



2020/2143(DEC)

15.12.2020

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 2019, Section IV – Court of Justice (2020/2143(DEC))

Rapporteur for opinion: Gilles Lebreton

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. Notes the satisfactory utilisation rate (98.7%) for final appropriations in the implementation of the budget for the financial year 2019, which amounted to EUR 429 million, though it is slightly lower than the rate in 2018 (99.18%);
2. Welcomes the change in the structure of this year's Management Report of the Court of Justice, which presents the information in a clearer and more comprehensible manner;
3. Points out that the staff breakdown by area of activity remains similar to that for previous years, with at least 86% of posts occupied by staff performing law- and language-related duties; observes that the post occupancy rate remained very high in 2019 (97%) owing to the sustained volume of judicial work, which requires recruitment to be carried out quickly and comprehensively for all posts that have fallen vacant;
4. Welcomes the fact that the average length of proceedings before the Court of Justice decreased in 2019 (14.4 months as against 15.7 months in 2018) and that the average length of proceedings before the General Court fell markedly (16.9 months as against 20 months in 2018); observes, however, that the figure for the General Court is still higher than in 2017 (16.4 months);
5. Welcomes the fact that the two courts comprising the Court of Justice of the European Union closed a combined total of 1 739 cases in 2019, which represents a high level of productivity in spite of a slight reduction over 2018 (1 769 cases); notes furthermore that there was a record total number of cases brought before the two courts – 1 905 as against 1 683 in 2018 – and in this regard welcomes the introduction on 1 May 2020 of a mechanism for prior determination as to whether appeals should be allowed to proceed, which should ease congestion in the Court of Justice;
6. Highlights the development of collaboration with national magistrates, 2 824 of whom were received at the Court for seminars, training, visits or internships in 2019, compared with 2 292 in 2018;
7. Points out that the Court of Justice registered a large number of new cases in 2019 – 966, or a 13.78% increase over 2018; points out that a large number of new cases were also brought before the General Court in 2019 – 939, compared with 834 in 2018; welcomes the record number of closed cases at the Court – 865, or a 13.8% increase on the previous year; notes with concern that the number of cases settled before the General Court in 2019 (874) is significantly down from 2018 (1 009);
8. Is concerned nonetheless at the increase of approximately 7% in the number of cases pending compared with 2018 (2 500 cases pending on 31 December 2019 as against 2 334 the previous year);
9. Points out that in 2019 the issues dealt with by the Court of Justice related mainly to

competition and state aid and the area of freedom, security and justice, while at the General Court they concerned mainly state aid and intellectual and industrial property; notes that at the General Court the main issues remained unchanged from 2018 to 2019, whereas the main issues dealt with by the Court of Justice in 2018 included freedom of movement and establishment, the internal market and intellectual and industrial property, in addition to those relating to the area of freedom, security and justice;

10. Welcomes the steady increase in the number of accounts for accessing the e-Curia application (6 588 in 2019 as against 4 865 in 2018) and the fact that it is used in all Member States, evidence that the platform works efficiently and that effective action has been taken to raise public awareness of the existence, efficiency, speed and advantages of the application; also welcomes the fact that the percentage of procedural documents lodged through e-Curia is increasing, reaching 93% in the case of the General Court (compared to 85% in 2018) and 80% in the case of the Court of Justice (compared to 75% in 2018);
11. Points up the positive turn that has been taken by the Judicial Network of the EU (RJUE) and congratulates the Court of Justice for fostering transparency by making procedural and doctrinal documents from the RJUE platform freely accessible on its website in 2019, as recommended by the Committee on Legal Affairs¹; welcomes the progress made in the digital field, including in the form of the new ‘Judicial Documentation’ tool, which facilitates access to relevant documentation and information for the handling of certain cases brought before the Court;
12. Points out that, in 2019, five members left the Court of Justice, with four arriving, and eight members left the General Court, with 14 arriving; notes that, in line with the decision to gradually double the number of judges, there are now 52 judges at the General Court; points out that the quality of judicial decisions and the ongoing reform of the General Court did not form part of the review of the Court of Auditors in 2017, but that the Court refers to Article 3(1) of Regulation (EU, Euratom) 2015/2422 which sets out 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 56 Judges, the use and effectiveness of resources and the further establishment of specialised chambers and/or other structural changes²’;
13. Welcomes the fact that the proportion of women in managerial posts – 39% in 2019, compared with 37.5% in 2018 – has continued to increase, and encourages the Court of Justice to continue the process by actively promoting gender parity in the appointment of judges, while continuing to place the emphasis on candidates’ competence.

¹ 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 2018, Section IV – Court of Justice (2019/2058(DEC)), paragraph 12.

² Special Report 14/2017: ‘Performance review of case management at the Court of Justice of the European Union’.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	10.12.2020
Result of final vote	+: 16 -: 5 0: 0
Members present for the final vote	Gunnar Beck, Geoffroy Didier, Angel Dzhambazki, Ibán García Del Blanco, Jean-Paul Garraud, Esteban González Pons, Sergey Lagodinsky, Gilles Lebreton, Karen Melchior, Jiří Pospíšil, Franco Roberti, Marcos Ros Sempere, Stéphane Séjourné, Raffaele Stancanelli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Tiemo Wölken
Substitutes present for the final vote	Daniel Buda, Pascal Durand, Heidi Hautala, Emmanuel Maurel, Sabrina Pignedoli, Bettina Vollath
Substitutes under Rule 209(7) present for the final vote	Juan Ignacio Zoido Álvarez

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

16	+
EPP	Daniel Buda, Geoffroy Didier, Esteban González Pons, Jiří Pospíšil, Axel Voss, Marion Walsmann, Juan Ignacio Zoido Álvarez
RENEW	Karen Melchior, Adrián Vázquez Lázara
ID	Gunnar Beck, Jean-Paul Garraud, Gilles Lebreton
GREENS/EFA	Sergey Lagodinsky
ECR	Angel Dzhambazki, Raffaele Stancanelli
NI	Sabrina Pignedoli

5	-
S&D	Ibán García Del Blanco
RENEW	Pascal Durand, Stéphane Séjourné
GREENS/EFA	Heidi Hautala
GUE/NGL	Emmanuel Maurel

0	0

Key:

+ : in favour

- : against

0 : abstentions