## Basic information

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## Key players

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<th>Committee responsible</th>
<th>Rapporteur</th>
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<tr>
<td></td>
<td>CONT Budgetary Control</td>
<td>PEKSA Mikuláš</td>
<td>14/07/2022</td>
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<td></td>
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<td>MARINESCU Marian-Jean</td>
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<td>GRAPINI Maria</td>
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<td>IN 'T VELD Sophia</td>
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<td>KUHS Joachim</td>
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<td>CZARNECKI Ryszard</td>
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<td>FLANAGAN Luke Ming</td>
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<tr>
<th>European Commission</th>
<th>Commission DG</th>
<th>Commissioner</th>
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<td></td>
<td>Budget</td>
<td>HAHN Johannes</td>
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## Key events

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<td>Non-legislative basic document published</td>
<td>COM(2022)0323</td>
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Technical information

- **Procedure reference**: 2022/2083(DEC)
- **Procedure type**: DEC - Discharge procedure
- **Other legal basis**: Rules of Procedure EP 159
- **Stage reached in procedure**: Procedure completed
- **Committee dossier**: CONT/9/09690; CONT/9/12206

Documentation gateway

- **Non-legislative basic document**: COM(2022)0323
- **Court of Auditors: opinion, report**: N9-00066/2022, OJ C 391 12.10.2022, p. 0006
- **Court of Auditors: opinion, report**: N9-0003/2023, OJ C 429 11.11.2022, p. 0008
- **Committee draft report**: PE738.383
- **Amendments tabled in committee**: PE742.339
- **Supplementary non-legislative basic document**: 06247/2023
- **Committee report tabled for plenary, single reading**: A9-0085/2023
- **Text adopted by Parliament, single reading**: T9-0139/2023
- **Committee draft report**: PE749.878
- **Amendments tabled in committee**: PE752.834
- **Committee report tabled for plenary, single reading**: A9-0274/2023
- **For information**: 32023B1815, OJ L 242 29.09.2023, p. 0036
- **Text adopted by Parliament, single reading**: T9-0361/2023

Final act

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

2021 discharge: General budget of the EU - European Council and Council
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 the Council has failed repeatedly to take into consideration the recommendations of Parliament in Parliaments 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 making it compulsory for Member States to present at least two candidates of different genders.

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

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
The committee responsible recommends that the European Parliament implement the general budget of the European Union for the financial year 2021, Section II - European Council and Council.

The Committee on Budgetary Control adopted the second report by Mikuláš PEKSA (Greens/EFA, CZ) on discharge in respect of the 2021 discharge: General budget of the EU - European Council and Council.

They regretted not having received information about the code of conduct applicable to all Council staff.

Members regretted that, despite several requests from Parliament, the code of conduct of the President of the European Council had not been established.

Ethical framework and transparency

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.

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 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.

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

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

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.