

AMENDMENT FORM

Suggestion for amendment of Article : III-287 (ex 247)

By Mr Hain

Status : Member

Delete *the existing article and replace with paragraphs 1-10 below.*

1. The European Union Audit Office shall have legal personality. It shall be managed and directed by a Board of Auditors General and supervised by a Governing Committee.
2. The Governing Committee shall consist of one representative nominated by each Member State. The Committee shall be responsible for the appointment of the President of the Board of Auditors General and the approval of the Office's annual business plan and annual activity report. The Committee shall act by qualified majority.
3. The Board of Auditors General shall consist of nine (9) members, appointed by the Council for a term of six years and drawn from the Member States on a rotational basis decided by the Council. For these purposes the Council shall act by a qualified majority, after consulting the European Parliament. The Governing Committee shall appoint one member to be President of the Board of Auditors General for a term of three years.
4. The Board shall be responsible for the business of the Office, in accordance with Article 248, under the authority of the President. It shall also be responsible for preparation of the annual business plan and annual activity report for the approval of the Governing Committee, and for the appointment of senior officials.
5. Members of the Board of Auditors General shall be chosen from among persons who belong or have belonged to external audit bodies or who are especially qualified for the office. They shall be completely independent in the performance of their duties; they shall neither seek nor take instructions from any Government or any other body. They shall refrain from any action incompatible with their duties.
6. The Members of the Board of Auditors General may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regard the acceptance, after they have ceased to hold office, of certain appointments or benefits.
7. Apart from normal replacement, or death, the duties of a Member of the Board of Auditors General shall end when he resigns, or is compulsorily retired by a ruling of the Court of Justice pursuant to paragraph 8. The vacancy thus caused shall be filled for the remainder of the Member's term of office by the Council.

Save in the case of compulsory retirement, Members of the Board of Auditors General shall remain in office until they have been replaced.

8. A Member of the Board of Auditors General may be deprived of his office and his right to a pension or other benefits in its stead only if the Court of Justice, at the request of the Board of Auditors General, finds that he no longer fulfils the requisite conditions or meets the obligations arising from his office.
 9. The Council, acting by a qualified majority, shall determine the conditions of employment of the President and members of the Board of Auditors General and any allowances paid to members of the Governing Committee.
 10. The provisions of the Protocol on the privileges and immunities of the European Communities applicable to the Judges of the Court of Justice shall also apply to Members of the Board of Auditors General.
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Explanation (if any) :

The UK's proposed reform of the ECA requires a new article 287.