



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0213/2014

20.3.2014

REPORT

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2012, Section IV – Court of Justice (COM(2013)0570 – C7-0276/2013 – 2013/2199(DEC))

Committee on Budgetary Control

Rapporteur: Tamás Deutsch

CONTENTS

	Page
1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION.....	3
2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	4
RESULT OF FINAL VOTE IN COMMITTEE.....	9

1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2012, Section IV – Court of Justice (COM(2013)0570 – C7-0276/2013 – 2013/2199(DEC))

The European Parliament,

- having regard to the general budget of the European Union for the financial year 2012¹,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2012 (COM(2013)0570 – C7-0276/2013)²,
 - having regard to the Annual Report of the Court of Auditors on implementation of the budget for the financial year 2012, together with the institutions' replies³,
 - having regard to the statement of assurance⁴ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2012 pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁵, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002⁶, and in particular Articles 164, 165 and 166 thereof,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0213/2014),
1. Grants the Registrar of the Court of Justice discharge for implementation of the Court of Justice's budget for the financial year 2012;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this Decision and the resolution that forms an integral part of it to the Council, the Commission, the Court of Justice of the European Union, the Court of Auditors, the European Ombudsman and the European Data Protection Supervisor, and to arrange for their publication in the *Official Journal of the European Union* (L series).

¹ OJ L 56, 29.2.2012.

² OJ C 334, 15.11.2013, p. 1.

³ OJ C 331, 14.11.2013, p. 1.

⁴ OJ C 334, 15.11.2013, p. 122.

⁵ OJ L 248, 16.9.2002, p. 1.

⁶ OJ L 298, 26.10.2012, p. 1.

2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with observations forming an integral part of its Decision on discharge for implementation of the general budget of the European Union for the financial year 2012, Section IV – Court of Justice (COM(2013)0570 – C7-0276/2013 – 2013/2199(DEC))

The European Parliament,

- having regard to the general budget of the European Union for the financial year 2012¹,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2012 (COM(2013)0570 – C7-0276/2013)²,
 - having regard to the Annual Report of the Court of Auditors on implementation of the budget for the financial year 2012, together with the institutions' replies³,
 - having regard to the statement of assurance⁴ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2012 pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁵, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002⁶, and in particular Articles 164, 165 and 166 thereof,
 - having regard to its previous discharge decisions and resolutions,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0213/2014),
1. Notes with satisfaction that in its 2012 annual report, the Court of Auditors observed that no significant weaknesses had been identified in respect of the audited topics related to human resources and procurement for the Court of Justice of the European Union ('Court of Justice');
 2. Welcomes the fact that, on the basis of its audit work, the Court of Auditors concluded that the payments as a whole for the year ended on 31 December 2012 for administrative and other expenditure of the institutions and bodies were free from material error;

¹ OJ L 56, 29.2.2012.

² OJ C 334, 15.11.2013, p. 1.

³ OJ C 331, 14.11.2013, p. 1.

⁴ OJ C 334, 15.11.2013, p. 122.

⁵ OJ L 248, 16.9.2002, p. 1.

⁶ OJ L 298, 26.10.2012, p. 1.

3. Notes that in 2012, the Court of Justice had commitment appropriations amounting to EUR 343 567 692,52 (EUR 335 904 453,30 in 2011) and that the implementation rate of 98,63% was higher than in 2011; recalls that the Court of Justice's budget is purely administrative;
4. Notes that the amount of pending and closed cases in the General Court has decreased slightly in 2012 when compared to previous years (i.e. 1 308 pending cases in 2011 and 1 237 pending cases in 2012); regrets, however, that the number of closed cases has been decreasing (i.e. 714 closed cases in 2011 and 688 closed cases in 2012); finds that the proposal for the creation of additional appointments of judges in the General Court, which continues under examination in the Council, could contribute to the effective reduction of pending cases;
5. Notes that the Court of Justice and the Civil Service Tribunal have followed the same trend of fewer cases closed and more cases pending when compared to the situation in 2011 (Court of Justice: 849 pending cases in 2011 and 886 pending cases in 2012, with 638 closed cases in 2011 and 595 closed cases in 2012; Civil Service Tribunal: 178 pending cases in 2011 and 235 pending cases in 2012, with 166 closed cases in 2011 and 121 closed cases in 2012); notes that there has been no change of members of the Civil Service Tribunal;
6. Asks for clear information on the output of every three-and five-judge-chamber of the Court of Justice and the General Court and of the three-judge and the Single judge Chamber in the Civil Service Tribunal; asks for information on how many cases were treated as rapporteur by the President and the Vice President after the reorganisation of the Court of Justice;
7. Asks the Court of Justice, the General Court and the Civil Service Tribunal to give an overview of the number of cases pending since more than 24 months;
8. Emphasises the fact that the Court of Justice recognises that there is still a margin for improvement within the existing means at the Court of Justice's disposal; stresses that the internal reforms implemented in 2012, namely the creation of the new five-Judge chamber and the new three-Judge chamber and the changes in the composition of the Grand Chamber, as well as the revision of the Rules of Procedure, have contributed to certain changes in the system and that more can be done with further reforms; asks the Court of Justice for information on how many cases were attributed in 2012 to each rapporteur in the Court of Justice and the General Court;
9. Urges the Court of Justice to find a way to properly manage the trend towards an increase in the number of new cases and heavy workload as internal reforms and the revision of the Rules of Procedure alone will not be sufficient in the coming years to significantly decrease the number of pending cases in the Court of Justice; sees one possibility in reducing the weeks without hearings or advisements;
10. Shares the view that the General Court should take more action to reduce outside Court activities of members and staff; asks the Court of Justice to follow a more transparent approach by publishing on the Court of Justice's website a list of the outside activities for each Judge;
11. Requests that the Court of Auditors carry out a benchmark study which gives information about the output of comparable Supreme Courts in Member States and the Court of

Justice;

12. Stresses that in the years when the mandate of more judges come to an end, there is a high risk that productivity will decrease and that the continuity and stability of the Court of Justice's work will be affected if the Council does not renew the mandate of the judges and if there is a delay in the appointment of the new judges;
13. Notes that the Court of Justice has the highest proportion of staff working in the translation service among all Union institutions, having 47,3 % of its employees working as translators and interpreters; appreciates the obligations on the Court of Justice to handle proceedings in all 24 official languages of the Union and to translate all of its decisions into the official languages; believes, however, that there is room for the rationalisation of the translation services of the Court of Justice;
14. Calls on the Court of Justice to apply the method for calculating the translation costs per page in the same way as it is done in the other institutions in order to be able to compare the translation costs between institutions in an equal manner;
15. Acknowledges the benefits of the e-Curia application, which came into operation in November 2011; notes with satisfaction that, as anticipated, this application has contributed to an improved performance in the handling of cases;
16. Takes note of the costs incurred in the e-Curia project and its maintenance; welcomes the improvements made to the system to accommodate requests and suggestions from users; asks to be informed in detail of the continuous updating of the system and of its subsequent costs;
17. Welcomes the transition from paper to electronic reports; notes that the e-Curia application made it possible to allow electronic exchange of documents of the court proceedings and decisions between all parties and the courts of the Court of Justice after 1 January 2012; points out that the last paper reports were issued before the end of 2012 and that the conversion from a paper to an electronic flow of documents has led to a significant reduction of production costs;
18. Considers very positive that by the end of 2012, there were 1003 active users of e-Curia, among those 14 Member States, two European Free Trade Association countries and five European institutions (in particular Parliament, the Council and the Commission); regrets, however, that there are still some Member States not using e-Curia to exchange documents with the Court of Justice;
19. Notes that only seven general meetings of the Court of Justice had full attendance in 2012; asks for the agenda of those meetings to be included as an annex to the annual activity report of the corresponding year;
20. Welcomes the fact that the Court of Justice has adopted rules concerning dignity in the workplace which apply equally to all members of staff working in a Member's chamber or in one of the services, including procedures for dealing with allegations of harassment; emphasises the fact that it is essential to maintain the best possible working environment for staff and Members in the future;
21. Takes note of the adoption of Regulation (EU, Euratom) No 741/2012 amending the Protocol on the statute of the Court of Justice¹ and also the adoption of the new rules of

¹ Regulation (EU, Euratom) No 741/2012 of the European Parliament and of the Council of 11 August 2012

procedure of the Court of Justice in 2012; believes that the modifications brought forward will contribute to a better performance of the Court's duties; expects the follow-up of these reforms to be detailed in the annual activity report 2013;

22. Regrets the fact that the Member States which have joined in the last 10 years are not represented at Director-General and Director levels in the institution; reiterates the need for a greater geographical balance at those levels of the administration, as it is already the case at Head of Unit level;
23. Welcomes the fact that the organisational change with the creation of the Library Directorate did not have a budgetary impact on the posts created;
24. Welcomes the fact that the commemorative programme for the 60th anniversary of the Court of Justice held in 2012 has had only minimal direct costs;
25. Supports the Court of Justice's policy of giving preference to the use of internal resources, in particular translation services; invites the Court of Justice to assess the possibility of implementing a system of translation "on demand" for specific cases to further reduce the pressure in terms of the quantity of documents to be translated;
26. Takes note of the increase in expenditure on the Early Childhood Centre and the production and distribution of documents; calls on the Court of Justice to ensure that these imbalances are not repeated in future years;
27. Confirms that the number of hearings and other meetings with interpretation continued to grow in 2012, with a growing number of cases in all jurisdictions;
28. Regrets the delay in implementing the *ex post* control of expenditure linked to the maintenance of infrastructure equipment and IT application; notes that an action plan was put in place to correct the results of the *ex post* control of the cleaning and maintenance costs;
29. Calls on the Court of Justice to include in its Annual Activity Reports the results and consequences of closed European Anti-Fraud Office (OLAF) cases where the institution or any of the individuals working for it were subject of the investigation;
30. Asks for the Court of Justice's building policy to be attached to the annual activity report;
31. Welcomes the fact that the Court of Justice has prepared a thorough and detailed annual activity report and has included in it in-depth information on its human resources management, as requested by Parliament;
32. Calls on the Court of Auditors to include in its next annual report a review of the follow-up by the Court of Justice of Parliament's recommendations in this resolution.

amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto (OJ L 228, 23.8.2012, p. 1).

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	18.3.2014
Result of final vote	+ : 23 - : 2 0 : 0
Members present for the final vote	Marta Andreasen, Inés Ayala Sender, Zuzana Brzobohatá, Tamás Deutsch, Martin Ehrenhauser, Jens Geier, Gerben-Jan Gerbrandy, Ingeborg Gräßle, Cătălin Sorin Ivan, Rina Ronja Kari, Monica Luisa Macovei, Jan Mulder, Eva Ortiz Vilella, Monika Panayotova, Crescenzo Rivellini, Paul Rübiger, Bogusław Sonik, Bart Staes, Georgios Stavrakakis, Michael Theurer, Derek Vaughan
Substitute(s) present for the final vote	Amelia Andersdotter, Philip Bradbourn, Esther de Lange, Vojtěch Mynář, Jan Olbrycht, Markus Pieper, Barbara Weiler