



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 April 2013**

**8779/13**

**INST 201  
CMPT 3**

**INFORMATION NOTE**

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from: General Secretariat  
to: Delegations  
Subject: Partial renewal of the members of the Court of Auditors  
- Procedure

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1. By letter dated 11 April 2013 (Annex I to this note) the Secretary-General of the Court of Auditors drew the attention of the President of the Council to the fact that seven members of the Court of Auditors would be reaching the end of their term of office on 31 December 2013<sup>1</sup>.
  
2. Article 286(1) and (2), first subparagraph, (TFEU) states that:
  - "1. *The Members of the Court of Auditors 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. Their independence must be beyond doubt.*

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<sup>1</sup> The letter also mentions the end of term of office of the Romanian member of the Court of Auditors on 31 December 2012. The procedure for this replacement has been started in the meantime by the General Secretariat (cf. doc. 8755/13).

2. *The Members of the Court of Auditors shall be appointed for a term of six years. The Council, after consulting the European Parliament, shall adopt the list of Members drawn up in accordance with the proposals made by each Member State. The term of office of the Members of the Court of Auditors shall be renewable".*
3. In order to ensure continuity of the Court of Auditors' work, the Council Decision appointing the seven members of the Court should be adopted no later than December 2013.

To that end, the procedure for the appointment of the members should start in sufficient time for the Council to take its decision to consult the European Parliament early in September 2013.

4. Therefore, the Member States concerned should send their proposals to the General Secretariat no later than **31 July 2013**<sup>2</sup>. These proposals should be accompanied by the candidate's *curriculum vitae*, which should not contain any personal data (e.g. marital status, family situation, home address, etc.) in an Annex I to their proposal. The candidate's contact details should be given in an Annex II to their proposal.

Member States will be requested to send their proposals via the official channels and also via e-mail **in Word format**, to **[nominations@consilium.europa.eu](mailto:nominations@consilium.europa.eu)**.

The letter and *curriculum vitae* (Annex I to their proposal) will become part of a document that will be available to the public.

5. Delegations will find in Annex II to this note a draft reply to the letter of 11 April 2013 from the Secretary-General of the European Court of Auditors, to be approved by COREPER according to Article 19.7(k) of the Council's Rules of Procedure.

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<sup>2</sup> The letter in Annex III to this note will be sent to the Member States concerned in due course.



COUR DES COMPTES EUROPÉENNE

Eduardo RUIZ GARCÍA  
Secrétaire général

SE RÉTARINAT DU CONSEIL DE L'UNION EUROPÉENNE SGE13/03966	
REÇU LE	16 AVR. 2013
DEST PRINC.	M. CLOOS
DEST COP.	M. PILLATH

Luxembourg, le 11 AVR. 2013  
SGL002738FR01-13PP.docMonsieur Eamon GILMORE  
Président du Conseil  
175, rue de la Loi  
1048 Bruxelles  
BELGIQUE

Monsieur le Président,

Je me permets d'attirer votre attention sur l'échéance du mandat de sept Membres de la Cour des comptes européenne au 31 décembre 2013, à savoir :

M. David BOSTOCK (UK)  
M. Ioannis SARMAS (EL)  
M. Michel CRETIN (FR)  
M. Harald NOACK (DE)  
M. Henri GRETHEN (LU)  
M. Gijs DE VRIES (NL)  
M. Harald WÖGERBAUER (AU)

Je vous prie également de bien vouloir noter que le mandat de M. Ovidiu ISPIR (RO) est venu à échéance le 31 décembre 2012. Néanmoins, la procédure de nomination pour son remplacement n'a pas encore été entamée.

Je vous serai reconnaissant de bien vouloir m'informer du calendrier qui sera établi en vue des nominations nécessaires.

Veuillez agréer, Monsieur le Président, l'expression de ma très haute considération.

Copie: M. Uwe CORSEPIUS, Secrétaire général du Conseil de l'UE  
M. Rory MONTGOMERY, Ambassadeur de la Représentation Permanente de l'Irlande

12, rue Alcide De Gasperi  
1615 Luxembourg  
LUXEMBOURGTél. +352 4398-45620  
Fax +352 4398-46666  
eduardo.ruiz@eca.europa.eu

(draft reply)

Brussels,

Mr Eduardo RUIZ GARCÍA  
Secretary-General  
European Court of Auditors  
Rue Alcide de Gasperi, 12  
L-1615 Luxembourg

Sir,

In reply to your letter of 11 April 2013 concerning the nomination of members to replace seven members of the Court of Auditors who will reach the end of their term of office on 31 December 2013, I inform you that the General Secretariat of the Council has already requested the Member States concerned to send their proposals no later than 31 July 2013.

In order to ensure continuity of the Court of Auditor's work, the Council Decision appointing the members of the Court should be adopted no later than December 2013. To that end, the procedure for the appointment of the members should start in sufficient time for the Council to take its decision to consult the European Parliament early in September 2013.

(Complimentary close.)

Chairman of COREPER

(draft letter)

Brussels,

x

x

x

x

Sir, Madam,

I would like to inform you that the term of office of Mr/Ms X as a member of the Court of Auditors will expire on 31 December 2013.

Therefore I should be much obliged if you could inform the General Secretariat of the Council of your proposal for a candidate for this post and send his or her *curriculum vitae*, which should not contain any personal data (e.g. marital status, family situation, home address, etc.) in an Annex I to your proposal. The candidate's contact details should be given in an Annex II to your proposal.

To ensure continuity of the Court of Auditors' work, the Council Decision appointing the members of the Court should be adopted in December 2013. Therefore, I should be grateful if you could forward your proposal to the General Secretariat of the Council by 31 July 2013. This will allow the Council to take its decision to consult the European Parliament early in September 2013.

You will find annexed, for information, the European Parliament's Resolutions on the procedure to be followed when Parliament is consulted on the appointment of members of the Court of Auditors.

I would remind you that the legal basis for appointments is currently Article 286(2) TFUE.

(Complimentary close).

For the Secretary-General

Jim CLOOS

Enclosures: I) OJ C 337, 21.12.1992, pp. 51 and 52  
II) OJ C 43, 20.2.1995, pp. 75 and 76

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#### 4. Appointment of Members of the Court of Auditors

##### RESOLUTION A3-0345/92

##### Resolution on the procedure for consulting the European Parliament on the appointment of Members of the Court of Auditors

*The European Parliament,*

- having regard to Rule 121 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A3-0345/92),
- A. mindful of how important it is that the Court of Auditors should be composed of figures who provide, to the highest degree, the guarantees of professional competence and independence required by the Treaty,
- B. whereas in the past some appointments have given rise to differences of opinion between Parliament and the Council, the persistence of which has harmed the good working relations between the Court and those institutions,
- C. whereas, while Parliament's opinion is not legally binding, if Members of the Court who had been publicly and formally repudiated by Parliament were to take office, the institutions concerned would be weakened and budgetary control would not be made more effective,
- D. whereas Parliament will be all the more justified in seeking the adoption of its opinion as it will have spelled out in advance the general principles guiding its judgment and because its decision will have been made by a majority which cuts across political differences,
- I. Adopts the following procedures, principles and criteria for delivering its opinion on the candidates for membership of the Court of Auditors:
1. A reasonable amount of time for consideration must be made available to Parliament so as to enable candidates to be heard by the Committee on Budgetary Control and to allow a vote in committee at a meeting after the hearing;
  2. When a decision is to be taken on an individual candidate, leaving aside political criteria, the Committee on Budgetary Control and the plenary sitting will vote in secret;
  3. In the Committee on Budgetary Control, the hearing will be public but the discussions will take place in camera. At the public hearing, discussion will be reduced to a minimum in order not to subject the candidates to personal criticism in public;
  4. Parliament's assessment will be guided mainly by the following criteria:
    - (a) high-level professional experience acquired in public finance or in management or management auditing;
    - (b) where appropriate, prior issue of a discharge in the case of management duties carried out previously by the applicants;
    - (c) in the case of those who have performed management duties in the public or private sectors, an impeccable management record;
    - (d) candidates not to hold any elected office or have any responsibilities in a political party with effect from the date of appointment;
    - (e) in view of the nature of the work to be done, the age of candidates will also be taken into account: for example, it seems reasonable to stipulate that Members should not be over 65 at the end of their first term of office or over 70 at the end of their second. It would not be normal either if, through his appointment to the Court of Auditors, candidates were able to evade the age-limits applicable to the same post in their country of origin;

Tuesday, 17 November 1992

- (f) finally, in addition to assessing individual merit, Parliament will ensure that a sensible balance is maintained in the composition of the Court as a whole. For example, while the Court's existing composition is fairly successful in terms of the varied origin of its members, the lack of female representation is unjustifiable;
  - (g) it would be desirable for Members not to serve for more than two terms;
5. Parliament will ensure that candidates are approved by an absolute majority in the vote at the plenary sitting;
- II. Instructs its President to forward this resolution to the Commission, the Council and the Court of Auditors.
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*OJ C 43, 20.2.1995, pp. 75 and 76*

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**Resolution on procedures to follow when Parliament is consulted in connection with appointment of Members of the Court of Auditors**

*Official Journal C 043 , 20/02/1995 P. 0075*

A4-0001/95

Resolution on procedures to follow when Parliament is consulted in connection with appointment of Members of the Court of Auditors

The European Parliament,

- having regard to Rule 148 of its Rules of Procedure,
- having regard to its resolution of 17 November 1992 on the procedure for consulting the European Parliament on the appointment of Members of the Court of Auditors ((OJ C 337, 21.12.1992, p. 51.)),
- having regard to the report of its Committee on Budgetary Control (A4-0001/95),

A. whereas cooperation between the Court of Auditors and Parliament, which is central to the European Union's budgetary control system, is adversely affected when some Members of the Court fail to secure Parliament's approval,

B. whereas, until such time as an assent procedure has been established under an amendment to be made to the Treaty in 1996, certain rules should be drawn up in order to reduce the risk that Parliament's opinions and Council decisions might be at variance,

1. Instructs its Committee on Budgetary Control to approach the proper authorities of the Member States which will be called upon to nominate candidates for membership of the Court of Auditors and to draw the attention of those authorities to the criteria and procedures laid down by Parliament;

2. Calls on the Council to undertake to:

- frame its proposals in such a way as to comply fully with the criteria set out in Parliament's abovementioned resolution of 17 November 1992, on the understanding that Parliament, for its part, will ensure that it scrupulously respects those criteria;
- submit nominations at least ten weeks before the Members concerned are due to be appointed, on the understanding that any delay on the Council's part will correspondingly hold up delivery of Parliament's opinion ((In the case of candidates put forward by the new Member States, who will have to be nominated after 1 January 1995, Parliament hopes that the Council will deal speedily with the nominations and undertakes to consider and adopt its opinions within as brief a time-span as possible.));
- supply the relevant career details when notifying the names of candidates, and all information and opinions communicated to it while the Member States' internal decision-making procedures are in progress;
- pass on any information concerning nominations it has received from Member States, on the understanding that if it were to withhold information, Parliament would be obliged to conduct its own inquiries, leading likewise to inevitable delays in the procedure;

3. Makes the following additional stipulations as regards procedures before the Committee on Budgetary Control and in plenary sitting, enlarging on its resolution of 17 November 1992:

(a) each opinion shall be submitted in the form of a report to be adopted by a simple majority; the report shall not contain recitals and shall merely state a view on the appointment;

(b) a summary of reasons in support of the opinion shall appear in an explanatory statement which shall not be put to the vote;

(c) the report shall consist of an explanatory statement, which shall not be put to the vote, citations summarizing the circumstances of the referral to Parliament, which shall likewise not be put to the vote, and an operative part which may constitute only:

- a favourable opinion or
- an unfavourable opinion;

reports should not contain any recitals to be put to the vote;

4. Instructs its President to forward this resolution to the Council, and, for information, to the Court of Auditors and the Commission.