



Professor Alex Brenninkmeijer

Interview with Professor
Alex BRENNINKMEIJER,
Dutch Member of the ECA
as of 1 January 2014

By Rosmarie Carotti

R. C.: Mr Brenninkmeijer, do you belong to the well-known family which founded the C&A chain of shops and therefore, to quote the Dutch anthem, “van Duitsen bloed”?

Alex Brenninkmeijer: Well, the family Brenninkmeijer is one family with its roots in Mettingen, Westphalia, Germany, but there are three branches of the family. There is the C&A branch with Clemens and August from Sneek in Friesland and from Leeuwarden in Friesland. I am from the Sneek branch of the family, but I have to work for my income! (laughing)

R. C.: You were a university professor in constitutional law. How do you see the statute of our institution? How do you see its historical development?

Alex Brenninkmeijer: Institutionally, I think that a key issue is of course the enlargement of the EU. The European Court of Auditors (ECA) has grown up to 28 Members and it is a collegial body. That is a significant feature of this institution.

Of course, having one person per Member States in the college of the ECA is extremely important. On the other hand, a collegial body of 28 Members is quite large and there is always a danger of bureaucracy and complicated deliberations. There is a certain danger of complexity in the organisation itself.

But in the last years there has been a positive development in the work of the ECA. The performance audits are quite relevant to the work of the ECA and for the performance of the ECA itself, its effectiveness for citizens in Europe.

An important development is that the DAS (statement of assurance) has its own dynamic, its own history and its own basis within the Treaty, the legal statute of the ECA. But a number of people have the feeling that it is like a train which is running off the rails. We should invent a new effective method within the Treaty for the Court’s duties.

What we see nowadays is that no institution and no person have any authority any longer. So many people are well educated, also via the internet. Information flows extremely fast. The media are looking at everything with great interest but also with an eye of cynicism, negativism. This implies that authority is the most controversial issue in modern society. We need authority because people want to look at institutions which are reliable, independent, that give confidence that the system works.

R. C.: Now that management is shared by the Commission and the Member States in a number of areas, the ECA's authority is weakened because a great deal of responsibility lies with the Member States. Do you see a way to counteract this?

Alex Brenninkmeijer: In my role as ombudsman and as a university professor, I researched the confidence of citizens in institutions. Information is key. People want information and people want trustworthy information. So, the institution should be open, transparent, and offer reliable information.

If citizens get enough information, if they get not only figures, but also the reasons for what institutions are doing, they can understand. I regret that discussions in the media and also at the political forum are often not fact-based, but rather led by emotions.

R. C.: During your hearing before the European Parliament you also said that you wanted to improve communication.

Alex Brenninkmeijer: If I say that trust is linked to information, the next step is communication. In my opinion a core business of the ECA is communication - communication about Europe and European finance.

It is important to be able to communicate in plain language. It is always possible to explain complicated, technical issues so that people can understand. In my view, this also is authority building.

Europe is made up of over 500 million citizens. In my view, Europe as a whole, but also the institutions within Europe, fails to connect with those citizens.

R. C.: Is it also the role of the ECA to advice the stakeholders on how to shape future policies?

Alex Brenninkmeijer: The ECA is not a policy-making institution. It is an audit institution, although it could give advice on some general issues like the effects of complex legislation, complex financial management, fairness and common sense.

The ECA can fill an important role in learning, because in public administration we always need to learn from the past. In this learning cycle there should be a force that makes it clear that we can learn and that we know in what direction we should learn.

In my opinion, the work of the ECA is not only to look at financial issues in Europe with a financial microscope, but also to indicate what can be done better and how to improve financial management and policy impact. The quintessence of democracy and sound development of public administration is feedback systems. The ECA is such a system that supports democratic processes, so the link with parliaments and Council is extremely important.

R. C.: Is there not a risk that the ECA will be too closely linked to European Parliament?

Professor Brenninkmeijer: Not at all. As a judge, an academic, ombudsman, I have been independent. You can be reactive, even co-operative but from a different position. The ECA should play a fully independent role, but should be interactive, reactive, and responsive to the Treaty context it works in.

R. C.: New elections to European Parliament are coming up. How can they affect the ECA's work?

Alex Brenninkmeijer: At first glance, more critical voices on Europe will enter Parliament. But one can also reverse this issue and say that we can learn from this situation. I think European institutions should listen very carefully to the citizens' voice and their criticism, for example on European bureaucracy or foggy legislation.

R. C.: Do you already know which Chamber you will assigned to? Do you have a dream, a specific project?

Alex Brenninkmeijer: The election of the President will be on the 23rd of January and only afterwards will the Members be assigned to Chambers. I have a very broad background as an academic, as a judge, as an ombudsman, and I hope that I can offer added value to a certain Chamber, but I am neutral about which one it will be. I am a servant of the ECA.

In relation to the work in the ECA, I have some dreams. As an ombudsman I have experienced that being timely is extremely important in order to be effective. I want to contribute to a quick response and I am convinced that a performance audit can be finished in six months. Then the work will be more relevant to citizens and politicians.

You remember I talked about the financial microscope and changing things? It would be a dream-come-true if I can contribute to change where citizens can say: the ECA is working on X and they have given Y advice, and this has led to Z improvements.

R. C.: A last question - what are your first impressions of the ECA?

Alex Brenninkmeijer: A positive one is that I have met many people who expressed friendliness and openness. I feel really welcome. Another thing is that I have already seen so much paper that I have some doubt whether all those paper processes are the most efficient way to draft reports and come to conclusions. I am for bringing people to the table and engaging in creative cooperative processes, where ideas and results which really count are brought up and pursued.

CV of Professor Alex BRENNINKMEIJER

Member of the European Court of Auditors since 1 January 2014

Alex BRENNINKMEIJER

Born in Amsterdam, the Netherlands.

Education

PhD degree in Law at the University of Tilburg in 1987. Doctorate thesis on access to the courts and the importance of an independent judiciary in a constitutional democracy.

Master's degree in Law and Economics at the University of Groningen in 1976.

Professional experience

Served as National Ombudsman of the Netherlands from 2005 to 2013 and re-elected in 2011 by the Dutch parliament (Lower House) for a second six-year term. As ombudsman he carried out systemic research in many areas on the functioning of the public sector in the Netherlands and through his reports contributed to the promotion of good governance. Cooperated with fellow ombudsman institutes in, among others, the Czech Republic, Romania and Bulgaria. Served as ombudsman partner in EU tenders for the Ombudsman Institute in Serbia and cooperated with ombudsmen in the Caribbean (CAROA) and Indonesia. Undertook exchange programmes with Denmark, Sweden and the United Kingdom. Served in 2012 and 2013 as President of the European Board of the International Ombudsman Institute (IOI) and also as a member of the IOI's World Board.

Between 1984 and 2005 he served in different capacities as a judge in the Dutch legal system. First, until 1988 as Vice-President of the Administrative Court in Arnhem (*Raad van Beroep*), serving as a judge at first instance on civil service and social security matters. From 1988 to 1995 he was a judge at the Administrative High Court (*Centrale Raad van Beroep*) dealing with cases in the same field, serving as Vice-President of the same tribunal until 2002 and then as an alternate judge until 2005. From 1999 to 2005 he served as an alternate judge at the Tax Division of the Court of Justice in Den Bosch.

Between 1976 and 2005 he held several academic positions. Until 1980 he was a researcher and lecturer at Radboud University and then until 1984 at the University of Tilburg. From 1992 to 1996 he was a professor of civil procedural law at the University of Amsterdam, and from 1996 to 2005 a professor of constitutional and administrative law at the University of Leiden. From 2002 onwards he also held the Albeda chair of industrial staff relations in the public sector and alternative dispute resolution (ADR – mediation).