2021 discharge: General budget of the EU - European Council and Council

2022/2083(DEC) - 10/05/2023 - Text adopted by Parliament, single reading

The European Parliament decided by 609 votes to 16, with 9 abstentions, to **postpone its decision** on the discharge to the Secretary-General of the Council in respect of the implementation of the budget of the European Council and of the Council for the financial year 2021.

In its resolution, adopted by 517 votes to 57 with 64 abstentions, Parliament made the following observations:

State of play of the discharge procedure

Parliament deeply regretted that, for the 2020 financial year, Parliament once again had to refuse to grant discharge to the Council because the Council **refused to cooperate with Parliament** to ensure that the discharge procedure was conducted rigorously. The Council's persistent refusal to cooperate with Parliament in the annual budget discharge procedure does not allow Parliament to fulfil its obligations and take an informed decision on whether to grant discharge.

Members stressed that, if the current situation is to be improved by better interinstitutional cooperation within the framework of the Treaties, a revision of the Treaties is needed to make the discharge procedure clearer and more transparent, in particular to give the European Parliament an explicit mandate to give discharge individually to all the Union's institutions, bodies, offices and agencies.

The Council is invited to **resume negotiations with the Parliament** as soon as possible in order to find a solution within the current framework of the discharge procedure.

Political priorities

Members generally deplored the fact that in the nomination and appointment procedures for many EU institutions, bodies, offices and agencies, the Council exercises its prerogative without taking into account the opinion of interested parties or the European Anti-Fraud Office (OLAF).

Members also deplored that Council has failed repeatedly to take into consideration the recommendations of Parliament in Parliament’s consultative role regarding the appointment of members of the Court but, rather, continues to appoint members of the Court that have been rejected by Parliament. They also reiterated their call on the Council to reconsider the **nomination procedure** with the aim of tackling this problem with concrete actions, such as making it compulsory for Member States to present at least two candidates of different genders.

Regretting that the **decision-making process in the Council** is still far from being fully transparent, the resolution urged the Council to take all necessary measures to implement the Ombudsman's recommendations and the relevant rulings of the Court of Justice of the European Union as soon as possible. It fully endorsed the Court’s view that access to legislative documents would not undermine in any way the decision-making process, despite such claims by the Council.

Members believe that the use of **unanimous voting in the Council** in certain policy areas is paralysing the Union’s decision-making process, making it prone to blackmailing by governments of Member States for domestic political purposes, especially those who fail to respect the rule of law. They called on the

Council to apply the qualified majority voting procedures whenever provided by the Treaties and to consider the review of the Treaties with respect to voting procedures.

They also expressed concern regarding the increasing role of the European Council in legislative files.

Members regretted the Council's position on the **transparency register**, refusing to consider any strengthening of the measures and rejecting any recommendations for improvement. They reiterated their concern about the confirmed conflict of interest of a number of Member States' representatives involved in political and budgetary decision-making processes. Lastly, they reiterated their call on the rotating Council presidencies to decline any **corporate sponsorship** to contribute to covering their expenses.

Budgetary and financial management

The Council's budget for 2021 amounted to **EUR 594 386 954**, a slight increase of 0.6% compared to 2020, which is less than the increase between 2019 and 2020 (1.5%). They regretted that the budget of **the European Council and the Council has not been divided into two clearly separated budgets** as recommended by Parliament in previous discharge resolutions in order to improve transparency and accountability, not least concerning the European Council where it is currently impossible to get reliable information about its costs.

Parliament welcomed that the resources have been used for their intended purposes and in accordance with the principles of sound financial management, and that the control procedures put in place provide the necessary guarantees concerning the legality and regularity of the underlying transactions.

Internal management, performance and control

Members welcomed the fact that the General Secretariat of the Council has been able to ensure the continuity of the decision-making process within the European Council and the Council despite the continuing exceptional situation caused by the COVID-19 pandemic.

The internal audit on data protection shows that, overall, the system of internal controls in place provides reasonable assurance on the processes designed to allow the services of the General Secretariat of the Council to process data with the required high level of protection. The audit of operational security led the Council's Internal Auditor to conclude that, overall, the system of internal controls in place provides reasonable assurance that the objectives set for operational security are achieved.

Human resources

Parliament noted that the number of posts on the Council's establishment plan for 2021 had been set at 3 029. However, it deplored the fact that the Council publishes very little data on the composition of its staff and deplored the gender imbalance in the senior management of the Council's General Secretariat. The Council is invited to provide the budgetary authority with information on the geographical and gender balance of its staff.

Ethical framework and transparency

Members regretted that, despite several requests from Parliament, the code of conduct of the President of the European Council had not been harmonised with those of Parliament and the Commission, particularly as regards the activities to be approved after leaving the service. They also regretted not having received information about the code of conduct applicable to all Council staff.

Lastly, the Council is invited to fully respect the obligations set out in the **Interinstitutional Agreement** of 16 December 2020 on budgetary discipline, cooperation in budgetary matters and sound financial management, and on new own resources, including a roadmap for the establishment of new own resources.