



2021/2109(DEC)

2.12.2021

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

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 (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 significant effects 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 a transparency effort 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 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

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.

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.

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;

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 Pospišil, 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