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| European Parliament  2014-2019 |  |

<Commission>{JURI}Committee on Legal Affairs</Commission>

<RefProc>2018/2169(DEC)</RefProc>

<Date>{11/12/2018}11.12.2018</Date>

<TitreType>OPINION</TitreType>

<CommissionResp>of the Committee on Legal Affairs</CommissionResp>

<CommissionInt>for the Committee on Budgetary control</CommissionInt>

<Titre>on discharge in respect of the implementation of the general budget of the European Union for the financial year 2017, Section IV – Court of Justice</Titre>

<DocRef>(2018/2169(DEC))</DocRef>

Rapporteur for opinion: <Depute>Pavel Svoboda</Depute>

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SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Budgetary control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Appreciates that the budget implementation for the financial year 2017 represents a very high rate of use of final appropriation (98,69 %), higher than the 2016 rate (98,23 %);

2. Points out that the CJEU shall deliver justice of irreproachable quality, in a reasonable time, whilst as an EU institution also ensuring it uses the public funds at its disposal as efficiently and as effectively as possible, and according to the principles of sound financial management;

3. Stresses that the budget of the CJEU is purely administrative, with approximately 75 % spent on persons working with the institution and the remainder on buildings, furniture, information technology and miscellaneous operating expenditure;

4. Stresses that introducing performance-based budgeting should not apply only to the Court of Justice's budget as a whole but should include the setting of specific, measurable, attainable, realistic and time-based (SMART) targets to individual departments, units and staffs' annual plans and to set relevant indicators for drawing up the institution's estimates; calls therefore on the Court of Justice to introduce the principle of performance-based budgeting more widely in its operations;

5. Notes that in its 2017 Annual Report the Court of Auditors made no observation concerning the CJEU, as has been the case since 2010;

6. Takes note that, in its special report No. 14/2017 on the Examination of performance in the management of cases at the CJEU, published in September 2017, the Court of Auditors recognises the significant organizational and procedural actions taken by the Court to enhance efficient case handling;

7. Notes that the Court of Auditors has also proposed avenues for further improvements, notably the implementation of an integrated case management system;

8. Welcomes the recommendation by the Court of Auditors that the CJEU should consider the adoption of more active case management procedures based on an individual approach and realistic deadlines, while closely monitoring manpower deployment and adopting additional administrative streamlining methods;

9. Points out that a more flexible allocation of existing référendaires could have a positive impact on overall effectivity of the Court;

10. Notes that the 2017 statistics for the two courts which make up the CJEU confirm the trend seen in recent years as regards the average duration of proceedings, which remains satisfactory both for the General Court, where the increased efficiency efforts have allowed a further reduction of the duration (average reduction of 2,4 months compared with 2016 and of 10,6 months compared with 2013), and for the Court of Justice, which has been able to keep the average duration of proceedings regarding requests for a preliminary ruling below 16 months (15,7 months in 2017), with only a very slight increase from 2016 (0,7 months) explained by some particularly complex legislation submitted to it for interpretation;

11. Welcomes the fact that the Court of Auditors’ recommendation that the time-frames should be further refined by taking into account the specific nature of each type of proceedings and the complexity of the cases;

12. Welcomes the fact that overall the two courts making up the CJEU closed 1594 cases in 2017, confirming a general trend of a strong increase in the judicial activity in the timeframe 2010-2017 and stresses the importance of this hopefully continuing trend in the future;

13. Concludes that the CJEU could further enhance these positive results by considering a move towards more active individual case management, using tailored time-frames and monitoring the actual use of the human resources employed; Stresses that measuring performance on this basis, instead of using indicative time-frames to be respected on average, would inform management of both problem cases and elements of good practice; underlines that this information could also be used to improve reporting on performance to enhance accountability, providing insight on the proper functioning of the CJEU and on the use of its resources available;

14. Welcomes the constant growth of the accesses to ‘e-Curia’ application (numbers of access accounts: 4354 in 2017, compared to 3599 in 2016), and the fact that, since 2016, all the Member States use “e-Curia”, showing that the public's awareness of the existence and the advantages of this application has been efficiently raised; agrees nevertheless with considerations expressed by the Court of Auditors that a possible implementing of a fully integrated IT system could increase the effectivity of case management;

15. Expresses concern that yet, in contrast to related concepts such as legitimacy, responsiveness, or transparency, accountability has – so far – been of little relevance in framing the Court’s authority;

16. Applauds the creation of the “Judicial Network of the European Union” including the constitutional and supreme Courts of the Member States, the coordination of which is carried out by the Court of Justice;

17. Considers it essential for Union institutions to be representative of EU citizens and accordingly underlines the importance of the objective set by Parliament and Council of achieving balanced representation of men and women in the appointment of General Court judges.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| **Date adopted** | 10.12.2018 |  |  |  |
| **Result of final vote** | +:  –:  0: | 18  0  0 | | |
| **Members present for the final vote** | Joëlle Bergeron, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Mary Honeyball, Sajjad Karim, Sylvia-Yvonne Kaufmann, António Marinho e Pinto, Julia Reda, Evelyn Regner, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka | | | |
| **Substitutes present for the final vote** | Sergio Gaetano Cofferati, Luis de Grandes Pascual, Tiemo Wölken, Kosma Złotowski | | | |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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| **18** | **+** |
| ALDE | Jean-Marie Cavada, António Marinho e Pinto |
| ECR | Kosma Złotowski |
| EFDD | Joëlle Bergeron |
| GUE/NGL | Kostas Chrysogonos |
| PPE | Daniel Buda, Luis de Grandes Pascual, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka |
| S&D | Sergio Gaetano Cofferati, Mady Delvaux, Mary Honeyball, Sylvia-Yvonne Kaufmann, Evelyn Regner, Tiemo Wölken |
| VERTS/ALE | Julia Reda |

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Key to symbols:

+ : in favour

- : against

0 : abstention