Basic information

2022/2083(DEC) DEC - Discharge procedure	Procedure completed
2021 discharge: General budget of the EU - European Council and Council **Subject** 8.70.03.11 2021 discharge	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	PEKSA Mikuláš (Greens /EFA)	14/07/2022
	Shadow rapporteur MARINESCU Marian-Jean (EPP) GRAPINI Maria (S&D) IN 'T VELD Sophia (Renew) CZARNECKI Ryszard (ECR) KUHS Joachim (ID) FLANAGAN Luke Ming (The Left)	

European Commission

Commission DG	Commissioner
Budget	HAHN Johannes

Key events

Date	Event	Reference	Summary
23/06/2022	Non-legislative basic document published	COM(2022)0323	
13/09/2022	Committee referral announced in Parliament		
28/02/2023	Vote in committee		
27/03/2023	Committee report tabled for plenary	A9-0085/2023	Summary
09/05/2023	Debate in Parliament		

10/05/2023	Results of vote in Parliament		
10/05/2023	Decision by Parliament		
10/05/2023	Report referred back to committee		
20/09/2023	Vote in committee		
25/09/2023	Committee report tabled for plenary	A9-0274/2023	Summary
17/10/2023	Decision by Parliament	T9-0361/2023	Summary
17/10/2023	Results of vote in Parliament		
19/12/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/2083(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/9/12206 CONT/9/09690

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE738.383	16/12/2022	
Amendments tabled in committee		PE742.339	02/02/2023	
Committee report tabled for plenary, single reading		A9-0085/2023	27/03/2023	Summary
Text adopted by Parliament, single reading		T9-0139/2023	10/05/2023	Summary
Committee draft report		PE749.878	19/07/2023	
Amendments tabled in committee		PE752.834	05/09/2023	
Committee report tabled for plenary, single reading		A9-0274/2023	25/09/2023	Summary
Text adopted by Parliament, single reading		T9-0361/2023	17/10/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	06247/2023	16/02/2023	

European Commission

Document type	Reference	Date	Summary
	COM(2022)0323		

Non-legislative basic document		23/06/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N9-0066/2022 OJ C 391 12.10.2022, p. 0006	12/10/2022	
CofA	Court of Auditors: opinion, report	N9-0003/2023 OJ C 429 11.11.2022, p. 0008	11/11/2022	
EU	For information	32023B1815 OJ L 242 29.09.2023, p. 0036	29/09/2023	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Budget 2023/2838
OJ L 000 19.12.2023, p. 0000

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

2022/2083(DEC) - 25/09/2023 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the second report by Mikuláš PEKSA (Greens/EFA, CZ) on discharge in respect of the implementation of the general budget of the European Union for the financial year 2021, Section II – European Council and Council.

The committee responsible recommends that the European Parliament **refuse to grant 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.

Members strongly regret that once again for the financial year 2021, the Council was the only Union institution that refused to cooperate with Parliament in the discharge procedure, compelling Parliament to refuse discharge.

In the current situation, Parliament can only examine the reports of the European Court of Auditors and the European Ombudsman and the information on the Council's website, without receiving any written or oral answers from the Council. Members therefore believe that Parliament is unable to carry out its duties properly and take an informed decision on granting discharge.

In view of the fact that for more than a decade the Council has refused to cooperate and provide Parliament with sufficient information on the discharge, Members reiterated that the Council is sending the wrong message to citizens at a time when greater transparency is needed.

The resolution stressed that, while the current situation must be improved through better interinstitutional cooperation within the framework of the Treaties, a revision of the Treaties could render the discharge procedure clearer and more transparent by giving Parliament the explicit competence to grant discharge to all Union institutions, bodies, offices and agencies individually.

Members called on the Council to duly follow up on the recommendations adopted by Parliament in the context of the discharge procedure and invited it to resume negotiations with Parliament as soon as possible in order to find a solution in the current framework of the discharge procedure.

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

2022/2083(DEC) - 17/10/2023 - Text adopted by Parliament, single reading

The European Parliament decided, by 577 votes to 25, with 24 abstentions, to refuse to grant the Secretary-General of the Council discharge in respect of the implementation of the budget of the European Council and of the Council for the financial year 2021.

Once again, Parliament strongly regrets that for the financial year 2021, the Council was the only Union institution that refused to cooperate with Parliament in the discharge procedure, compelling Parliament to refuse discharge.

According to Parliament, all other Union Institutions accept and understand the logic that given the delegation of power regarding the implementation of the budget, Parliament has the right and obligation to scrutinise their budgets and their implementation of those budgets as part of the discharge procedure and, with that in mind, finds it deplorable that the Council continues to refuse to cooperate with Parliament in that area.

In view of the fact that for more than a decade the Council has refused to cooperate and provide Parliament with sufficient information on the discharge, Parliament reiterated that the Council is sending the wrong message to citizens at a time when greater transparency is needed.

Parliament stressed that, while the current situation must be improved through better interinstitutional cooperation within the framework of the Treaties, a revision of the Treaties could render the discharge procedure clearer and more transparent by giving Parliament the explicit competence to grant discharge to all Union institutions, bodies, offices and agencies individually.

Parliament demands full respect for its prerogative and role as guarantor of the democratic accountability principle. Therefore, it called on the Council to duly follow up on the recommendations adopted by Parliament in the context of the discharge procedure. It also invited it to resume negotiations with Parliament as soon as possible to find a solution in the current framework of the discharge procedure.

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

2022/2083(DEC) - 27/03/2023 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Mikuláš PEKSA (Greens/EFA, CZ) on the discharge for implementation of the European Union general budget for the financial year 2021, section II - European Council and Council.

The committee responsible recommends that Parliament **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 the Council for the financial year 2021.

The report stressed that the current situation, where Parliament is only able to check the reports of the Court and of the Ombudsman and the information on the Council's website, but does not receive written or oral answers from the Council during the annual discharge procedure, i.e. the Council refuses to collaborate with Parliament in the context of the annual discharge procedure, makes it impossible for Parliament to carry out its duties properly and for it to make an informed decision on granting discharge.

Members deplored the fact that the Council has shown for more than ten years that it has **no political will to cooperate with Parliament** in the annual discharge procedure and deplore the Council's persistent refusal to engage in fair cooperation in the procedure. They call on the Council to resume negotiations with the Parliament as soon as possible to find a solution within the current framework of the discharge procedure.

Members deplored that the Council, for more than a decade, has shown that it does not have any political willingness to collaborate with Parliament in the context of the annual discharge procedure and deplored the Council's continual refusal to engage in loyal cooperation in the procedure.

This report highlighted certain political priorities and made observations concerning the Council's budgetary and financial management as well as other observations related to the discharge procedure.

Political priorities

Members 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 report 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.

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

Members noted that 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.

The report welcomed the fact that the annual activity reports contain declarations of assurance from the Council's authorising officers by delegation stating that 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. Members welcomed the fact that the General Secretariat of the Council was able to ensure that decision making could continue in the European Council and the Council despite the continuing exceptional situation caused by the COVID-19 pandemic.

With regard to human resources, equality and staff welfare, the report notes that the number of posts in the Council's establishment plan for 2021 has been set at 3029. However, it regretted that the Council publishes very little data about the composition of its staff and deplored the gender imbalance in the senior management positions within the General Secretariat of the Council. The Council is invited to provide the budgetary authority with information on the geographical and gender balance of its staff.

Lastly, Members regretted that, despite several requests by Parliament, the code of conduct for the President of the European Council has not been brought into line with those of Parliament and the Commission, in particular in terms of activities to be approved after the President leaves the post.

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.