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REPORT

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section IV – Court of Justice of the European Union
(2021/2109(DEC))

Committee on Budgetary Control

Rapporteur: Isabel García Muñoz

CONTENTS

	Page
1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION.....	3
2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	5
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS	16
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE	21
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	22

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 2020, Section IV – Court of Justice of the European Union (2021/2109(DEC))

The European Parliament,

- having regard to the general budget of the European Union for the financial year 2020¹,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2020 (COM(2021)0381 – C9-00261/2021)²,
 - having regard to the annual report of the Court of Justice of the European Union to the discharge authority on internal audits carried out in 2020,
 - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2020, 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 2020, 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 Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012⁵, and in particular Articles 59, 118, 260, 261 and 262 thereof,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0066/2022),
1. Grants the Registrar of the Court of Justice discharge in respect of the implementation of the budget of the Court of Justice of the European Union for the financial year 2020;

¹ OJ L 57, 27.2.2020.

² OJ C 436, 28.10.2021, p. 1-206

³ OJ C 430, 25.10.2021, p. 7

⁴ OJ C 436, 28.10.2021, p. 207-211

⁵ OJ L 193, 30.7.2018, p. 1.

2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision and the resolution forming an integral part of it to the Court of Justice of the European Union, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section IV – Court of Justice of the European Union (2021/2109(DEC))

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2020, Section IV – Court of Justice of the European Union,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0066/2022),
- A. Whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources,
1. Notes with satisfaction that the Court of Auditors (the ‘Court’) identified no significant weaknesses with respect to the audited topics relating to human resources and procurement for the Court of Justice of the European Union (the ‘CJEU’);
 2. Emphasises the fact that, on the basis of its audit work, the Court concluded that the payments as a whole for the administrative expenditure of the institutions, including that of the CJEU, for the financial year 2020 were free from material error;
 3. Welcomes the fact that no specific issues relating to the regularity of the transactions were detected by the Court;
 4. Is aware that Chapter 9 ‘Administration’ of the Annual Report of the Court is focused on expenditure on human resources, buildings, equipment, energy, communication and information technology, and that the Court indicates that such spending is low-risk;

BUDGETARY AND FINANCIAL MANAGEMENT

5. Notes that the CJEU’s budget is mostly administrative, with a large amount being used for expenditure related to human resources, buildings and furniture, equipment and miscellaneous running costs; notes that it amounted to EUR 436,6 million in 2020 (compared to EUR 429,5 million in 2019 and EUR 410 million in 2018);
6. Notes with satisfaction the high budgetary implementation rate (99%) for the financial year 2020 (which is slightly higher than the rate of 98,7 % reached in 2019);
7. Observes that almost 75 % of the appropriations used by the CJEU in 2020 were

dedicated to the expenditure of members and members of staff (expenditure under Title 1), with almost all of the remaining balance relating to expenditure on infrastructure (Title 2), in particular the areas of buildings and IT (over 25 %);

8. Welcomes the very proactive approach in the management of the available appropriations and the continuous monitoring to identify both additional needs and additional savings, which resulted in timely transfers to deal with additional expenditure caused by the COVID-19 pandemic and to finance, as part of the end-of-year mopping-up transfer, an advance payment under a lease-purchase contract related to buildings;
9. Notes the reduction of the average payment time in 2020 compared to 2019 (25,53 days compared to 32,45 days) and a significant increase in the percentage of invoices received electronically in 2020 (74 % compared to 60 % in 2019);
10. Acknowledges that during 2020 the COVID-19 pandemic had an impact on the budget of the CJEU; observes that additional costs were incurred in order to purchase IT equipment, due to generalised teleworking for staff, as well as personal protective equipment (PPE) and disinfectant; observes that, as a result, savings were realised on several budget lines, in particular the budget lines related to translation, freelance interpretation, professional training, missions, buildings (cleaning, security and surveillance), furniture, protocol-related activities, meetings and conferences; notes, in particular, that a significant number of training activities, budgeted to cost EUR 170 000, could not take place;
11. Notes that the CJEU made 14 budget transfers pursuant to Article 29 of the Financial Regulation, representing a total of EUR 20,4 million or 4,7 % of the final appropriations; observes that the largest transfer covered an advance payment under a lease-purchase contract related to buildings with the aim of reducing the financial burden of future charges concerning the 5th extension to the buildings of the CJEU; notes that other transfers were made to purchase PPE for members and staff of the CJEU, representatives of parties and visitors;
12. Is aware that a large proportion of the appropriations carried over from 2019 to 2020 was used (84,78 % or EUR 20 816 958,83, compared to 87,21 % in 2019);
13. Notes that the overall gender ratio of the staff of 61 % women and 39 % men remained unchanged in 2020 compared to 2019; observes that the number of women employed is higher than the number of men employed in almost every staff category (officials, temporary agents and contract agents); notes, furthermore, that the gender ratio of AD members of staff is 54 % women and 46 % men, with women occupying 40% of senior management posts and men occupying 60 % of those posts; welcomes that for middle management the percentage of women increased from 39 % in 2019 to 41 % in 2020; congratulates the CJEU on the actions it undertook with the aim of achieving gender equality, such as mentoring and talent management and encouraging women to apply for senior and middle management posts;
14. Acknowledges that the additional expenditure related to the COVID-19 pandemic for the financial year 2020 amounted to EUR 3 million and that savings amounted to EUR 8,5 million, meaning that the net amount of the savings can be estimated at EUR 5,5 million;

15. Observes that the CJEU only used the negotiated procedure without prior publication once, for acquiring architectural services for the CJ10bis building project (contract amounting to EUR 231 500); notes that the Court verified without remarks the public procurement procedures organised by the CJEU to acquire PPE and did not identify any specific issues concerning the CJEU with respect to the regularity of the underlying transactions;

INTERNAL MANAGEMENT, PERFORMANCE, INTERNAL CONTROL

16. Welcomes the report on the functioning of the General Court required by Article 3(1) of Regulation (EU, Euratom) 2015/2422¹; acknowledges the fact that it had to be drafted in the context of the COVID-19 pandemic which hindered consultation and coordination with a large number of contributors; stresses that, according to that report, the reform of the Union's judicial architecture was necessary to reduce both the volume of pending cases and the excessive length of proceedings; notes that the incorporation of new judges and their members of staff required some structural, organisational and procedural changes; notes that the analysis contained in the report highlighted certain positive trends, such as (i) a significant reduction in the length of proceedings, (ii) a more intensified investigation of cases and (iii) more frequent referrals of cases to extended chamber formations; is aware that no definitive conclusions can be drawn as of yet with regard to the reform of the General Court, given that so little time has passed since its last phase and that 2020 cannot be regarded as a representative year;
17. Notes with satisfaction that the CJEU has managed to maintain a high level of productivity despite the COVID-19 pandemic; observes a minor decrease in the number of cases pending before the CJEU (1 045 cases on 31 December 2020 compared to 1 102 cases on 31 December 2019, thus a decrease of 57 cases); acknowledges that such decrease was a result of the slowdown in the activity of the national courts and tribunals at the beginning of the COVID-19 pandemic, which naturally affected the number of new references for a preliminary ruling (556 in 2020 compared to 641 in 2019), together with the decline in the number of appeals against decisions of the General Court (131 in 2020 compared to 266 in 2019);
18. Observes, however, an increase in the number of cases pending before the General Court (1 497 cases were pending on 31 December 2020 compared to 1 398 on 31 December 2019); understands that such increase can be explained by the fact that the General Court is required to grant any reasoned request for a hearing coupled with the backlog of cases as a result of the period of time in which it was impossible to hold hearings; welcomes that the General Court used the decrease of 14,4 % in the number of cases completed in 2020 (748 compared to 874 in 2019) to catch up on postponed hearings, thanks to the new remote hearing system set up by the CJEU;
19. Notes that the average duration of proceedings, both at the Court of Justice and at the General Court, in 2020 was 15,4 months; notes that at the Court of Justice the average duration of proceedings was slightly longer in 2020 than in 2019 (14,4 months) while at the General Court the reform provided for by Regulation (EU, Euratom) 2015/2422 and the accompanying measures resulted in a decrease in the length of proceedings

¹ Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (OJ L 341, 24.12.2015, p. 14).

(15,4 months in 2020 compared to 16,9 months in 2019 and 20 months in 2018), despite the challenging context of the COVID-19 pandemic;

HUMAN RESOURCES, EQUALITY AND STAFF WELL-BEING

20. Notes the CJEU's very high occupation rate of establishment plan posts, approximately 97 % in 2020; understands that an active recruitment policy has been implemented via anticipation and forecasting of vacancies and the use of available external and internal reserve lists and, in 2020, in response to the challenges caused by the COVID-19 pandemic, by virtual selection procedures and an enhanced digital workflow for approval of recruitment proposals and contract extensions of temporary and contract staff;
21. Notes that at the end of 2020 there were 2 239 members of staff (60 % officials, 32 % temporary agents and 8 % contract agents), compared to 2 256 at the end of 2019 (62 % officials, 30 % temporary agents and 8 % contract agents);
22. Reiterates the importance of addressing the lack of gender balance within the college of judges and the commitment of Parliament's Committee on Budgetary Control to achieving gender balance; is aware of the fact that the members of the Court of Justice and of the General Court are appointed by common accord of the governments of the Member States and that the CJEU has no say over the selection of judges or advocate generals just as neither the Council nor Parliament have any role in this respect; expresses its disappointment, however, that the structural reform finalised in 2019 has had little impact on that issue; calls on the President of the General Court to draw the attention of the governments of the Member States to the importance of ensuring gender balance in the appointments at the time of partial renewal of the General Court;
23. Emphasises the difficulties encountered by the Union institutions located in Luxembourg in recruiting the required staff; points to the indexation of salaries in Luxembourg as one of the main factors; encourages the institutions concerned to have a coordinated and single approach towards the Commission with respect to that issue;
24. Notes that the flexible working arrangements available at the CJEU include part-time work, parental leave, family leave, flexitime and telework; observes the imbalance still existing across the users of such working arrangements in favour of female members of staff; recommends that the CJEU engages in more intense communication on the viability and benefits of those arrangements and take steps to ensure that making use of the available flexible working arrangements does not penalise in any way the career progress of the employees concerned;
25. Welcomes the additional measures adopted in 2020 to improve staff well-being during the COVID-19 pandemic, including increasing the number of hours allowed for consulting psychologists; stresses the importance of guiding and involving managers in protecting the well-being of members of staff and their right to disconnect to preserve the work-life balance as remote working arrangements are integrated in the culture of the CJEU;
26. Notes that in 2020 there were 27 possible cases of burnout, which may include cases without a direct or indirect link to workload or working conditions; welcomes the support offered by the CJEU medical service to the members of staff concerned, as well

as the hiring of a psychologist in 2019 to actively help the staff experiencing difficulties; appreciates that a series of training courses for all managers were based on the concept of human management, including modules focused on self-knowledge and emotion management designed to improve mental health in the workplace; welcomes the training courses provided in the fields of conflict management and burnout prevention, which were offered in a virtual format for all staff; remains concerned, however, by the high number of burnouts occurring at the CJEU in recent years; calls on the CJEU to continue to carefully monitor the impact of the ever-increasing workload on its staff well-being, including making use of staff satisfaction surveys, in order to understand where the problems might come from and to explore possible solutions;

27. Praises the CJEU for the attention devoted to members of staff teleworking which, as well as the provision of IT tools, included the provision of ergonomic office chairs with the intention of providing additional equipment during the course of 2021; observes that such intention is part of the measures aiming to strengthen the long-term integration of teleworking into the CJEU working arrangements; notes that all the equipment provided to members of staff for teleworking remains the property of the CJEU and is to be returned at the request of the administration or, in any event, on termination of service;
28. Notes that the CJEU employs staff from all Member States, and that only two nationalities are missing in middle and senior management; calls on the CJEU to obtain relevant information from interinstitutional exchanges and to use all available means and remove any barriers to encourage applications from candidates whose nationality is underrepresented in order to achieve an acceptable geographical distribution;
29. Notes that an administrative inquiry was launched in response to one complaint lodged in 2020 alleging moral and sexual harassment; is aware that at the end of the administrative enquiry and on the basis of its conclusions, the appointing authority decided that there had been no harassment, neither moral nor sexual;
30. Welcomes the organisation of staff awareness-raising actions, including webinars and lunchtime talks, on aspects relating to equal opportunities, diversity and inclusion; notes with satisfaction that the CJEU's equal opportunities and diversity representatives are involved in interinstitutional groups and in an EPSO working group on diversity in recruitment procedures, with a view to sharing good practices and to implementing a common harmonised approach aimed at strengthening inclusion within Union institutions; notes that the CJEU's training and development unit has taken over responsibility for leading the work of the equal opportunities and diversity cell as of May 2021;
31. Notes with satisfaction that, out of the 223 trainees engaged in 2020, the percentage of paid trainees at the CJEU increased to 72 %, compared to 48,5 % in 2019; is aware that 2020 was the second year of implementation of a paid traineeship scheme in the members' cabinets; acknowledges the progress made and calls on the CJEU to make sure that all of its trainees receive a decent remuneration on a par with that of the other Union institutions, except for trainees that receive payments from other sources;
32. Notes that, following a report in 2019, an internal inquiry was ordered under the CJEU's internal rules on whistleblowing which found that, based on the information

available, it was not possible to conclude that the accusations were founded; is aware that national proceedings in relation to the alleged facts are ongoing; calls on the CJEU to monitor the final decision of the national proceedings in case it is necessary to reopen the internal inquiry and to inform the discharge authority about the state of the inquiry;

ETHICAL FRAMEWORK AND TRANSPARENCY

33. Points out, in accordance with the requirements laid down in Article 19 of the Treaty on European Union and Articles 253, 254 and 255 TFEU, that independence is the primary condition for the performance of the duties of a judge or advocate general;
34. Welcomes the report addressed to Parliament's Committee on Budgetary Control regarding the prevention of conflicts of interest of the members of the CJEU; notes with satisfaction that the system currently in place combines preventive mechanisms applicable both on a general basis and upon the assignment of cases; notes that the members' declaration of interest assumes a prominent role in the prevention regime and welcomes the code of conduct adopted in 2021 that increases the content of the declaration of interest; highlights that the prevention regime applies both to the entire duration of the term of office and to the period following the term of office, and that it includes both a cooling off period of three years and a number of absolute incompatibilities with no temporal limitation;
35. Acknowledges the CJEU's response to Parliament's request for an independent third party to revise the declarations of financial interests of its members and to assess the existence of conflicts of interest; understands that a third party would revise the declarations at the time of their filing, whereas a conflict of interest will only emerge when the member is assigned an actual case; understands, likewise, that the President carries out a broader case-by-case analysis before assigning cases, not only to ensure the quality and impartiality of justice but also to achieve an optimal distribution of the workload among members; believes, taking all of the above into consideration, that the CJEU would benefit from an independent third party implementing *ex post* controls on those decisions;
36. Reiterates the importance of adopting a revised general code of conduct for members of staff, integrating provisions on 'revolving doors' for senior members of staff, conflicts of interest, outside activities, occupational activities after leaving the service, gainful employment of spouses and publications; notes that according to the CJEU a general revision would be completed by the end of 2021 and asks to be duly informed of its completion;
37. Invites the CJEU to launch surveys concerning staff awareness on the ethical framework and whistleblower procedures to identify where more action is needed; observes that six training courses entitled 'Rules of good conduct' had a relatively small turnout of 70 members of staff and, thus, recommends the CJEU to find ways to increase staff participation in training courses on the ethical framework of the CJEU;
38. Acknowledges the efforts made by the CJEU to increase transparency and accessibility with respect to information about the external activities of its members; is aware that the CJEU is developing a tool which would allow, without burdening the resources of the services, the multilingual publication of information on such activities, to be maintained while integrating additional information requested by Parliament; notes that that tool is

expected to be operational at the beginning of 2022 and calls on the CJEU to inform the discharge authority about the progress achieved;

39. Welcomes the intention of the CJEU to develop how members are presented on its website by including additional elements such as honorary positions or titles awarded and memberships in foundations and similar bodies in various fields; notes the CJEU's statement that such information would be made available on its website by the end of 2021; recommends the CJEU to take advantage of that revision of its website to make it more user-friendly;
40. Encourages the CJEU to pursue innovative solutions in an effort to be more transparent towards the public, by broadcasting its public hearings and by making their recordings available online; believes that such improvement in transparency would be in line with Article 15 TFEU and would benefit all who work or study in the legal field in the Union;

DIGITALISATION, CYBERSECURITY, DATA PROTECTION

41. Regrets that the Court of Justice and the General Court were forced to cancel or postpone all hearings scheduled to take place between mid-March and early June 2020 because of the COVID-19 pandemic and the lack of IT infrastructure and necessary conditions in place in order for those hearings to take place; notes that the Court of Justice decided to replace a number of hearings with questions requiring a written answer; observes that a similar solution could not be implemented at the General Court as the rules of procedure provide that a hearing must be held when a main party submits a reasoned request to that effect; praises the deployment of human, technical and financial resources to design and implement a single, secure videoconferencing system with potentially simultaneous interpretation for the 24 official languages for the benefit of parties' representatives unable to travel to Luxembourg due to travel restrictions imposed in the Member States; congratulates the CJEU on winning the European Ombudsman's Award for Good Administration in the category of excellence in innovation/transformation for its system for remote hearings;
42. Notes with interest the high rate of utilisation of e-Curia in 2020 which increased during the COVID-19 pandemic and translates into an increase of 12 % in the number of accounts (7 378 accounts by the end of 2020 compared to 6 588 by the end of 2019) and high percentages of procedural documents lodged before the Court of Justice and the General Court (79 % and 95 % respectively); highlights that the confidence of the users in that system and the growing interest of all parties concerned in the utilisation of digital tools led to a significant increase of the accounts opened by national courts and tribunals (from 45 accounts at the end of 2019 to 121 at the end of 2020); encourages the CJEU to further develop e-Curia;
43. Notes that the teleworking imposed as a consequence of the COVID-19 pandemic has drastically accelerated the digitalisation and simplification of workflows and decision-making processes in both administrative and judicial activities, something that has been welcomed by members of staff; observes that the accelerated digitalisation of mail due to the pandemic resulted in savings in postal charges that were part of the budget surplus that was transferred to other use;
44. Observes the increased investment in IT projects and equipment (EUR 13,5 million in

2020 compared to EUR 9 million in 2019); welcomes the implementation of SIGA (an integrated case management system) and HAN (an administrative document management system) despite the pandemic-related challenges; notes the signing of the contract for the SIGA project in 2020; welcomes the increased use of other instruments such as electronic signatures (EU SIGN, provided by the Commission) for both administrative and judicial documents;

45. Notes with interest the implementation of a media monitoring tool within the communication directorate, based on close collaboration with the joint research centre of the Commission;
46. Recalls its concerns about the human rights implications of using artificial intelligence (AI) in judiciary systems; welcomes the reference to the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment by the European Commission for the Efficiency of Justice as well as the fact that tasks performed using AI should always be monitored and resolved by a human operator; stresses that the increase in the number of cases must not impede the quality of the legal analysis of the CJEU; asks the CJEU to inform the Parliament about the operators of the AI tools used; warns the CJEU of the risks to privacy and security when using external cloud computing services;
47. Notes that 2020 was a challenging year for cybersecurity in the Union institutions but that the CJEU successfully prevented any major incident as the vast majority of the attacks were blocked automatically at different levels by the defence systems in place;
48. Stresses the important role played by the CJEU as part of the steering board of the Computer Emergency Response Team for the EU institutions, bodies and agencies (CERT-EU) and as a member of the Interinstitutional Committee for digital transformation (ICDT), involved in the implementation of the EU Cybersecurity Strategy;
49. Welcomes the launch of awareness-raising courses regarding data protection, embedded in the induction programme for newcomers and offered to heads of departments and members, regarding good practices when handling personal data, as well as the dissemination within the CJEU of brochures and presentations on good practices and the rights of persons concerned;
50. Observes that two investigations were opened by the European Data Protection Supervisor (EDPS) in 2020, one on the use of cookies on the CJEU's website (concluded by the EDPS on the basis of the adequacy of the measures adopted in the meantime by the CJEU) and one (still pending) on the use of third-party web services by the CJEU (such as YouTube, Twitter, LinkedIn, Google Play and Apple) and the obligation to make available the essence of a joint controller agreement; welcomes the follow up actions undertaken to align the CJEU with the recommendations of the EDPS;
51. Welcomes the CJEU's initiative to increase its accessibility to the public by offering a programme of remote visits to the CJEU that include a guided tour through its premises and a meeting with one of the judges or advocates general; asks the CJEU to inform Parliament about the cost of that initiative, the envisaged reach of participants, the provisions put in place to protect the personal data of the participants and the details of the implementation;

BUILDINGS AND SECURITY

52. Notes that 100 % of expenditure under the budgetary item ‘Lease-purchase’ (EUR 54 781 083) was implemented, corresponding to the charges payable under the contracts concluded with the Luxembourgish authorities for the purchase, renovation and construction of the various buildings of the CJEU, the prepayment under the lease-purchase contract for the project for the 5th extension of the buildings of the CJEU and a partial advance payment on one of the loans agreed for the financing of that project;
53. Notes that for item 2022 ‘Cleaning and maintenance’ a budget surplus (EUR 190 000) was established, in particular due to generalised teleworking as a result of the COVID-19 pandemic, which made it possible to finance a part of the end-of-year mopping-up transfer;
54. Welcomes the consideration given to the recommendations issued by the Equal Opportunities Joint Committees of EU institutions on improvements for people with reduced mobility or other disabilities, among others to create contact points in universities to inform students with disabilities about job opportunities in Union institutions, on the alignment of the approach of the Union institutions in terms of medical care and coverage, and on more systematic support in terms of logistics;

ENVIRONMENT AND SUSTAINABILITY

55. Welcomes the many actions adopted to implement programmes under the Union eco-management and audit scheme (EMAS) and define the strategy for reducing the carbon footprint of the CJEU while developing clean sources of energy, for example by installing photovoltaic panels on all CJEU buildings; encourages the CJEU to continue to take measures to reduce its environmental footprint;
56. Welcomes that the CJEU is committed to fostering a reasonable and responsible use of paper and to reducing its consumption, and that paper consumption has decreased drastically (a reduction of 63,7 % compared to 2015 and 56 % compared to 2019); notes, however, that in 2020 white paper still represented a budget of EUR 640 000; welcomes that the CJEU since 2020 has had a practice of using only paper originating from sustainably managed forests, which is a criterion of excellence in paper management according to the Sectoral Reference Document published by the Commission; asks the CJEU to continue its efforts towards becoming a paperless institution;
57. Welcomes the participation of the CJEU in Parliament’s offsetting of greenhouse gas emissions’ scheme, the purpose of which is to offset the calculated carbon emissions of the participating institutions by purchasing carbon credits on the voluntary market in order to finance external environmental projects in the African, Caribbean and Pacific regions; notes that in 2020, the scheme enabled the funding of Gold Standard certified wood-fired stoves and landfill gas recovery projects in order to offset 23 000 tons of CO₂ equivalent;
58. Welcomes that the sustainable mobility strategy set up by the CJEU consists not only of raising awareness actions but also of concrete activities like participation in the European Mobility Week and in the vel’OH! self-service bike facility, granting a subsidy for annual cross-border public transport, the installation of charging stations in

the CJEU's car parks, factoring in relevant considerations in the management of the member's car fleet and offering a number of well distributed bike racks together with showers and lockers;

59. Stresses the importance of integrating environmental criteria into all stages of the procurement process; welcomes the CJEU's participation in the inter-institutional Green Public Procurement helpdesk to help the members of staff responsible to select and purchase goods, services and works with the lowest possible environmental impact throughout their life cycle, often including clauses on the promotion of equal opportunities;
60. Observes that the annual environmental declaration of the CJEU includes an indicator on green public procurement to enable the evaluation of the degree to which clauses on environment protection are incorporated into procurement documents;

COMMUNICATION AND MULTILINGUALISM

61. Welcomes the interest of the CJEU on social media and other platforms to ensure greater dissemination of information; is aware of the increased number of views on the CJEU's YouTube channel (an increase of 42 % compared to 2019) and of the success in the use of LinkedIn (followers tripled from 30 000 in 2019 to more than 90 000 in 2020);
62. Welcomes the decision to publish its register of processing activities on the Curia website, which came into effect in January 2021;
63. Invites the CJEU to further explore the use of neural translation through specific engines, as well as other options, together with the Commission, the Translation Centre for the Bodies of the European Union and the World Intellectual Property organisation, including the possibility of installing servers on the premises of the CJEU on which translation tools could run which would overcome some of the restrictions on the most confidential documents;
64. Notes that the CJEU has succeeded in adapting its internal communication procedures from May 2020; points out that a weekly average of over 150 internal or interinstitutional videoconferences or audioconferences were organised as a result;

INTER-INSTITUTIONAL COOPERATION

65. Welcomes the logistical support provided to the European Public Prosecutor's Office, whose offices are located in front of the offices of the CJEU, in order to facilitate its installation in Luxembourg;
66. Welcomes the cooperation between the GIS (Inter-institutional Security Group) and the legal services of the Luxembourg-based Union institutions, on the one hand, and the Luxembourgish authorities and law enforcement agencies, on the other hand, regarding security background checks on the staff of contractors;
67. Notes the annual financing agreements concluded with the translation services of other Union institutions and agencies which provides for the financing of IT tools (eTranslation, Euramis, DocFinder, IATE and Quest 2); notes furthermore the

conclusion or renewal of a number of service level agreements (HAN, DIGITEC, a media monitoring system, and, with the Paymaster Office of the Commission);

COVID-19 PANDEMIC

68. Stresses that the COVID-19 pandemic significantly influenced all the activities of the CJEU, both jurisdictional and administrative, and that the CJEU was challenged by the necessity to ensure the protection of individuals while guaranteeing the continuity of the public service of Union justice; highlights that the CJEU approach has been to protect the health of members, staff and visitors to ensure the continuity of judicial activity;
69. Understands that the two major changes introduced to the existing flexible working arrangements were the introduction of generalised teleworking and the suspension of the flexible working regime based on the recording of the time spent in the CJEU's buildings;
70. Welcomes the structure and procedures of the CJEU established for crisis situations, based on the crisis unit as a decision-making entity and on the crisis management centre as an implementing body; notes that two additional task forces were set up to examine the measures in place to ensure protection of members of staff whose tasks could not be carried out remotely and the design of a single secure videoconferencing system;
71. Welcomes the CJEU internal auditor's report of December 2020, addressed to the administrative committee of the CJEU, presenting the results of the review of the management of the crisis caused by the COVID-19 pandemic and being integrated into the design of a new emergency and business continuity plan drawing on the lessons learned from the crisis;
72. Believes that the CJEU adopted and endorsed all the relevant measures to (i) safeguard its staff during the COVID-19 pandemic, (ii) reduce the risk of burnout (specifically webinar sessions on topics related to managing work and private life, communication in times of crisis, management and neuroscience, and stress management), (iii) raise awareness on the right to disconnect and the risk of over-performance, and (iv) monitor the situation (via surveys concerning well-being at work, perception of the situation by the staff and level of satisfaction);
73. Notes that collaboration with national magistrates via seminars, visits and other official events were substantially affected by the pandemic outbreak, resulting in disruption and cancellations due to sanitary restrictions; encourages the CJEU to continue to explore technical solutions to enhance that collaboration also beyond the context of the pandemic;
74. Encourages the CJEU to fully integrate in its internal management strategy the lessons drawn from the COVID-19 pandemic, in terms of business continuity and crisis management approaches, IT responsiveness, resiliency of the organisation, duty of care towards its staff, effectiveness of internal communication and flexibility of working processes.

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 2020, Section IV – Court of Justice of the European Union (2021/2109(DEC))

Rapporteur for opinion: Gilles Lebreton

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. Notes the satisfactory utilisation rate (99%) of final appropriations in the implementation of the budget for the financial year 2020, which was EUR 432 086 272, slightly above the 2019 rate (98.7%);
2. Notes that almost 75% of the appropriations used by the Court of Justice of the European Union ('the Court') in 2020 were devoted to expenditure by members and staff, with almost all remaining expenditure going on infrastructure, particularly buildings and IT;
3. Stresses that 2020 was a year marked by the impact of the COVID-19 pandemic, which had a significant impact on the institution's activities, both judicial and administrative, with a particular impact on hearings, as the total lockdown and extensive travel bans meant they could not be held from 16 March to 24 May 2020; points out that, despite the pandemic, the Court managed to maintain a high level of activity in 2020 and that, while fewer cases were ruled on in 2020 (1 540) than in 2019 (1 739) and 2018, the level of activity was nevertheless equivalent to that in 2017 and even higher than in 2016;
4. Welcomes the fact that, thanks to an innovative solution allowing remote submission by videoconference, with simultaneous interpreting into all official languages, the Court nevertheless succeeded in adjusting its working patterns accordingly and in mitigating the impact of the pandemic on its judicial activities; points out in this regard that 252 hearings were held between May and September 2020;
5. Notes that the institution has also succeeded in adapting its internal communication procedures from May 2020; points out that a weekly average of over 150 internal or interinstitutional videoconferences or audioconferences were organised as a result;
6. Notes with satisfaction that on 24 June 2021 the European Ombudsman awarded the

2021 Award for Good Administration in the category ‘Excellence in Innovation/Transformation’ to the Court for its remote hearing solution;

7. Encourages the Court to pursue innovative solutions in an effort to be more transparent towards the public, by broadcasting its public hearings and by making their recordings available online; believes that this improvement of transparency would be in line with Article 15 of the Treaty on the Functioning of the European Union and would benefit all who work or study in the legal field in the Union;
8. Notes that the lockdowns and restrictions imposed by most of the Member States as a result of the COVID-19 pandemic also had a significant impact on the activities of national courts and legal practitioners in the Member States, leading to a fall in the number of cases, with a total of 1 582 cases brought before the two courts of the European Union, which is lower than the record number of cases registered in 2019 (1 905 cases) but similar to the numbers for 2018 (1 683) and 2017 (1 656);
9. Notes the fact that the average length of proceedings for cases concluded before both courts fell to 15.4 months, which is the lowest ever level, demonstrating that the principle of efficient case management was being put into practice;
10. Points out that additional costs estimated at EUR 3 million were incurred for the purchase of IT equipment and services for the widespread use of teleworking by staff on account of the pandemic, and for the purchase of disinfection and personal protection equipment for visitors, judges and Court staff;
11. Notes, however, that savings estimated at EUR 8.5 million were made under the budget lines for translation and freelance interpreting, professional training, missions, cleaning and security and surveillance of buildings, furniture, protocol activities and salaries;
12. Welcomes the fact that in 2020 the Court continued the process of improving its environmental performance through the EMAS environmental management system, and had its EMAS certification renewed by the Luxembourg authorities on 15 January 2020;
13. Points out that in 2020 three members each left the Court of Justice and the General Court, with two members arriving at the Court of Justice; notes that, in line with the decision to gradually double the number of judges, there are now 49 judges at the General Court; points out that the Court of Auditors, which is not tasked with reviewing the quality of judicial decisions nor the reform of the General Court, recalled that ‘[b]y 26 December 2020, the Court of Justice must report to the European Parliament, the Council and the Commission on the functioning of the General Court, covering its efficiency, the necessity and effectiveness of the increase to [54] Judges, the use and effectiveness of resources and the further establishment of specialised chambers and/or other structural changes’¹; welcomes the fact that on 21 December 2020 the Court forwarded this report to Parliament, the Council and the Commission²; notes, however, that the report conveys that, though positive trends have been identified, no definitive

¹ Special Report 14/2017: ‘Performance review of case management at the Court of Justice of the European Union’.

² Report of 21 December 2020 to the European Parliament, the Council and the Commission, provided for in Article 3(1) of Regulation 2015/2422.

conclusions can be drawn as yet with regard to the effectiveness of this increase³;

14. Welcomes the fact that the proportion of women in management positions continued to increase (from 39% in 2019 to 41% in 2020) and urges the Court to continue in this direction; notes, however, the persistent imbalance concerning the number of women among the judges of both the Court of Justice and the General Court; exhorts, once again, the Members of the Council to address this situation by actively promoting gender parity in the appointment of judges, in line with the principles enshrined in Article 8 of the Treaty on the Functioning of the European Union and Article 23 of the Charter of Fundamental Rights of the European Union, and with the commitments taken under Regulations (EU, Euratom) 2015/2422⁴ and 2019/629⁵;

³ Pages 53 and 54 of the report of 21 December 2020 to the European Parliament, the Council and the Commission, provided for in Article 3(1) of Regulation 2015/2422.

⁴ Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union; (OJ L 341, 24.12.2015, p. 14).

⁵ Regulation (EU, Euratom) 2019/629 of the European Parliament and of the Council of 17 April 2019 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (OJ 2019, L 111, 25.4.2019, p. 1).

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	1.12.2021
Result of final vote	+ : 15 - : 2 0 : 1
Members present for the final vote	Manon Aubry, Gunnar Beck, Pascal Durand, Angel Dzhambazki, Ibán García Del Blanco, Jean-Paul Garraud, Sergey Lagodinsky, Gilles Lebreton, Karen Melchior, Jiří Pospíšil, Franco Roberti, Marcos Ros Sempere, Stéphane Séjourné, Raffaele Stancanelli, Marie Toussaint, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Tiemo Wölken, Lara Wolters, Javier Zarzalejos
Substitutes present for the final vote	Daniel Buda, Evelyne Gebhardt, Heidi Hautala, Liesje Schreinemacher

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
PPE	Daniel Buda, Jiří Pospíšil, Axel Voss, Marion Walsmann, Javier Zarzalejos
S&D	Ibán García Del Blanco
Renew	Karen Melchior, Adrián Vázquez Lázara
ID	Gunnar Beck, Jean-Paul Garraud, Gilles Lebreton
Verts/ALE	Sergey Lagodinsky
ECR	Angel Dzhambazki, Raffaele Stancanelli
The Left	Emmanuel Maurel

2	-
Renew	Pascal Durand, Stéphane Séjourné

1	0
Verts/ALE	Marie Toussaint

Key:

+ : in favour

- : against

0 : abstentions

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	28.2.2022
Result of final vote	+: 25 -: 3 0: 1
Members present for the final vote	Matteo Adinolfi, Gilles Boyer, Olivier Chastel, Caterina Chinnici, Lefteris Christoforou, Corina Crețu, Ryszard Czarnecki, José Manuel Fernandes, Luke Ming Flanagan, Daniel Freund, Isabel García Muñoz, Monika Hohlmeier, Jean-François Jalkh, Pierre Karleskind, Mislav Kolakušić, Joachim Kuhs, Claudiu Manda, Alin Mituța, Markus Pieper, Michèle Rivasi, Sándor Rónai, Petri Sarvamaa, Simone Schmiedtbauer, Angelika Winzig, Lara Wolters, Tomáš Zdechovský
Substitutes present for the final vote	Joachim Stanisław Brudziński, Mikuláš Peksa, Elżbieta Rafalska

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

25	+
ECR	Joachim Stanisław Brudziński, Ryszard Czarnecki, Elżbieta Rafalska
PPE	Lefteris Christoforou, José Manuel Fernandes, Monika Hohlmeier, Markus Pieper, Petri Sarvamaa, Simone Schmiedtbauer, Angelika Winzig, Tomáš Zdechovský
Renew	Gilles Boyer, Olivier Chastel, Pierre Karleskind, Alin Mituța
S&D	Caterina Chinnici, Corina Crețu, Isabel García Muñoz, Claudiu Manda, Sándor Rónai, Lara Wolters
The Left	Luke Ming Flanagan
Verts/ALE	Daniel Freund, Mikuláš Peksa, Michèle Rivasi

3	-
ID	Matteo Adinolfi, Jean-François Jalkh, Joachim Kuhs

1	0
NI	Mislav Kolakušić

Key to symbols:

+ : grants discharge

- : postpones discharge

0 : abstention