

AMENDMENT FORM

Suggestion for amendment of Article : III-286 (ex 248)

By Mr Hain

Status : Member

Amendment proposed throughout Subsection 6: replace “The Court of Auditors” with

~~The Court of Auditors~~ European Union Audit Office

Explanation (if any) :

The UK’s proposed reform of the ECA requires “Court of Auditors” to be replaced by “European Union Audit Office”.

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.

AMENDMENT FORM

Suggestion for amendment of Article : III-287

By Ms / Mr : Mr Bonde

Status : ☒ - Member - Alternate

Article III-287 (ex Article 247)

1. The Members of the Court of Auditors shall be chosen from among persons who belong or have belonged in their respective countries to external audit bodies or who are especially qualified for this office. Their independence must be beyond doubt.
2. The Members of the Court of Auditors shall be appointed for a term of six years. Their term of office shall be renewable. The Council shall adopt on its own initiative the list of Members drawn up in accordance with the proposals made by each Member State. It shall act after consulting the European Parliament.
The Members of the Court of Auditors shall elect their President from among their number for a term of three years. He may be re-elected.
3. The Members of the Court of Auditors shall, in the Union's general interest, be completely independent in the performance of their duties.
In the performance of these duties, they shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties.
4. The Members of the Court of Auditors may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a 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 regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.
5. Apart from normal replacement, or death, the duties of a Member of the Court of Auditors shall end when he resigns, or is compulsorily retired by a ruling of the Court of Justice pursuant to paragraph 7.

The vacancy thus caused shall be filled for the remainder of the Member's term of office.

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

6. A Member of the Court of Auditors may be deprived of his office or of his right to a pension or other benefits in its stead only if the Court of Justice, at the request of the Court of Auditors, finds that he no longer fulfils the requisite conditions or meets the obligations arising from his office.

THE COURT OF AUDITORS CAN REQUEST ANY DOCUMENT FROM A PERSON, COMPANY OR ORGANISATION THAT HAS RECEIVED FINANCES FROM THE UNION.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : III-286

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel III-286 (ex-Artikel 248)

(1) ...

(2) ...

(3) ...

(4) Der Rechnungshof erstattet nach Abschluss eines jeden Haushaltsjahrs einen Jahresbericht. Dieser Bericht wird den anderen Organen vorgelegt und im *Amtsblatt der Europäischen Union* zusammen mit den Antworten dieser Organe auf die Bemerkungen des Rechnungshofs veröffentlicht.

Der Rechnungshof kann ferner jederzeit seine Bemerkungen zu besonderen Fragen vorlegen, insbesondere in Form von Sonderberichten, und auf Antrag eines der anderen Organe Stellungnahmen abgeben.

Er nimmt seine jährlichen Berichte, Sonderberichte oder Stellungnahmen mit der Mehrheit seiner Mitglieder an. Er kann jedoch für die Annahme bestimmter Arten von Berichten oder Stellungnahmen nach Maßgabe seiner Geschäftsordnung Kammern bilden.

Er unterstützt das Europäische Parlament und den Rat bei der Kontrolle der Ausführung des Haushaltsplans.

Der Rechnungshof gibt sich eine Geschäftsordnung. Er beschließt nach Zustimmung des Rates *und des Europäischen Parlaments*.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article III – 286 and other articles related to the Court of Auditors, especially art. III - 287

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Göran Lennmarker, national parliament representatives.

**Status : - Members: Hjelm-Wallén, Lekberg and Lennmarker
- Alternates: Petersson**

Court of Auditors¹

- 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 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. The Council shall appoint one member to be President of the Board of Auditors General for a term of three years. For these purposes the Council shall act by a qualified majority, after consulting the European Parliament.**
- 4. The Board shall be responsible for the business of the Office 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 among persons who belong or have belonged to external audit bodies or who are especially qualified for the office. Their independence must be beyond doubt, they**

¹ We propose a complete new text on the Court of Auditors as regards its organisation. Our proposal aim at reforming the European Court of Auditors (ECA) in order to make it a more effective institution. The current structure is not designed for operational or management convenience, nor does it maximise efficiency. The current operational and management constraints will become more acute with the accession of at least 10 new Members. Therefore we propose to replace the large Court with:

- I. a nine member Board of Auditors General, made up from Member States on a rotational basis, with an executive President at its head; and
- II. a Governing Committee, with a representative from each Member State to elect the President and agree the annual business plan.

shall neither seek nor take instructions from any Government or from any other body and they must 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 there from and in particular their duty to behave with integrity and discretion as regard the acceptance, after they have ceased to hold office, of certain apportionments 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 or of 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 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.**