



2021/2108(DEC)

13.12.2021

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 2020 (Section II) - European Council and Council
(2021/2108(DEC))

Rapporteur for opinion: Antonio Tajani

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, in line with Article 319 of the Treaty on the Functioning of the European Union (TFEU), the Parliament has the sole responsibility to grant discharge in respect of the implementation of the general budget of the Union and whereas the Council's budget is a section of the Union budget;
- B. Whereas, under the terms of Article 319 TFEU, the Parliament shall give a discharge to the Commission;
- C. Whereas the applicable provisions of the Financial Regulation and Parliament's Rules of Procedure establish the power to grant discharge in order to maintain transparency and to ensure democratic accountability towards Union taxpayers;
- D. Whereas over the course of almost twenty years Parliament has implemented the well-established and respected practice of granting discharge to all Union institutions, bodies, offices and agencies;
- E. Whereas the lack of cooperation from the Council in the discharge procedure has resulted in Parliament's refusal to grant discharge to the Secretary-General of the Council since 2009;
- F. Whereas the European Council and the Council, as Union institutions, should be democratically accountable to the citizens of the Union, in so far as they are beneficiaries of the general budget of the Union; G. Whereas democratic scrutiny of the spending of public funds is vital if citizens are to have confidence in the functioning of the institutions;
- H. Whereas the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources provides for rules on cooperation between the institutions on the budget, in line with the principles of budget discipline and sound financial management; whereas that agreement is binding on the institutions that signed it and entails budget cooperation and transparency obligations;
- I. Whereas the case-law of the Court of Justice of the European Union confirms the right of taxpayers and of the public to be kept informed about the use of public revenues;
- J. Whereas the 2018 recommendations of the European Ombudsman in case OI/2/2017/TE found that the Council's practices with regard to transparency in the legislative process constituted maladministration; whereas the Council did not comply with these recommendations which would have enabled citizens to follow the EU's legislative process;

- K. Whereas, pursuant to Article 15(1) of the Treaty on the European Union, the European Council is not to exercise legislative functions;
1. Recalls the role of Parliament and of other institutions in the discharge procedure, as provided for by the TFEU, in particular Article 319 thereof, and by the Financial Regulation, in particular Articles 260 to 263 thereof; underlines that Parliament's role is reinforced by a well-established and respected practice; calls for full respect of Parliament's prerogatives and regrets the Council's continuing refusal to engage in loyal cooperation in the framework of the discharge procedure for more than a decade, which prevents Parliament from taking informed decisions; further regrets Council's lack of respect for Parliament's role as guarantor of democratic accountability as regards the Union budget;
 2. Believes that increased transparency and a proactive approach to sharing information on the part of the Council would be conducive to a better-informed discharge procedure from the outset;
 3. Considers that the lack of cooperation from the European Council and from the Council with the discharge authority sends a negative signal to citizens of the Union;
 4. Calls on the Council to implement the recommendations adopted by the European Parliament on the budget discharge procedure and to resume negotiations on the memorandum of understanding on the interinstitutional cooperation on that matter; reiterates that, if those negotiations do not succeed, they should be extended to the Commission to ensure that Parliament is provided with necessary information on how the Council is implementing its budget, either directly or via the Commission; notes that the Commission agrees that the practice of giving discharge to each institution for their administrative expenditure should be pursued in the future;
 5. Calls on the Council to comply fully with the obligations deriving from the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources in order to guarantee democratic scrutiny by Parliament and strengthen the democratic legitimacy of the work of the Council and transparency;
 6. Reiterates its full endorsement of the European Ombudsman's recommendation on the transparency of the Council legislative process, following its strategic inquiry (Case OI/2/2017/TE); considers that complying with the Ombudsman's recommendations is an important step that would enable citizens to be involved in the legislative process of the European Union and to better understand it, and that this would enable the Council to comply with the requests made by Parliament during the discharge procedure; therefore urges the Council to take all necessary measures to implement that recommendation without undue delay; in particular calls for the Council to improve legislative transparency by making a greater number of documents, including those on interinstitutional negotiations, available;
 7. Reiterates that the budget of the European Council and of the Council should be divided into two separate budgets, as recommended by Parliament in its recent discharge

resolutions, in order to improve transparency, expenditure efficiency and accountability of each institution;

8. Considers that the Conference on the Future of Europe provides the opportunity to the citizens and civil society organisations to express their views and to discuss proposals to enhance transparency and democratic accountability with regard to the protection of the Union's financial interests and the Union's accountability vis-à-vis citizens, as well as to come forward, in particular, with proposals to improve the transparency and readability of the Council's budget;
9. Stresses that, while the current situation could be improved through better interinstitutional cooperation within the framework of the Treaties, a revision of the Treaties is necessary to render the discharge procedure clearer and more transparent, especially by giving the European Parliament the explicit competence to grant discharge to all institutions and bodies individually;
10. Regrets the lack of information on the implementation of the Council's gender action plan and of the measures taken to ensure equal opportunities for persons with disabilities at the Council as a workplace; calls on the Council to provide information on the proportion of staff with disabilities, geographical and gender distribution, and measures taken in order to ensure equal opportunities, geographical balance and gender equality at the Council;
11. Regrets the use of corporate sponsorship to cover some of the expenses incurred by Member States to finance their Council Presidency; is highly concerned by the possible reputational damage that this practice might cause to the Council and to the Union; urges the adoption of clear guidelines that aim to prevent situations of conflict of interest; further urges the adoption of transparent and binding rules on sponsorship.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	9.12.2021
Result of final vote	+ : 22 - : 2 0 : 3
Members present for the final vote	Gerolf Annemans, Gabriele Bischoff, Damian Boeselager, Geert Bourgeois, Fabio Massimo Castaldo, Włodzimierz Cimoszewicz, Pascal Durand, Daniel Freund, Charles Goerens, Sandro Gozi, Brice Hortefeux, Laura Huhtasaari, Victor Negrescu, Giuliano Pisapia, Paulo Rangel, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Helmut Scholz, Pedro Silva Pereira, Sven Simon, Antonio Tajani, Guy Verhofstadt, Loránt Vincze, Rainer Wieland
Substitutes present for the final vote	François Alfonsi, Danuta Maria Hübner

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
NI	Fabio Massimo Castaldo
PPE	Brice Hortefeux, Danuta Maria Hübner, Paulo Rangel, Sven Simon, Antonio Tajani, Loránt Vincze, Rainer Wieland
Renew	Pascal Durand, Charles Goerens, Sandro Gozi, Guy Verhofstadt
S&D	Gabriele Bischoff, Włodzimierz Cimoszewicz, Victor Negrescu, Giuliano Pisapia, Domènec Ruiz Devesa, Pedro Silva Pereira
The Left	Helmut Scholz
Verts/ALE	François Alfonsi, Damian Boeselager, Daniel Freund

2	-
ECR	Geert Bourgeois, Jacek Saryusz-Wolski

3	0
ID	Gerolf Annemans, Laura Huhtasaari, Antonio Maria Rinaldi

Key to symbols:

+ : in favour

- : against

0 : abstention