graduated from the Aristotelio University of Thessaloniki in 1987 with a Bachelor of Science degree in Economics and in 1989 with a Masters.

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, Poland, Portugal, Slovakia, Slovenia, Spain (lower house) and Sweden. The authors wish to thank all correspondents.



Malta

In Malta, the Prime Minister nominates the candidate to the European Court of Auditors. Malta's House of Representatives is not involved in the nomination procedure. So far, the country has had three different ECA members, all of whom were male. The mandate of the current Maltese ECA Member, Mr Leo Brincat, will end on 30 September 2022.

The new nominee is Dr George Marius Hyzler, whose statement before the CONT committee will take place on 21 April. Since 2018, he has served as Malta's first Commissioner for Standards in Public Life on a non-renewable five-year term.

Prior to this, he was an advocate and partner in a law firm with responsibility as Money Laundering Reporting Officer (2003-2018). In parallel, he held other roles, such as non-resident Ambassador of Malta to South Africa (2011-2018), Member of the Permanent Court of Arbitration in The Hague, non-executive Chairman of the Board of Governors of the Malta Arbitration Centre (both 2005-2018), President of the Chamber of Advocates, Member of the Judicial Appointments Committee and of the Commission for the Administration of Justice (all 2015-2018).

In 1995, he was elected to Malta's House of Representatives for the Nationalist Party. He served until 2003 as a member of Parliament and on various parliamentary committees, including the Public Accounts Committee and the Malta-EU Joint Parliamentary Committee. Between 1998 and 2003, he was Parliamentary Secretary in the Ministry for Economic Services. From 1980 to 1998, he practiced as an advocate in a law firm in Malta.

He holds a Doctor of Laws and a Notary Public (University of Malta - 1979), a Post-Graduate qualification in European Integration (University of Amsterdam - 1980) and a Warrant to practice the profession of Advocate in Malta (1980).

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.

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 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.

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.

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