



Committee on Legal Affairs

2017/2139(DEC)

25.1.2018

OPINION

of the Committee on Legal Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2016, Section IV – Court of Justice (2017/2139(DEC))

Rapporteur: Pavel Svoboda

PA_NonLeg

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. Points out that the budget implementation for the financial year 2016 represents a very high rate of use of final appropriation (98.23 %), even if slightly lower than the 2015 rate (99.1 %), due mainly to the gradual arrival in 2016 of 12 new Judges at the General Court;
2. Stresses that the budget of the Court of Justice 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; stresses, however, 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;
3. Highlights the improved efficiency of the Court thanks to the coordinated efforts of the judiciary and all auxiliary services, resulting in a 46% increase in the number of cases concluded over the period 2007-2016, despite a very limited increase in the number of auxiliary staff over that period (+ 3.5% if Croatian accession is included in the calculation and less than +0.1% if it is not);¹
4. Notes that out of the commitments of missions of EUR 295 500 only EUR 41 209 were used; points out that this under-investment could be avoided; requests the Court of Justice to improve its budgeting and accountability in regard to the mission budget and emphasises the need for the principle of missions to be cost-effective;
5. Expresses its satisfaction that in its 2016 Annual Report the Court of Auditors made no observation concerning the Court of Justice, as has been the case since 2010; points out that it is some time since the Court of Auditors issued a special report dealing with the Court of Justice;
6. Notes that the 2016 statistics for the three courts which make up the Court of Justice confirm the trend seen in recent years as regards the average duration of proceedings, which seems to be shorter (Court of Justice: 15 months for requests for a preliminary ruling (15.3 months in 2015), 2.7 months for urgent requests for a preliminary ruling (1.9 months in 2015), 19.3 months for direct actions (17.6 months in 2015) and 12.9 months for appeals (14 months in 2015);
7. Points out that overall the three courts making up the Court of Justice closed 1 628 cases in 2016, a number lower than in 2015 (1775 cases closed); reiterates the importance, with a view to upholding the fundamental rights of EU citizens, of reducing the list of pending

¹ Figures taken from Annual Report 2016 - Management Report 2016 ('ANNUAL ACTIVITY REPORT FOR THE FINANCIAL YEAR 2016 ARTICLE 66(9) OF THE FINANCIAL REGULATION')
https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-06/rapport_gestion_2016_en_.pdf

cases;

8. Points out the constant growth of the accesses to 'e-Curia' application (numbers of access accounts: 3 599 in 2016, compared to 2914 in 2015), and the fact that in 2016 all the Member States used "e- Curia", showing that the public's awareness of the existence and the advantages of this application has been efficiently raised;
9. Deplores the lack of effort by Member States towards achieving gender balance in positions of high responsibility and that the European Parliament and the Council have indicated, among their objectives, a balanced representation of genders in appointing new Judges to the General Court (as of this date, five women Judges and two women Advocates General are part of the organisation chart of the Court and ten women Judges are part of the organisation chart of the General Court).

Considers that the Union institutions must be representative of their citizens; stresses, therefore, the importance of the goal set by Parliament and the Council.

10. Notes that 2015 was the year of adoption of the judicial architectural reform of the Court of Justice, which was accompanied by the development of new rules of procedure for the General Court; understands that, by virtue of the number of Judges being doubled in a three-stage process extending until 2019, that reform will enable the Court of Justice to continue to deal with the increase in the number of cases; looks forward to seeing the achievements of that reform in the Court of Justice's capacity to deal with cases within a reasonable period and in compliance with the requirements of a fair hearing;
11. Notes the upcoming recast of the Code of Conduct for Members where the conditions for carrying out external activities and the publication of their financial interests shall be clarified;
12. Calls for a greater level of transparency on the external activities of each Judge; requests that the Court of Justice provides information regarding other posts and paid external activities of the Judges on its official website and its annual activity reports;
13. Considers that the Court of Justice should make available a general overview of the participants and the contents of its meetings with external parties other than the ones related to its judicial activity;
14. Regrets the fact that the Court of Justice's internal whistleblowing rules were adopted only in the beginning of 2016; recommends that the Court of Justice disseminate those rules among its staff so that all employees are aware of them; asks the Court of Justice to provide in due time details of the whistleblower cases in 2015, if any, and of how they were handled and finalized;
15. Calls on the Court of Justice to provide Parliament with the specific costs of translation according to the harmonised methodology agreed within the Interinstitutional Working Group on key interinstitutional activity and performance indicators;
16. Welcomes the commitment of the Court of Justice to ambitious environmental targets; encourages the institution to apply the principles of green public procurement and calls for the establishment of rules and a sufficient budget for carbon offsetting;

17. Calls on the Court of Justice to improve its communications policy towards the citizens of the Union, e.g. by organising training seminars for journalists or developing communication products on its activity in accordance with a more citizen centred approach;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	24.1.2018
Result of final vote	+: 21 -: 2 0: 0
Members present for the final vote	Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Sajjad Karim, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Jiří Maštálka, Emil Radev, Julia Reda, Pavel Svoboda, József Szájer, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
Substitutes present for the final vote	Sergio Gaetano Cofferati, Evelyne Gebhardt, Heidi Hautala, Angelika Niebler, Różan Popa, Tiemo Wölken, Kosma Złotowski
Substitutes under Rule 200(2) present for the final vote	Marco Zullo

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
ECR	Sajjad Karim, Kosma Złotowski
GUE/NGL	Kostas Chrysogonos, Jiří Maštálka
PPE	Rosa Estaràs Ferragut, Emil Radev, Pavel Svoboda, József Szájer, Axel Voss, Francis
S&D	Zammit Dimech, Tadeusz Zwiefka
Verts/ALE	Sergio Gaetano Cofferati, Mady Delvaux, Evelyne Gebhardt, Sylvia-Yvonne Kaufmann, Răzvan Popa, Tiemo Wölken
	Max Andersson, Heidi Hautala

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ENF	Marie-Christine Boutonnet, Gilles Lebreton

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention