



2024/3091

12.12.2024

RESOLUTION (EU) 2024/3091 OF THE EUROPEAN PARLIAMENT

of 22 October 2024

**with observations forming an integral part of the decision on discharge in respect of the
implementation of the general budget of the European Union for the financial year 2022, Section II –
European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2022, Section II – European Council and Council,
- having regard to Rule 102 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A10-0003/2024),
- A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of the Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;
- B. whereas, under Article 319 of the Treaty on the Functioning of the European Union (TFEU), the Parliament has the sole responsibility of granting discharge in respect of the implementation of the general budget of the Union, and whereas the budget of the European Council and of the Council is a section of the Union budget;
- C. whereas, pursuant to Article 15(1) of the Treaty on European Union, the European Council is not to exercise legislative functions;
- D. whereas, under Article 317 TFEU, the Commission is to implement the Union budget on its own responsibility, having regard to the principles of sound financial management, and whereas, under the framework in place, the Commission is to confer on the other Union institutions the requisite powers for the implementation of the sections of the budget relating to them;
- E. whereas, under Articles 235(4) and 240(2) TFEU, the European Council and the Council (the 'Council') are assisted by the General Secretariat of the Council, and whereas the Secretary-General of the Council is wholly responsible for the sound management of the appropriations entered in Section II of the Union budget;
- F. whereas, over the course of almost twenty years, Parliament has been implementing the well-established and respected practice of granting discharge to all Union institutions, bodies, offices and agencies, and whereas the Commission supports that the practice of giving discharge to each Union institution, body, office and agency for its administrative expenditure should continue to be pursued;
- G. whereas, according to Article 59(1) of the Financial Regulation, the Commission shall confer on the other Union Institutions the requisite powers for the implementation of the sections of the budget relating to them;
- H. whereas, since 2009, the Council's lack of cooperation in the discharge procedure has compelled Parliament to refuse to grant discharge to the Secretary-General of the Council;
- I. whereas the European Council and the Council, as Union institutions and as recipients of the general budget of the Union, should be transparent and democratically accountable to the citizens of the Union and subject to democratic scrutiny of the spending of public funds;
- J. whereas the recommendation of the European Ombudsman (the 'Ombudsman') in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process indicated that the Council's practice with regard to transparency in the legislative process constituted maladministration and should be addressed in order to enable citizens to follow the Union legislative process;
- K. whereas the case law of the Court of Justice of the European Union confirms the right of taxpayers and of the public to be kept informed about the use of public revenue and that the General Court in its judgment of 25 January 2023 in Case T-163/21 ⁽¹⁾, *De Capitani v Council*, stated on transparency within the Union legislative process that documents produced by the Council in its working groups are not of technical nature but legislative and are therefore subject to access to documents requests;

⁽¹⁾ Judgment of the General Court of 25 January 2023, *De Capitani v Council*, T-163/21, ECLI:EU:T:2023:15.

1. Deeply regrets that since 2009, and again for the financial year 2022, Council continues to refuse to cooperate with Parliament on the discharge procedure, preventing Parliament from taking an informed decision based on a serious and thorough scrutiny of the implementation of the Council's budget and thereby compelling Parliament to refuse discharge;
2. Notes that on 28 September 2023 the relevant Parliament services, on behalf of the rapporteur for the discharge procedure, forwarded a questionnaire to the Secretariat of the Council containing 74 important questions from Parliament in order to enable a thorough scrutiny of the implementation of the Council budget and of the management of the Council; further notes that similar questionnaires were sent to all other institutions, all of which have provided Parliament with thorough answers to all questions;
3. Regrets that, on 12 October 2023, the General Secretariat of the Council informed Parliament once again that it would not be answering Parliament's questionnaire and that the Council would not be participating in the hearing which was arranged for 25 October 2023 as part of the discharge procedure and in which all other invited institutions participated;
4. Emphasises Parliament's prerogative to grant discharge pursuant to Article 319 TFEU, as well as the applicable provisions of the Financial Regulation and Parliament's Rules of Procedure, in line with current interpretation and practice, namely the power to grant discharge in order to maintain transparency and to ensure democratic accountability towards Union taxpayers;
5. Underlines that Article 59(1) of the Financial Regulation states that the Commission shall confer the requisite powers on the other Union Institutions for the implementation of the sections of the budget relating to them and, therefore, finds it incomprehensible that the Council believes it appropriate that discharge should be granted to the Commission for the implementation of the Council budget;
6. Stresses the well-established and respected practice followed by Parliament over the course of almost twenty years of granting discharge to all Union institutions, bodies, offices and agencies; recalls that the Commission has declared its inability to oversee the implementation of the budgets of the other Union institutions; stresses the reiterated view of the Commission that the practice of giving discharge to each Union institution for their administrative expenditure should continue to be pursued by Parliament;
7. Stresses that the current situation allows the Parliament to check only the reports of the Court of Auditors and of the Ombudsman as well as the publicly available information on the Council's website, because the Council continues its malpractice of non-cooperation with the Parliament which makes it impossible for Parliament to carry out its duties properly and make an informed decision on granting discharge;
8. Deplores 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; underlines that this attitude has had a lasting negative effect on both institutions, has discredited the management and democratic scrutiny of the Union budget and has damaged the trust of citizens in the Union as a transparent entity;
9. Reaffirms its deep frustration regarding the Council's attitude towards the discharge procedure, which conveys an inappropriate message to Union citizens at a time when greater transparency is essential; underlines that the Council must adhere to the same standards of accountability it expects from other Union institutions;
10. Emphasises that all other Union institutions acknowledge and comprehend the principle that, given the delegation of power concerning budget implementation, Parliament holds both the right and the obligation to scrutinise their budgets and their execution as part of the discharge procedure; in light of this, expresses its strong disapproval that the Council persists in its refusal to cooperate with Parliament in this regard;
11. Recalls that the case-law of the Court of Justice of the European Union supports the right of taxpayers and the public to be kept informed about the use of public revenues; demands, therefore, full respect for Parliament's prerogative and role as guarantor of the democratic accountability principle; calls on the Council to duly follow up on the recommendations adopted by Parliament in the context of the discharge procedure;

12. Stresses that 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; underlines, however, that pending such a revision, the current situation must be improved through better interinstitutional cooperation within the current framework of the Treaties and urges the Council to actively engage with the Parliament in addressing the current situation;
 13. Calls on the Council to resume negotiations with Parliament at the highest level as soon as possible, involving the Secretary-Generals and the Presidents of both institutions, in order to break the deadlock and find a solution while respecting the respective roles of Parliament and the Council in the discharge procedure and ensuring transparency and proper democratic control of budget implementation;
 14. Regrets that the Council did not prepare to avoid a Council Presidency led by a Member State subject to an Article 7 procedure, with the consequence that the Council Presidency is being abused by the Hungarian government, and the principle of sincere cooperation violated;
 15. Stresses that Parliament's observations concerning political priorities - included the lack of binding guidelines regarding corporate sponsorships of the rotating Council presidencies -, budgetary and financial management, internal management, performance and internal control, human resources, equality - such as gender imbalance - and staff well-being, ethical framework and transparency, digitalisation, cybersecurity and data protection, buildings, environment and sustainability, interinstitutional cooperation and communication from its discharge resolution of 23 April 2024 are still valid;
 16. Reiterates that the use of the unanimity voting procedure in the Council in certain policy areas is paralysing the Union's decision-making process and therefore making it prone to blackmailing by Member States, especially those who fail to respect the rule of law.
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