OPINION

of the Committee on Constitutional Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2014, Section II – European Council and Council (2015/2156(DEC))

Rapporteur: Pascal Durand
PA_NonLeg
SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

A. whereas transparency and the scrutiny of public accounts are overarching democratic principles which also apply to the EU;

B. whereas the discharge procedure is part of the concept of representative democracy;

C. whereas, under the terms of Article 319 of the Treaty on the Functioning of the European Union, the European Parliament, has the sole responsibility to grant discharge in respect of the implementation of the general budget of the European Union;

D. whereas the Council’s budget is a section of the Union budget;

E. whereas, under the terms of Article 319(2) of the Treaty on the Functioning of the European Union, the Commission must submit to the European Parliament, at the latter’s request, any necessary information concerning the execution of expenditure and the operation of financial control systems;

F. whereas legal and academic experts agreed on the Parliament’s right to information at the European Parliament workshop on Parliament’s Right to Grant Discharge to the Council held on 27 September 2012;

G. whereas following Article 335 TFEU each of the Union institutions has administrative autonomy, and according to Article 55 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council¹ (Financial Regulation) the institutions are individually responsible for the implementation of the sections of the budget relating to them;

H. whereas without the necessary information, Parliament is not in a position to make an informed decision on granting discharge;

1. Notes that the procedure of giving discharge separately to the individual Union institutions and bodies is a longstanding practice, which it has developed in order to guarantee transparency and democratic accountability towards Union taxpayers; underlines that this should effectively guarantee its right and duty to scrutinise the whole of the Union budget;

2. Notes further that the Commission in its letter of 23 January 2014 expressed the view that all institutions are fully part of the follow-up process to the observations made by the Parliament in the discharge exercise and that all institutions should cooperate to ensure the smooth functioning of the discharge procedure in full respect of the relevant provisions in the TFEU and in the relevant secondary law;

3. Emphasises that the Commission also states in its letter that it will not oversee the implementation of the budgets of other institutions and that giving a response to questions addressed to another institution would infringe the autonomy of that institution to implement its own section of the budget;

4. Emphasises that since 2009 the Council has refused to cooperate with the discharge procedure as implemented by Parliament, failing to provide the necessary information, answer written questions and attend hearings and debates on the implementation of its own budget, and that, as a result, more than EUR 3 billion in public funds have been spent without proper scrutiny;

5. Regrets about poor cooperation on scrutiny of the implementation of the budget between the Parliament and the Council last years and considers it as a negative sign sent to the citizens of the Union;

6. Takes the view that this constitutes a serious failure to comply with the obligations laid down by the Treaties, in particular the principle of sincere cooperation between the institutions, and that a solution must be found quickly so that the whole of the Union budget can be scrutinised; in this respect refers also to Article 15 TFEU which stipulates that each Union institution, body, office or agency shall ensure that its proceedings are transparent;

7. Calls for the Council to be transparent and fully accountable to Union citizens by taking part in the annual discharge procedure just as the other Union institutions do;

8. Calls to take into account Article 319(1) TFEU together with the second paragraph of Article 317 TFEU, and Articles 55, 165, 166 of the Financial Regulation as a sufficient legal basis to exercise the Parliament’s implicit right to take a separate discharge decision to the Council in addition to its explicit right to grant a discharge to the Commission;

9. Calls on the Council to enter into negotiations with Parliament with a view to ensuring that the latter can exercise its right of access to information concerning the implementation of the Council’s budget, ; ; believes that it entails an obligation by the Council to deliver the requested information;

10. Reminds the Council of the Commission’s views, expressed in its letter of 23 January 2014, that it will not oversee the implementation of the budget of the other institutions and that giving a response to questions addressed to another institution would infringe the autonomy of that institution in the implementation of its own section of the budget;

11. Takes the view that, while in the meantime the situation could be improved with better cooperation between Union institutions inside the Treaties framework, a revision of the Treaties may ultimately be required in order to render the discharge procedure more clear, in the sense that the Parliament is tasked with the explicit competence to grant discharge to all institutions and bodies individually
RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

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<th>Date adopted</th>
<th>23.2.2016</th>
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| Result of final vote | +: 21  
|                  | -: 2  
|                  | 0: 1  |
| Members present for the final vote | Mercedes Bresso, Elmar Brok, Fabio Massimo Castaldo, Richard Corbett, Pascal Durand, Esteban González Pons, Danuta Maria Hübner, Ramón Jáuregui Atondo, Jo Leinen, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Paulo Rangel, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Claudia Tapardel, Kazimierz Michał Ujazdowski, Rainer Wieland |
| Substitutes present for the final vote | Max Andersson, Gerolf Annemans, Sylvie Goulard, Viviane Reding, Helmut Scholz |
| Substitutes under Rule 200(2) present for the final vote | Teresa Jiménez-Becerril Barrio |