

State, are appointed by unanimous decision of the Council, after consultation with Parliament. The President of the Court – *primus inter pares* – is elected from the membership, by the members, for a renewable three-year term.

Located in Luxembourg, the Court monitors the collection of all Union revenue, its management and expenditure, and the implementation of the Community budget to ensure that all are conducted legally and in accordance with sound financial management principles. The Court of Auditors works closely with the national administrations of the Member States, but must act independently of any national affiliation and only in the Community's best interests.

The Court must prepare and submit an annual report to the other institutions. Through spot audits, documentary review and other forms of scrutiny, the Court monitors the activities of EU institutions and Member States, as well as other recipients of EU funding such as the ACP countries (African, Caribbean and Pacific countries). The report forms the basis for Parliament's decision whether it will grant discharge to the Commission from its budgetary obligations.

Since the TEU, the Court must also present Council and Parliament with a statement of assurance regarding the reliability of the accounts and the legal and administrative compliance of the underlying financial transactions.

At the request of another institution, the Court of Auditors can conduct specific studies, offer its opinion, or report, on particular questions. A prior opinion from the Court is mandatory in connection with proposed legislation of a financial nature such as a proposed change to the financial regulations. In addition, the Court has the right to exercise its initiative and submit its observations on particular issues at any time.

The Court of Auditors has had three modifications under the Treaty of Amsterdam:

- The statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying financial transactions, which the Court of Auditors must submit to the European Parliament and the Council, has to be published in the *Official Journal of the European Communities*.
- The Court of Auditors shall have to report any instance of irregularity when examining the legality and regularity of revenue and expenditure and when trying to ensure sound financial management.
- The Court of Auditors shall have control over the premises of any entity which manages expenditure on behalf of the Community.

Community Legal Actions

Before the ECJ, Community legal actions can be brought by:

- National Courts for preliminary rulings on any questions of EC law arising in proceedings in the national forum (Article 177);
- The European Commission against Member States for failure to fulfil EC obligations (Article 169);
- Member States against other Member States for failure to fulfil EC obligations (Article 170);
- Member States, EU institutions, and individuals for review of the legality of acts by the EU institutions (Article 173);
- Member States, EU institutions, and individuals against EU institutions for failure to act (Article 175);
- Individuals against the EC for damages compensation arising from actions of Community institutions or its servants (Article 178).

Before the Court of First Instance, actions can be brought by private parties in all fields except anti-dumping.

The Consultative Committees

The Economic and Social Committee ("EcoSoc"), the Committee of the Regions, and the ECSC Consultative Committee, although not formal institutions of the EU, have status to give opinions on certain areas of Community legislation and are required to be consulted on propositions affecting those areas.

The Economic and Social Committee

The EcoSoc Committee, constituted by the EC Treaty, has a tripartite membership made up of representatives of employers, employees and "others" (small and medium-sized manufacturing, producing, and other enterprises – "SME's" – farmers, carriers, craftsmen, workers, cooperatives, professional occupations, scientific and educational communities, and representatives of the general public: consumer groups, ecological movements, and families, etc.). The Committee presently has 222 members. Despite their diverse backgrounds, Committee members are required to act independently with the best interests of the Community foremost.