



2012 discharge

Questionnaire to the European Court of Justice

1. **How many meetings of the Court did take place in 2012? Could you please provide the Parliament with a list for each meeting indicating how many Court members were present at each of these meetings?**

36 general meetings of the Court of Justice took place in 2012.

| <i>General meetings in 2012</i> | <i>Number of Court members present at each meeting out of total members</i> |
|---------------------------------|---|
| <i>10 January</i> | <i>35/36</i> |
| <i>17 January</i> | <i>36/36</i> |
| <i>24 January</i> | <i>32/36</i> |
| <i>31 January</i> | <i>35/36</i> |
| <i>7 February</i> | <i>34/36</i> |
| <i>14 February</i> | <i>36/36</i> |
| <i>28 February</i> | <i>33/36</i> |
| <i>6 March</i> | <i>36/36</i> |
| <i>13 March</i> | <i>35/36</i> |
| <i>20 March</i> | <i>34/36</i> |
| <i>27 March</i> | <i>33/36</i> |
| <i>17 April</i> | <i>35/36</i> |
| <i>24 April</i> | <i>35/36</i> |
| <i>2 May</i> | <i>36/36</i> |
| <i>8 May</i> | <i>34/36</i> |
| <i>15 May</i> | <i>33/36</i> |

| <i>General meetings in 2012</i> | <i>Number of Court members present at each meeting out of total members</i> |
|---------------------------------|---|
| <i>22 May</i> | <i>33/36</i> |
| <i>5 June</i> | <i>33/36</i> |
| <i>12 June</i> | <i>36/36</i> |
| <i>19 June</i> | <i>33/36</i> |
| <i>26 June</i> | <i>35/36</i> |
| <i>3 July</i> | <i>34/36</i> |
| <i>10 July</i> | <i>32/36</i> |
| <i>5 September</i> | <i>34/36</i> |
| <i>11 September</i> | <i>36/36</i> |
| <i>18 September</i> | <i>33/36</i> |
| <i>25 September</i> | <i>36/36</i> |
| <i>2 October</i> | <i>32/36</i> |
| <i>16 October</i> | <i>33/36</i> |
| <i>23 October</i> | <i>35/36</i> |
| <i>6 November</i> | <i>35/36</i> |
| <i>13 November</i> | <i>35/36</i> |
| <i>20 November</i> | <i>33/36</i> |
| <i>27 November</i> | <i>35/36</i> |
| <i>4 December</i> | <i>35/36</i> |
| <i>11 December</i> | <i>35/36</i> |

2. What are the translations costs per language and per page?

The cost of translation per page has not varied since 2010. The total direct cost of a translated page is 98 €. This covers all translations to and from all official languages (23 in 2012). The specific data concerning translation costs per language has not been calculated as these costs are language independent.

3. What were the travel costs of Members in 2012? What were the highest and lowest amounts paid?

The total amount spent on mission travel costs for Members in 2012 was 90 898 €. The lowest amount paid was 15 €, the highest was 2 322,84 €

4. What were the highest and lowest kilometre readings of the official cars at the European Court of Justice?

On 31st December 2012, the lowest reading in the whole vehicle fleet was 1 350 km for a car delivered on 26th September 2012 and the highest was 125 367 km for a car that first entered the fleet on 19th May 2010. For the whole of 2012, the lowest mileage in the fleet was 1 500 km for a utility vehicle used for moving goods between the different buildings of the institution and the highest was 55 000km.

5. In 2012, what was the ratio of the number of judgements delivered to staff employed, in particular in comparison to national supreme justice bodies in the Member States?

In 2012, the Court of Justice, the General Court and the Civil service Tribunal closed in total 1.404 cases.

The establishment plan of the institution for 2012 contained 1.952 posts.

The Court of Justice has no information concerning any such ratio in "national supreme justice bodies in the Member States". Anyway, a comparison between the Court of justice and the national courts would not be relevant taking account of the specificity of the European courts concerning especially the multilingualism.

6. How many cases did the ECJ close in 2011 and 2012? How many cases were open at the end of 2011 and 2012, respectively?

Court of Justice

In 2011, 638 cases were closed and 849 cases were pending at the end of the year.

In 2012, 595 cases were closed and 886 cases were pending at the end of the year.

General Court

In 2011, 714 cases were closed and 1.308 cases were pending at the end of the year.

In 2012, 688 cases were closed and 1.237 cases were pending at the end of the year.

Civil Service Tribunal

In 2011, 166 cases were closed and 178 cases were pending at the end of the year.

In 2012, 121 cases were closed and 235 cases were pending at the end of the year.

7. How many session weeks and how many “white weeks” did the Court have in 2011 and in 2012?

The Court had 41 session weeks in 2011 as well as in 2012, out of which three “white weeks” during which there were no hearings.

8. How many members of the Court were present on average at each meeting of the Court on Tuesdays?

| Total general meetings of the Court of Justice in 2012 | Total members of the Court of Justice | Members present on average |
|--|---------------------------------------|----------------------------|
| 36 | 36 | 34 |

9. How many open OLAF cases concern the Committee? Under which legal bases are the cases conducted? Which field of investigations is concerned?

There is one OLAF case concerning the Court. It is based upon the fifth paragraph of article 4 of the Regulation 1073/1999. OLAF has asked the Court not to disclose any information on this case.

10. What were costs for legal expertise the Court received from external parties in 2012? What were the revenues for legal expertise the Court provided for external parties in 2012?

It has to be stated at the outset that the Court endeavors, wherever possible, to meet its needs for legal assistance for its administrative activities by its own in-house resources, in particular through the department of the legal advisor for administrative affairs. In particular, the representation of the institution as a party before the European Union courts is provided by the Court’s legal advisor for administrative affairs himself and, occasionally, by other members of the staff. Therefore, it is only when such assistance cannot be obtained in-house that external lawyers are relied upon, in particular when specialized expertise is required or when the institution has to appear before a national court through a lawyer.

In 2012, the Court has only once requested legal services from an external lawyer (from the Luxemburgish bar) for specialized legal advice and assistance in order to lodge a complaint on behalf of the Court before a national authority of the Grand Duchy of Luxembourg and to ensure a follow-up thereof. The funds committed on the 2012 budget to cover the fees and the costs incurred for these services were very limited (€ 4,150).

The Court does not provide legal advice to “external parties” and, thus, is not likely to obtain any revenue therefrom.

Staff matters

11. Organisational changes: Could you please indicate how many new posts of Heads of Unit, Directors and Directors General per DG have been created in the European Court of Justice in 2012?

a. ... what was the reason for each change?

b. ... how many of these posts existed at the end of 2011?

Two head of unit posts were created in the Library directorate.

a. Prior to this change, the Directorate, which was divided into four sections, was managed exclusively by the director. The new structure was designed to enhance the administrative management of the library, improve its internal organisation and facilitate ease of contact for internal and external users.

b. No new budgetary posts were needed. The change was achieved by converting administrator posts into head of unit posts.

12. We would appreciate a comprehensive overview of staff on sick leave during 2012. Could you please make a comparison to the year 2011 broken down by the number of staff members that were on sick leaves and by how many days they were on sick leave? What were the three longest cases of sick leave?

A total of 23,892 sick days were taken by Court Staff in 2012. The average is approximately 11 days per member of staff.

By comparison, 20 479 sick days were taken by court staff in 2011. The average was approximately 10 days per member of staff.

The three longest cases in 2012 concerned staff who were absent for 351, 325 and 305 days with very serious illness. An invalidity committee was convened in each of these cases and, in two of them, the member of staff was found to have a total permanent invalidity preventing him from performing his duties.

13. How many days of sick leave concerned Mondays and Fridays in 2012?

Of the days of sick leave taken without certificate in 2012, 19.7 % were taken on a Monday and 16.34 % on a Friday, which is slightly below the average level of 20 % which one would expect for each day.

14. How many Staff of the European Court of Justice has been promoted more than one grade within 1) one year 2) two years. If there are cases of fast-track promotions: Which Grades in the respective departments are concerned? What were the reasons?

No members of staff were promoted by more than one grade.

15. In how many cases did officials and temporary staff of the European Court of Justice take early retirement without reduction of pension rights (Article 9(2) of Annex VIII to the SR) in 2012, broken down by DG, salary group and function?

There were three beneficiaries of this measure in 2012, one secretary (AST 7) and one assistant (AST 10) from the Personnel and Finance DG and one assistant (AST 11) from the Translation DG.

16. How many officials in which functions and grades were moved to a 'non-active status' in 2012 according to Article 41 of the staff regulations in the European Court of Justice?

None

17. How many officials in which functions and grades were retired in 2012 in the interest of service according to Article 50 of the staff regulations in the European Court of Justice?

None

18. How many working days were granted as vacation days in 2012 for years of service in the Court of Justice? How many people were concerned?

21 members of staff with 25 years of service, 13 members of staff with 30 years of service, two members of staff with 35 years of service and two members of staff with 40 years of service each benefited from 5 additional days of annual leave.

19. How many posts in which Departments were occupied in 2012 by successful applicants in EU competitions? How many of the persons hired did not participate in the competitions? At what grade levels have they been hired?

| | Administrator | | Assistant | |
|----------------------------|---------------------------|------------------|---------------------------|------------------|
| | Laureates EU competitions | Temporary agents | Laureates EU competitions | Temporary agents |
| Registries | 34 | 6 | 90 | 23 |
| Interpretation | 55 | 7 | 3 | 1 |
| Research and documentation | 23 | 15 | 35 | 7 |
| Translation | 566 | 80 | 200 | 43 |
| Administration | 54 | 8 | 186 | 15 |
| Total | 732 | 116 | 514 | 89 |

Various reasons explain why temporary agents, rather than officials, have been employed on some permanent posts. In certain cases, officials of the Court who are seconded to Members' cabinets are replaced by temporary agents. Also, officials benefiting from parental leave are often replaced by temporary agents. Finally, the Court sometimes has difficulties recruiting appropriately qualified officials from reserve lists either because of the absence of an appropriate reserve list or because laureates on reserve lists refuse to come to Luxembourg (this is particularly the case of AST 1 lists for certain languages).

Temporary agents placed on permanent posts are always recruited at the lowest grade at which the post was advertised (generally, AST 1, AST 3, AD 5 or AD 7).

20. Could the Court please provide the Parliament with an overview of the nationalities of staff holding Management positions within its institution?

Directors general

There are four directors general and one deputy registrar with the same grade as a Director General.

Of these, two are French, one is German, one is Italian and one is from the UK.

Directors

There are 10 directors and two chefs de cabinet who have the same grades as directors.

Of these, one is Belgian, one is French, three are German, one is Greek, one is Irish, one is from Luxembourg, one is Spanish, one is Portuguese and two are from the United Kingdom.

Heads of Unit

There are 53 heads of unit.

Of these, six are Belgian, one is Bulgarian, one is Croatian, one is Czech, two are Danish, one is Dutch, one is Estonian, two are Finnish, five are French, three are German, two are Greek, two are Hungarian, one is Irish, five are Italian, one is Latvian, one is Lithuanian, one is Maltese, one is Polish, three are Portuguese, one is Romanian, one is Slovak, one is Slovenian, six are Spanish, one is Swedish, and three are from the United Kingdom.

- 21. How is the AIPN of the Court administering his responsibilities if problems occur between Cabinet staff of a member and the member? Which rules are applicable to administer these responsibilities in an independent and impartial way?**

Insofar as this question refers to issues of harassment, the Court has adopted rules concerning dignity in the workplace which contain procedures for dealing with allegations of harassment. These rules apply equally to all members of staff, whether working in a Member's chambers or in one of the services.

Interim staff

- 22. How many interim staff was working for ECJ in 2011 and 2012 on the 30th November of the respective year broken down by each Department? How many interim staff was working in the ECJ on the 31st January of the following year? How many interim staff was working at least one day in the respective years for the ECJ? What are/ were the longest time frames (with interruptions) an employee is/ was working for the Court of Justice even if different Departments are concerned?**

11 interim staff were employed in the Court at different occasions in 2012. In total, they worked for 3295 hours (which amounts to approximately 88 man weeks). The Court never engages a particular interim agent for more than three months.

15 interim agents were employed at different moments in 2011. They worked for a total of 3965 hours (approximately 106 man weeks).

On the 30th of November 2011, two interim agents were in service (both ushers engaged by the unit responsible for delivering internal mail).

On the 31st of January 2012, no interim agents were in service.

On the 30th of November 2012, one interim agent was in service (one usher).

On the 31st of January 2013, two interim agents were in service (one usher and one secretary in the Research and documentation directorate).

23. Are they employed with a temporary employment agency? Which labour provisions apply to them?

Interim staff are employed through two temporary employment agencies, Randstad and Manpower, selected following an interinstitutional tendering procedure (HR/R3/PR/2010/009). Employment of interim workers in Luxembourg is governed by « la loi du 19 mai 1994 portant réglementation du travail intérimaire et du prêt temporaire de main-d'œuvre » and by "le Code du travail" (livre 1er, titre III, articles L.131-1 - L.134-3).

24. Are they contributing to any social security system?

They contribute to the Luxembourgish social security system.

25. How did the Court achieve a significant 12.0% decrease of other staff and external services expenditure from year 2011 to year 2012?

As explained in the ECJ's "Report on budgetary and financial management for the financial year 2012" (published on the CONT site dedicated to the 2012 discharge procedure), the 12% decrease of other staff and external services expenditure from year 2011 to year 2012 relates to the credit implementation of Item 1406 "External services in the linguistic field", intended to cover the services of freelance interpreters and translators.

In general, it must be recalled that the policy of giving preference to the use of internal resources allows the greatest possible limitation of recourse to freelance service providers, which is however the essential adjustment variable in order to cope with the increased number of hearings and the increased number of pages to be translated as a result of high judicial activity.

As regards translation, the implementation of various procedural measures, introduced by the Court during previous years and significantly extended in 2011, against a background of growing pressure in terms of the quantity to be translated (+ 5.7% in 2008, + 6.7% in 2009, +12.6% in 2010 and again +7.7% in 2011), ultimately led to a noticeable reduction in the number of pages translated in 2012, as compared with the total number of pages translated in 2011 (-8.8%) and, as a result, reduced significantly the use of appropriations for freelance outsourcing.

26. What are the reasons for a significant 20.8% increase in other expenditure related to persons working with the institution from year 2011 to year 2012?

As explained in the ECJ's "Report on budgetary and financial management for the financial year 2012" (published on the CONT site dedicated to the 2012 discharge procedure), the 20.8% increase in other expenditure related to persons working with the institution from year 2011 to year 2012 is essentially due to a credit increase for item 1654 "Early childhood centre" (ECC).

It has to be recalled that this expenditure is entirely subject to inter institutional management and the appropriations granted by the Budgetary Authority merely represent the Court of Justice's share¹ of the overall expenditure of the following structures:

- *The crèches run by the Parliament;*
- *The after-school and study centres run by the Commission. This heading showed a substantial rise which is due, firstly, to the opening of ECC V at Mamer/Bertrange in September 2012 (which has caused an increase of credits corresponding to fresh expenditure on rent charges and furniture) and, secondly, to the increase in the remuneration of Luxembourg staff and contract agents assigned to the various ECC (including Mamer/Bertrange). For the latter, it was also necessary to increase the initial budget funding, following a request by the Commission with the aim of covering an operating deficit in 2012 due to the financial impact of a judgment relating to the wages of staff employed in the "Early childhood centre" on the basis of Luxembourg private law (pursuant to the 'Secteur d'aide et soins' collective agreement).*

27. What are the reasons for a significant 43.3% increase in the costs of information: acquisition, archiving, production and distribution and expenditure relating to certain institutions and bodies?

As explained in the ECJ's "Report on budgetary and financial management for the financial year 2012" (published on the CONT site dedicated to the 2012 discharge procedure), the 43.3% increase in the costs of the budgetary line "information: acquisition, archiving, production and distribution and expenditure relating to certain institutions and bodies" is essentially due to a credit increase for Article 274 "Production and distribution".

It has to be recalled that, as part of the ECJ's constant concern to improve services to litigants/the legal profession by achieving greater efficiency, the Court of Justice has pursued as far as possible a policy of conversion from a paper to an electronic flow of documents.

¹ Based on an interinstitutionally agreed key which takes into account the number of children of the Court's officials attending

The first priority was to allow electronic exchange of documents which are ‘upstream’ of the court proceedings (exchange of documents between all the parties and the courts of the Court of Justice), a project which became reality upon the successful launch of the e-Curia application (see also answers to questions 40 to 48).

Encouraged by that success, the Court has thereafter authorised the conversion from a paper to an electronic flow of documents ‘downstream’ of the decisions of the Court, namely, production/distribution of the reports of cases of the three courts (Court of Justice, General Court and Civil Service Tribunal), a fundamental source of information on European law for the legal profession in the Member States.

The decision to publish the reports of cases in electronic form in respect of judgments delivered after 1 January 2012 offers the following advantages:

- reduction of production costs (since the reports in paper form have until now required a long and costly production process and, consequently, distribution to paying subscribers via the Publications Office);*
- more rapid distribution of the case-law in all Member States, with free access.*

The transition from ‘paper reports’ to ‘electronic reports’, has however not relieved the Court of the obligation to complete the “paper” publication of the reports of case-law prior to 2012 for which subscriptions have been paid. To that end, and with the full agreement of the Publications Office, it was decided to proceed with the production of those last “paper reports” before the end of 2012. Hence the increase in the 2012 publication budget that was asked and granted by the two branches of the Budgetary Authority for this year.

28. Did the creation of the new five-Judge chamber and the new three-Judge chamber help in improving the efficiency of the Court?

The new five-judge chamber and the new three-judge chamber of the Court of Justice were established on 7 October 2012. They helped to increase the output of the Court of Justice, as can be seen by comparing the number of cases closed by chambers of 3 and 5 judges in the 12 months up to that date and the 12 months following that date:

- Number of cases closed by chambers of 3 and 5 judges between 7 October 2011 and 6 October 2012: 477*
- Number of cases closed by chambers of 3 and 5 judges between 7 October 2012 and 6 October 2013: 549*

(gross figures, representing the total number of cases without account being taken of joinder).

29. **How will the adoption of the Regulation (EU, Euratom) No 741/2012 amending the Protocol on the Statute of the Court of Justice of the European Union and the new Rules of Procedure of the Court of Justice influence the efficiency of the ECJ's work in the future?**
30. **How will the establishment of the Vice-President's Office increase the ECJ's efficiency, both in terms of its structure and in terms of its procedures?**

Regulation n° 741/2012 amends the Statute on the Court of Justice of the European Union in particular so as to alter the composition of the Grand Chamber. The amendment increases to 15 the number of Judges constituting the Grand Chamber, ends the automatic participation of the Presidents of Chambers of five Judges in Grand Chamber cases and thus provides for broader participation by the Judges in cases assigned to the Grand Chamber, allowing them to sit more frequently than before. This amendment also has the advantage of enabling the Presidents of Chambers of five Judges to devote more time to managing their Chambers, which helps to improve efficiency in the work of those Chambers, and to ensuring the harmonious development of the case-law.

Regulation n° 741/2012 also provides for the office of Vice-President. The Vice-President sits, like the President, in every case assigned to the Grand Chamber. The permanent presence of two persons, together with the more frequent participation of the other Judges in the work of the Grand Chamber, helps ensure that its case-law is consistent. The Vice-President also assists the President of the Court in his duties, particularly with regard to the representation of the Court and the expeditious handling of interlocutory applications and appeals².

The Rules of Procedure of the Court of Justice, adopted on 25 September 2012, are a complete re-cast of the Court's Rules of Procedure aimed, firstly, at adapting the structure and content of the Court's Rules of Procedure to the changes in its caseload, secondly, at maintaining the Court's capacity to dispose within a reasonable time of the cases brought before it and, thirdly, at clarifying the rules which it applies.

This re-cast introduced into the Rules of Procedure provisions which improved efficiency in the work of the Court by the optimization of available resources. Relevant measures in that context include, in particular, the possibility of exchanging procedural documents electronically; Member States and the institutions of the European Union being able to intervene pursuant to the first paragraph of Article 40 of the Statute in disputes before the Court by means of a simple decision; the simplification of procedures culminating in the adoption of an order if the question put by a national court or tribunal does not raise any reasonable doubt; and the possibility for the Court to rule without a hearing if it considers that it has sufficient information on the basis of all written observations lodged.

² Decision of the Court of Justice of 23 October 2012 concerning the judicial functions of the Vice-President of the Court (OJEU, 30 October 2012, L300, p.47)

Taken in isolation, none of the aforementioned measures can by itself alter the trend towards an increase in the number of cases or duration of proceedings. The Court nevertheless remains convinced that these measures, taken together, offer the best means of enabling the Court to continue to fulfil its task satisfactorily.

31. What is the reason that the urgent preliminary ruling procedure was requested in only five of the new cases in 2012?

32. What is the reason that expedited or accelerated procedure was requested only six times evolving new cases in 2012?

First of all, it has to be recalled that each urgent preliminary ruling procedure has to comply with the specific conditions laid down in the Rules of Procedure of the Court of Justice. In this framework, the decision to request the application of the urgent preliminary ruling procedure is entirely made by the national courts.

The same observations apply to expedited or accelerated procedures.

33. There was a decrease in the number of new cases from 2011 to 2012 at the Court of Justice, but the number of pending cases has increased from 849 to 886 from 2011 to 2012, what is the reason for the significant increase in the number of pending cases? What is the ECJ's strategy to deal with this problem?

As in several preceding years, the number of cases closed in 2012 was lower than the number of new cases introduced, leading to an increase in the number of cases pending at the end of the year. With a view to addressing this trend, the Court in 2012 completely recast its Rules of Procedure and proposed amendments to the Statute of the Court of Justice of the European Union. In this connection, please see the answer to questions n° 29 and 30.

By the way, it has to be noted that the number of pending cases has decreased from 886 to 880 from 2012 to 2013 and thus despite a substantial increase in the number of new cases (almost +10 % compared to 2012).

34. The number of pending cases in the Civil Service Tribunal has significantly increased from 2011 to 2012 from 178 to 235 and the number of completed cases decreased from 166 to 121 from 2011 to 2012, what is the reason for the growing number of pending cases and the falling number of completed cases? What is the ECJ's strategy to deal with this problem?

The increase in the number of pending cases is partly due to the fact that 2012 was the year with the most new cases arriving at the CST since its creation (178 cases; in other years, in average, 140 cases were introduced). But it is mostly due to the fact that in October 2011, the mandates of 3 out of the 7 judges were not renewed by the Council, notwithstanding requests to prolong their mandates. The non-renewal and the appointment of 3 new judges considerably affected the stability of the CST. It is obvious that the exchange of nearly half of

the judges has a direct effect on the productivity of a specialized jurisdiction. In 2013 by the way, the CST will close 184 cases, which shows that an immense effort has been made to decrease the backlog. But 2014 is another year, in which the mandates of two judges come to an end. If they are again not renewed by the Council, the same effect on the productivity will take place as in 2011. Unfortunately, no internal strategy is possible to cope with this phenomenon. Thus, there is a strategy to better handle a massive arrival of new similar cases (which the CST expects for 2014, when the new staff rules will be in force): amendments of the rules of procedure are actually being adopted which will allow an efficient pilot case treatment and which will also foresee that repetitive cases can be more easily attributed to a single judge.

- 35. There was a decrease in the number of new cases in the General Court from 2011 to 2012, but the number of completed cases has also decreased from 714 to 688. What is the reason for the significant decrease in the number of completed cases from year 2011 to year 2012? What is the ECJ's strategy to deal with this problem?**
- 36. The General Court has the highest number of pending cases, 1237 in 2012, what is the reason for the high number of pending cases in the General Court? What is the ECJ's strategy to deal with this problem?**

The number of completed cases in 2012 represents a 3.6 % decrease as compared to the year 2011 but a 30.5 % increase as compared to the year 2010. It is also the second best yearly output in the history of the General Court. The exceptional results observed in 2011 and 2012 are the outcome of the implementation of a series of internal reforms. However, 2011 was also characterised by a conjectural factor: 100 competition cases have been completed that year while, on average over the last five years, some 38 cases a year have been completed in this field. This high figure is due to the near simultaneous completion of an abnormally high number of groups of cartel cases filed between 2005 and 2008, in which judgments were delivered in 2011.

In order to face the global and steady increase in new cases, the General Court has undertaken a series of internal reforms:

- structure consisting in 8 (9 since September 2013) chambers of 3 judges*
- monitoring tools (objectives, statistics, timetables, delays warnings)*
- rationalisation measures (transparent and efficient allocation of cases, management of the hearing schedule, improved planning of cases, judgment models, fostering computer applications)*

- *simplification measures (lighter internal procedures for minor cases, strict policy concerning the length of the written pleadings, new drafting methods, use made of article 135 a. of the Rules of procedure allowing to rule without a hearing).*

A certain margin of improvement still resides in the reform of the Rules of procedure which will be presented to the Council for approval in 2014.

Overall, the number of new cases is constantly growing since the creation of the General Court and this increase is globally higher than that of the completed cases, despite the in-depth internal reforms that have been implemented. The General Court has no control over its workload, its cases are particularly complex and voluminous and it has no Advocates General among its members.

Indeed, the ever-growing number of pending cases and its impact on the duration of proceedings were at the origin of a legislative proposal submitted by the Court of Justice already in 2011 to increase the number of Judges at the General Court (from 27 to 39 judges). This proposal has already been approved by the European Parliament but is still suspended pending a decision by the Council, where the number of those judges and the procedure for their appointment remain matters of discussion. However, since the need to strengthen that Court has been recognised as well founded, the Court was asked by the Cypriot Presidency to consider any alternative measures that might address the problems of the General Court. To that end, and pending the Council's final conclusions, the creation of 9 posts of legal secretaries were obtained to strengthen the Chambers of the General Court by providing each with an additional legal secretary as from 1st January 2014.

37. There are a total of 2358 pending cases at the Court of Justice in 2012, what is the ECJ's strategy to deal with this problem?

Please see the answer to questions n°29, 30 and 33.

38. How many hearings were held in years 2008, 2009, 2010, 2011 and 2012?

The figures are the following for each jurisdiction:

Court of Justice

2008: 272

2009: 214

2010: 275

2011: 238

2012: 293

General Court

2008 : 341 cases pleaded, 5 informal meetings;

2009³: 238 cases pleaded, 2 informal meetings;

2010 : 224 cases pleaded, 1 hearing in an interim measure case, 1 informal meeting;

2011 : 286 cases pleaded, 1 hearing in an interim measure case, 1 informal meeting;

2012 : 322 cases pleaded, 1 hearing in an interim measure case, 2 informal meetings.

Civil Service Tribunal Court

2008: 66 and 7 meetings in view of amicable settlements

2009: 63 and 10 meetings in view of amicable settlements

2010: 72 and 15 meetings in view of amicable settlements

2011: 56 and 14 meetings in view of amicable settlements

2012: 81 and 11 meetings in view of amicable settlements

39. What is the reason for 47.3% of the staff of the Court of Justice working in translation? Why is it higher than in any other institutions?

The Directorate-General for Translation of the Court of Justice is responsible for producing the specialist legal translations required under its mandatory language arrangements. These arrangements are provided for in the Rules of Procedure of the three courts which make up the institution, and reflect the rules for language use laid down in Council Regulation No 1/58. Since it is possible to bring proceedings before the Courts of the European Union in any of the 24 official languages, in the interests of access to justice, and since the Courts' decisions must be translated into the official languages, to ensure access to EU law in all the Member States, the translation service of the Court of Justice must be able to cover 552 language combinations. In addition, for reasons of confidentiality and efficiency, only a limited amount of translation work can be outsourced.

In the light of the mandatory language arrangements applicable, the number of staff involved in translation is commensurate with the volume and complexity of the documents to be translated.

As regards the percentage of the Court's staff working in translation, this is high simply because the Court is one of the smaller institutions. In absolute terms, the number of persons

³ *In the course of 2008, a new article of the Rules of procedure has entered into force. According to article 135 a of the Rules of procedure applicable to the proceedings relating to intellectual property rights, the General Court may decide to rule on the action without an oral procedure under the conditions provided by this article. The implementation of this provision explains that the number of hearings has been lower after 2008, despite the increased trend observed between 2009 and 2012.*

employed in the translation service of the Court is comparable to the number working in the language service of the Council, and smaller than in the Parliament or the Commission.

In summary, although the translation service of the Court of Justice accounts for a higher proportion of staff than in the other institutions, the service is only of the size necessary to fulfil the Court's legal obligations.

40. What were the advantages of the e-Curia system introduced in November 2011?

The advantages of e-Curia comprise the following:

- Exchanges between the registry and the parties are more rapid;*
- It is no longer necessary for the parties to lodge additional, certified paper copies;*
- It is possible to see when a document was served, the identity of the person who received service and the date on which service occurred;*
- A party lodging a procedural document receives prompt confirmation that the document has been lodged.*

41. How did it improve the handling of cases and the transparency of the institution?

e-Curia has substantially improved case handling.

It makes service of documents less onerous for registry assistants. For the administrators in the registry, e-Curia also simplifies matters. In particular, it is easier to check what documents have been served in a case, and when service took place.

In the matter of transparency, as mentioned in the answer to question 40, e-Curia offers greater traceability to the parties than the traditional paper-based system and makes it possible to see exactly when a document was served by the registry. In addition, the parties may, at any time during the proceedings, consult on-line all the documents lodged in cases in which they are involved.

In preliminary reference proceedings, the Member States and EU institutions using e-Curia are no longer limited to one or two language versions of the reference: they may select any or all of the 23 language versions available. This is not feasible with paper exchanges due to the number of documents involved.

42. Was the e-Curia project developed by the ECJ's IT services or by an external contractor?

e-Curia has been steered by a project manager from the Court's IT, in charge of gathering business requirements with the Court's Registries and following planning and costs aspects of the project. Developments have been submitted to third-party, on-site contractors (chosen through a call for tender), over time & means agreements.

43. What does the 1.006.000 EUR determined cost of the e-Curia application contain?

The total cost of 1.006.000 € for the initial version of e-Curia covers all external services performed by contractors from the beginning of the project in 2007, to its end in 2011. Here is the project broken down by activities:

- *Business requirements gathering, analysis and development*
- *Trial run for the Intranet in the Court*
- *Pilot phase for the Extranet ran with Spain then Germany*
- *Updates to both sides of e-Curia (intranet and extranet) based on feedback from the pilot phase*
- *Security benchmark (intrusion tests and external audit)*
- *Data protection and intellectual property*
- *Implementation of user guides and tutorials*

44. The annual maintenance of e-Curia, is estimated to be 70.000 - 80.000 EUR. Is this performed by the ECJ's IT services or by an external contractor?

The Court's IT department has put in place a team of staff project managers handling a portfolio of applications once their corresponding projects ends. In this team, one project manager deals with e-Curia, by gathering tickets and evolution requests into releases. Maintenance releases are outlined with the help of business representatives from each Registry of the Court in order to address the most pressing issues. Such releases are developed by third-party, on-site contractors over fixed-price agreements.

45. How much cost savings has the e-Curia project estimated to have brought?

As mentioned in the reply to question 41, e-Curia has resulted in savings in time spent by registry assistants and administrators in the physical handling of cases. This allows them the time needed during this transitional period to cope with the demands of dealing with case files in which the documents are lodged in different formats (some paper, some electronic) and in dealing with enquiries from e-Curia users, and it enables them to cope with the Court's constantly increasing case load while at the same time implementing the objective of a 5 % staff reduction during the period 2013-2017. Additional savings could be made if all the Member States used e-Curia to exchange documents with the Court.

46. How many users were using the e-Curia application in year 2012?

The number of e-Curia users at the end of 2012 was 1003.

47. What was the reason for replacing the e-Curia system with a new version as early as February 2013?

The new version of e-Curia launched in February 2012 did not replace the existing version of e-Curia but improved it by the addition of certain specific new functions.

These improvements were made in response to requests and suggestions from users. The Court wanted to respond promptly to the needs expressed by users in order to make the e-Curia system more user-friendly and to encourage its uptake.

48. What are the estimated costs of launching the new version of the e-Curia application in year 2013?

e-Curia v2, brought to production in February 2013, has cost 76.000€ in external services. Since the requirement list had exceeded the standard maintenance activities, a dedicated project was launched. This project was handled by a project manager from the Court's IT department with the assistance of on-site contractors, through fixed-price agreements.

49. In 2012 the commemorative programme for the 60th anniversary of the Court of Justice with a variety of initiatives and events took place. How much were the costs incurred?

The commemorative programme for the 60th anniversary of the Court was deliberately established avoiding extraordinary actions or events. Thus, the label "60th anniversary" was placed on some recurrent events, namely the annual meeting of judges.

The only actions that can be directly assigned to the programme for the 60th anniversary are:

- *The publication of a commemorative book « La Cour de Justice et la Construction de l'Europe : Analyses et Perspectives de Soixante Ans de Jurisprudence/The Court of Justice and the Construction of Europe : Analyses and Perspectives on Sixty Years of Case-law ». This book has been published free of charge for the Court.*
- *The commissioning of a commemorative stamp (1.151,40 euros) and a greeting card in the style of the graphics used for the stamp (737,30 euros).*

50. In 2012 the Court of Justice welcomed 582 groups of visitors, with a total of 12.629 participants. What was the ECJ's financial contribution in funding the trips of these groups?

In 2012, the total amount of the financial contribution towards the travel expenses of visitors was 18 237,66 €.

51. Did the ex post control of expenditure linked to the maintenance of infrastructure equipment and IT applications take place? What were the results of this exercise?

The ex post control of expenditure linked to the maintenance of infrastructure equipment and IT applications started in 2012 as foreseen in the annual ex post work programme 2012. This control is currently taking place and will be finalized in the first quarter of 2014. The delay in the implementation of this exercise is due to the organizational changes that were necessary to comply, as of 1st January 2013, with the new financial regulation's requirement concerning the segregation of duties between ex post and ex ante functions. As the staff responsible for the ex post controls shall not be subordinate to the members of staff responsible for the ex ante controls, as was previously the case at the Court due to the small size of the team, the necessary reorganization has implied a redeployment of posts and a recruitment process and was therefore only fully operational in July 2013.

52. What are the corrective measures introduced by the Court in respect to the results of the ex post control of the cleaning and maintenance costs?

After the ex post control an action plan has been set up:

- *All invoices' issues have been addressed. Required reminders have been made to staff and subcontractors.*
- *the Building Directorate and the Financial Assistance, Budget and Verification Unit are currently studying a proposal to adapt the internal financial regulation regarding sub delegation in order to meet operational needs.*
- *In 2014, the Building directorate will analyse the best ways to implement framework contracts in certain fields, in order to better streamline the management of recurrent and small maintenance works in such fields.*

53. Please provide the total number of officials working at the Court of Justice having a managerial position from Head of Unit upwards broken down by Member State?

Austria 0; Belgium 7; Bulgaria 1; Croatia 1; Cyprus 0; Czech Republic 1; Denmark 2; Estonia 1; Finland 2; France 8; Germany 7; Greece 3; Hungary 2; Ireland 2; Italy 6; Latvia 1; Lithuania 1; Luxembourg 1; Malta 1; Netherlands 1; Poland 1; Portugal 4; Romania 1; Slovakia 1; Slovenia 1; Spain 7; Sweden 1; United Kingdom 6

For further detail, please see answer to question 20.

54. In the course of 2012, transfers between budget heads totalling 15 797 500 were made. Of these, 13 115 000, representing over 80 per cent of the total and 3.5 per cent of the total expenditure budget, were made in the later part of December. At what stage in the year did it become apparent that this would be available for transfer?

The transfers submitted by the Court of Justice in December 2012 represent an end-of-the-year 'mopping-up' of appropriations, the purpose of which is to make possible an advance payment of almost 13 million in respect of the lease/purchase contracts relating to buildings with the aim of reducing the financial burden in relation to future charges.

It should be noted that the surplus appropriations used for these 'mopping-up' transfers derive, predominately, from the chapters relating to the remuneration of the Members and the staff, essentially due to the fact that there has been no annual adjustment of remunerations as from 1 July 2011 following the Council's rejection of the relevant proposal by the Commission (+ 1.7%).