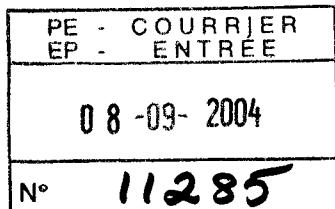


TRIBUNAL DE JUSTICIA DE LAS COMUNIDADES EUROPEAS
 SOUDNÍ DVŮR EVROPSKÝCH SPOLEČENSTVÍ
 DE EUROPÆISKE FÆLLESSKABERS DOMSTOL
 GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN
 EUROOPA ÜHENDUSTE KOHUS
 ΔΙΚΑΣΤΗΡΙΟ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ
 COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES
 COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES
 CÚIRT BHREITHIÚNAIS NA gCÓMHPHOBAL EURPACH
 CORTE DI GIUSTIZIA DELLE COMUNITÀ EUROPEE
 EIROPAS KOPIENU TIESA



EUROPOS BENDRIJU TEISINGUMO TEISMAS
 EURÓPAI KÖZÖSSÉGEK BÍRÓSÁGA
 IL-QORTI TAL-ĞUSTIZZJA TAL-KOMUNITAJIET EWROPEJ
 HOF VAN JUSTITIE VAN DE EUROPESE GEMEENSCHAPPEN
 TRYBUNAL SPRAWIEDLIWOŚCI WSPÓŁNOT EUROPEJSKICH
 TRIBUNAL DE JUSTIÇA DAS COMUNIDADES EUROPEIAS
 SÚDNY DVOR EURÓPSKÝCH SPOLOČENSTIEV
 SODIŠČE EVROPSKIJ SKUPNOSTI
 EUROOPAN YHTEISÖJEN TUOMIOISTUIN
 EUROPEISKA GEMENSKAPERNAS DOMSTOL

**Direction du personnel
et des finances**



Luxembourg, le 03 SEP. 2004

*Monsieur Janusz LEWANDOWSKI
 Président de la
 Commission des budgets
 Parlement européen
 Rue Wiertz
 B - 1047 Bruxelles*

Objet : Rapport à l'autorité budgétaire

Monsieur le Président,

Suite au courrier de Monsieur le Greffier de la Cour en date du 29 juillet 2004, par lequel vous a été adressé un rapport à l'autorité budgétaire sur la mise en œuvre de la structure révisée des grades du personnel et sur les effets sur le tableau des effectifs de la Cour de justice, j'ai l'honneur de vous adresser, ci-joint, la version anglaise de ce document.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma haute considération.

A handwritten signature in black ink, appearing to read "B. Pommiès". Below the signature, the name "B. Pommiès" is written in a smaller, printed-style font, followed by the title "Directeur" in italics.

Annexe



**Personnel and Finance
Directorate
Budget and Accounting Division**

Luxembourg, 29 July 2004

**Report to the budgetary authority
on the introduction of the revised structure of staff grades
and on the effects on the Court of Justice's Table of Posts**

The purpose of Amending Budget No 4/2004 was to adjust the table of posts in order to take account of the alterations due to the review of the Staff Regulations of Officials and the Conditions of Employment of other servants of the Communities, which entered into force on 1 May 2004.

A common declaration of the two branches of the budgetary authority concerning that amending budget requests the institutions to present a report on the introduction of the revised structure of staff grades and the effects on the table of posts following the entry into force of the new Regulations (see Annex 1). A letter jointly signed by the President of the Committee on Budgets of the European Parliament and by the President of the Budget Council, and dated 23 July 2004, reminded the institutions of that fact and requested that the report should reach the budgetary authority by 1 September 2004 at the latest (see Annex 2).

Introduction of the revised grade structure

The adjustment to the table of posts, shown in Annex 3, has been made on the basis of the following principles:

- Immediate removal of the distinction relating to the Language Service as a result of the disappearance of that service provided for by Article 5 of the Staff Regulations.
- Current posts (non-enlargement) have been converted pursuant to Article 2(1) of Annex XIII to the Staff Regulations. That provision lays down the manner in which the grade of officials in a position under the Staff Regulations is to be redefined.
- The new posts granted by the budgetary authority with a view to enlargement in 2003 and 2004¹ have been transformed in accordance with the second indent of Article

¹ The budgetary authority approved the creation of 501 posts under the 2004 budget and 53 posts under the 2003 budget to meet pre-enlargement requirements. Those 554 posts are represented in columns 3 and 5 of the tables in Annex 3, which makes it possible to achieve a better understanding of the methodology used in converting posts.

12(3) of Annex XIII, which contains the table of equivalence between competition grade and recruitment grade as from 1 May, with the exception, however, of the following posts:

- a Grade A2 director's post in the Translation Directorate and a Grade LA3 post assigned to the Interpretation Service,
 - temporary posts for the new Members' *cabinets*.
- For those posts, conversion has taken place in accordance with the provisions of Article 2 of Annex XIII, just as for current posts: as regards the two A2 and LA3 posts, that method of conversion was necessary in order for them to be filled and, as regards the *cabinet* posts, it was a question of ensuring equal treatment for members of the staff of present and future Members.
 - Finally, in accordance with Article 13(2) of the Staff Regulations, the 238 LA7 lawyer-linguists' posts intended for the new translation divisions have been converted into Grade A*7 posts.

The effects on the table of posts

Annex 4 shows the results of the transformation of the table of posts brought about by Amending Budget No 4/2004, which has been added to by development in the take-up of permanent and temporary posts for 2004. It is to be noted that the table of posts voted by the budgetary authority for 2004 has already taken into consideration the estimated effect of the "old career" promotions for 2004 and does not on that account require alteration.

First of all, column 3 of the table shows that the first posts at Grades A*7, B*3 and C*1, that is to say, the recruitment grades under the provisions of the new Staff Regulations, have been filled. The rate of recruitment in those grades, and in Grades A*5 and A*6, will increase during 2004, as shown in columns 4 and 5.

Next, attention must be drawn to the total number of vacant posts to be filled by 31 December 2004. The number is relatively low, corresponding as it does to a rate of post vacancies of 3%. Most of the posts that will still not have been taken up at the end of 2004, namely 30 Grade A*7 posts, are lawyer-linguists' posts for which the competitions for the recruitment of officials have yielded insufficient results, at least in certain languages, and which cannot all be filled between now and the end of the year by members of the temporary staff. It is also to be noted that it is foreseen that 21 Grade A*5 interpreters' posts will be vacant, in respect of which the institutions' interpretation services are encountering recruitment problems, in the light in particular of the less than sufficiently attractive nature of the remuneration for that grade.

Last, the 2005 draft budget also takes account of the application of Article 6(2) of the Staff Regulations and of Articles 9 and 10 of Annex XIII, leading to the upgrading of 145 permanent posts to ensure the promotion of officials in accordance with the percentages fixed by the provisions of the new Staff Regulations.

Administrative structures

There has been no alteration to the institution's administrative structure, save for the creating of the services provided for in connection with enlargement, in particular the addition of 10 new Members' *cabinets* in the Court of Justice, 10 new Members' *cabinets* in the Court of

First Instance, nine new language sections, an additional unit in the research and documentation service, etc.. In those circumstances, the number of units within the non-enlargement structure that existed before 30 April 2004 has not changed.

Conclusion

The conversion of posts in the table of posts, carried out in connection with Amending Budget No 4/2004, is in keeping with the Court of Justice's real needs, for actual take-up, as forecast for 31 December 2004, is in line with the table of posts approved by the amending budget. Furthermore, the table of posts annexed to the draft budget for 2005 takes into account requirements in respect of promotions for that year, having regard to the requested upgrading of posts.

Annex 1 Common declaration

Annex 2 Joint letter of the European Parliament and the Council of Ministers

Annex 3 Tables showing the conversion of posts under Amending Budget No 4/2004

Annex 4 Tables showing the trend in posts in 2004 and 2005

**Minutes of 01/04/2004 - Provisional Edition****Draft amending budget 4/2004**

A5-0175/2004

ANNEX I**Joint Declaration of the Budgetary Authority on Amending Budget 4/2004**

In adopting the amending budget 4/2004 on the revised establishment plans, the European Parliament and Council have approved the following declaration:

The recruitment of staff is regulated by the relevant provisions of the Staff Regulations. Accordingly, all institutions will apply the following rules in 2004:

- § All officials recruited before the 1st of May 2004 will be classified in accordance with Article 2 of Annex XIII to the new Staff Regulations.
- § All officials recruited after the 1st of May 2004 will be classified in accordance with the new Staff Regulations, in particular Articles 5, 12 and 13 of Annex XIII, whether they are recruited to new posts or to vacant posts.

During the preparation of the first reading of the 2005 budget and in time for decisions to be agreed at the Budget conciliation in July, each institution, office or agency will be required to report to the Budgetary Authority on the implementation of the revised staff grade structure and the effects on their establishment plan. If needed in respect of 2004, each institution, office or agency will propose an adjustment of its establishment plan in so far as the actual occupancy of posts diverges from the conversion of the establishment plan as approved in April 2004. Such proposals will take into consideration the requirements mentioned above and the need for vacant posts at every grade in the establishment plan for normal recruitment and promotion purposes in accordance with the Staff Regulations.





**EUROPEAN PARLIAMENT
COUNCIL OF THE EUROPEAN UNION**

BUDGET CONCILIATION

Réf.: D(2004) 30826

Sir,

On the 16th March 2004, the European Parliament and Council approved a joint declaration on the amending budget 4/2004 on the revised establishment plans.

Following the joint declaration and in view of the first reading of the 2005 budget, may we remind you that each institution, office or agency has been requested to report to the Budgetary Authority on the implementation of the revised staff grade structure and the effects on its establishment plan. You have also been requested to report on the actual occupancy of posts under the previous Staff Regulations as of end of April 2004 and the actual occupancy of posts under the new Staff Regulations on the 1st of May 2004.

We look forward to receiving this information not later than the 1st of September 2004.

Yours faithfully,

Head of the
European Parliament delegation

Head of the delegation of the Council
of the European Union

Terry WYNN
Chairman of the Committee on Budgets

Atzo NICOLAI
President of the Council

SECTION IV - COURT OF JUSTICE

<u>CONVERSION OF THE 2004 TABLE OF POSTS</u>								
<u>PERMANENT POSTS</u>								
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Categories and grades former Staff Regulations	Total staff 2004	Including new A2, LA3 posts and lawver-linguists	<i>Classification for posts under (3) following Annex XIII Article 2 and Article 12 of the proposed Reform</i>	Including other new posts 2004	<i>Classification for posts under (5) following Annex XIII Article 11 of the proposed Reform</i>	2004 Staff without new posts	Categories and grades new Staff Regulations	Total staff 2004
A1							A*16	
A2	7					6	A*15	7
A3	14	1	A*15	1	A*12	13	A*14	27
A4						12	A*12	120
A5						17	A*11	87
A6						10	A*10	142
A7							A*9	
A8				17	A*7	18	A*8	63
							A*7	200
							A*6	15
							A*5	37
Total A	95	1		18		76		698
LA3	23	1	A*14	9	A*12	13	A*14	
LA4	98					98	A*13	
LA5	70					70	A*12	
LA6	132					132	A*11	
LA7	243	238	A*8			5	A*10	
LA8	37			37	A*5		A*9	
							A*8	
							A*7	
							A*6	
							A*5	
Total LA	603	239		46		318		
B1	23					23	B*11	
B2	27					27	B*10	23
B3	29					29	B*9	
B4	24					24	B*8	
B5	95			52	B*3	43	B*7	27
							B*6	29
							B*5	24
							B*4	
							B*3	42
Total B	198			52		146	Total B*	198
C1	60					60	C*7	
C2	55					55	C*6	60
C3	38					38	C*5	55
C4	34					34	C*4	38
C5	115			83	C*1	32	C*3	34
							C*2	32
							C*1	83
Total C	302			83		219	Total C*	302
D1	25					25	D*5	
D2	15					15	D*4	25
D3	10					10	D*3	15
Total D	50					50	Total D*	50
Grand Total	1,248	240		199		809	Grand Total	1,248

CONVERSION OF THE 2004 TABLE OF POSTS

TEMPORARY POSTS								
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Former Staff Regulations Categories and grades	Total staff 2004	Including new cabinet posts	Classification for posts under (3) following Annex XIII Article 2 of the proposed Reform	Including other new posts 2004	Classification for posts under (5) following Annex XIII Article 11 of the proposed Reform	2004 staff without new posts	New Staff Regulations Categories and grades	Total staff 2004
A1						1	A*16	
A2	1						A*15	1
A3	39	14	A*14			25	A*14	39
A4	59	20	A*12			39	A*12	59
A5	65	25	A*11			41	A*11	66
A6	20	6	A*10			16	A*10	22
A7	1					1	A*8	1
A8						24	A*7	24
							A*6	
							A*5	
Total A	185	65				147		212
LA3							A*14	
LA4							A*13	
LA5	1						A*12	
LA6	2						A*11	
LA7	24						A*10	
LA8							A*9	
							A*8	
							A*7	
							A*6	
							A*5	
Total LA	27							
B1	1					1	B*11	
B2	5	2	B*8			3	B*10	1
B3	26	8	B*7			18	B*9	
B4	24	9	B*6			15	B*8	5
B5	40	11	B*5			29	B*7	26
							B*6	24
							B*5	40
							B*4	
							B*3	
Total B	96	30				60	Total B*	96
C1							C*7	
C2							C*6	
C3	63	20	C*4			43	C*5	
C4	1					1	C*4	63
C5	1					1	C*3	1
						1	C*2	1
						1	C*1	
Total C	65	20				45	Total C*	65
D1	1					1	D*5	
D2	4					4	D*4	1
D3	15					15	D*3	4
							D*2	15
Total D	20					20	Total D*	20
Grand total	393	115				278	Grand Total	393

Annexe 4 COUR DE JUSTICE - EMPLOIS PERMANENTS - exercices 2004 et 2005

	Tableau des effectifs 2004		Occupation des emplois et évolution des occupations en 2004		Occupation totale projetée au 31/12/2004					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Emplois autorisés au 30/04	Emplois occupés au 15/04	Emplois occupés au 17/04	Emplois occupés au 17/04	Estimation de l'évolution des occupations utilisée le 17/04 et le 31/12/2004	Occupation totale projetée au 31/12/2004	Estimation des emplois vacants pour les promotions au 31/12/2004	Estimation des emplois vacants au 31/05 après promotion 2005	Estimation des emplois vacants au 11/05 après promotion 2005	Conversions déjà demandées dans l'APB 2005
Emplois vacants au 1/1/05 en tenant compte des conversions demandées										
A1	A*16	0	5	5	2	7	0	0	0	0
A2	A*15	7	27	27	0	27	0	0	0	0
A3/L3	A*14	27	0	0	0	0	-6	-6	6	0
A4/L4	A*13	0	120	106	14	120	0	-22	6	16
A5/L5	A*12	120	106	85	2	87	0	-39	-22	-17
A6/L6	A*11	87	83	85	4	142	0	39	39	17
A7/L7	A*10	142	137	138	0	0	-4	-4	-4	0
A8/L8	A*9	0	60	61	2	63	0	4	4	0
A9	A*8	63	60	54	145	25	170	30	30	30
A10	A*7	200	15	15	0	15	0	0	0	0
A11	A*6	15	0	0	16	16	21	0	0	21
A12	A*5	37	476	476	567	80	647	51	71	51
Total A*		698	418	476	567	80	647	51	71	51
B1	B*11	0	23	23	23	0	23	0	-1	0
B2	B*10	23	0	0	0	0	0	-7	1	6
B3	B*9	0	27	27	27	0	0	-8	7	1
B4	B*8	27	27	29	29	27	0	-7	8	1
B5	B*7	29	29	24	24	29	0	-4	7	3
B6	B*6	24	24	42	42	24	0	0	4	4
B7	B*5	42	42	0	0	42	0	0	0	0
B8	B*4	0	0	0	0	0	0	0	0	0
B9	B*3	53	8	12	41	53	0	0	0	0
Total B*		198	145	153	157	41	198	0	-27	27
C1	C*7	0	60	60	60	60	60	0	-3	-3
C2	C*6	60	55	55	55	55	0	-13	3	0
C3	C*5	55	38	38	38	38	0	-9	13	-10
C4	C*4	38	34	34	34	34	0	-9	9	-4
C5	C*3	34	32	32	32	32	0	-5	5	0
C6	C*2	32	6	6	29	54	83	0	5	-5
C7	C*1	83	0	0	0	0	0	0	0	0
Total C*		302	219	225	248	54	302	0	-39	39
D1	D*5	0	25	25	25	0	25	0	-2	-2
D2	D*4	25	15	15	15	15	0	0	2	2
D3	D*3	15	10	10	10	10	0	-4	4	-4
Total D*		50	50	50	50	50	50	0	-8	8
Totaux		1248	832	904	1022	175	1197	51	-145	145
(5)	estimation de l'évolution des emplois occupés entre le 1/7/04 et le 31/12/04									
(6)	estimation du nombre d'emplois occupés au 31/12/04									
(7) et (9)	estimation du nombre vacants nécessaires pour les promotions 2005 (article 6 §2 + annexe XIII Statut)									
(10)	estimation du nombre vacants au 1/1/05 en tenant compte des emplois vacants au 1/1/05 en tenant compte des conversions demandées									

Tableau des effectifs 2004 - emplois autorisés (après BRS 4/2004), fonctionnaires ou agents temporaires occupant un emploi au 30/04/04 sous l'ancien statut, y compris les fonctionnaires qui occupent un emploi à titre personnel. Pour certains grades, les fonctionnaires sous-occupant des emplois du grade supérieur.

Certains emplois sont réservés pour des fonctionnaires en détachement.

Certains fonctionnaires ou agents temporaires occupant un emploi respectivement au 1/5/04 et au 1/7/04, y compris les fonctionnaires qui occupent un emploi à titre personnel. Pour certains grades, les fonctionnaires sous-occupant des emplois du grade supérieur.

Certains emplois sont réservés pour des fonctionnaires en détachement.

estimation de l'évolution des emplois occupés entre le 1/7/04 et le 31/12/04

estimation du nombre d'emplois occupés au 31/12/04

estimation du nombre vacants nécessaires pour les promotions 2005 (article 6 §2 + annexe XIII Statut)

estimation du nombre vacants au 1/1/05 en tenant compte des emplois vacants au 1/1/05 en tenant compte des conversions demandées

ANNEXE 4 COUR DE JUSTICE - EMPLOIS TEMPORAIRES - exercices 2004 et 2005

COUR DE JUSTICE - EMPLOIS TEMPORAIRES - exercices 2004 et 2005

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Annexe 4 COUR DE JUSTICE - EMPLOIS TEMPORAIRES - exercices 2004 et 2005											
Tableau des effectifs 2004			Occupation des emplois et évolution des occupations en 2004			Occupation totale projetée au 31/12/04			Occupation totale projetée au 31/12/04		
(1)	(2)	(3)	(4)	(5)	(6)	(6)=(4)+(5)	(7)	(7)=(1)+(6)	(8)	(9)	(10)
Fonction publique	Emploi occupé au 30/04/04	Emplois occupés au 15/04	Emplois occupés au 1/1/04	Estimation de l'évolution des occupations entre le 1/1/04 et le 31/12/04	Occupation totale projetée au 31/12/04	Estimation des emplois vacants au 31/12/04	Emplois vacants nécessaires pour les promotions - exercice XII (Statut) en moins en plus	(10)=(7)+(8)+(9)	Estimations des emplois vacants au 1/1/05 en tenant compte des conventions demandées	Conversions déjà demandées dans l'APB 2005	(11)
A1 A16	0	1	1	1	1	0	0	0	0	0	(12)
A2 A15	39	25	27	39	39	0	0	0	0	0	0
A3 L3 A14	0	0	0	0	0	0	0	0	0	0	0
A7 L3 A13	59	39	40	59	59	0	0	0	0	0	0
A4 L4 A12	59	41	41	66	66	0	0	0	0	0	0
A5 L5 A6 L6 A11 A10	66	41	41	22	22	0	0	0	0	0	0
A9 A7 L7 A8 A7 A8 L8	0	15	20	0	0	0	0	0	0	0	0
A6 A5	24	1	1	2	2	22	2	24	0	0	0
Total A*	212	124	132	190	22	212	0	0	0	0	0
B1 B11 B10 B9	0	1	1	1	1	1	0	0	0	0	0
B2 B8 B7 B3 B4 B6 B5 B4 B3	5	3	5	5	5	5	0	0	0	0	0
B7 B6 B5 B4 B3	26	18	18	26	26	0	0	0	0	0	0
B4 B3 B2 C1	24	14	14	24	24	0	0	0	0	0	0
B5 B5 B4 B3	40	27	27	40	40	0	0	0	0	0	0
Total B*	96	63	65	96	0	96	0	0	0	0	0
C7 C6 C5 C2 C3 C4 C5 C1	0	0	0	0	0	0	0	0	0	0	0
D5 D4 D3 D2 D3 D2	0	1	1	1	1	1	0	0	0	0	0
Total C*	65	43	65	0	65	0	0	0	0	0	0
D1 D4 D2 D3 D3 D2	0	4	4	4	4	4	0	0	0	0	0
Total D*	20	20	20	0	20	0	0	0	0	0	0
Total	220	250	260	371	22	393	0	0	0	0	0

Tableau des effectifs 2004 - emplois autorisés (après BRS 4/2004), fonctionnaires ou agents temporaires occupant un emploi au 30/4/04 sous l'ancien statut, y compris les fonctionnaires qui occupent un emploi à titre personnel. Pour certains grades, les fonctionnaires sous-

(L) occupent des emplois du grade supérieur. Certains emplois sont réservés pour des fonctionnaires en détachement.

(3) et (4) fonctionnaires ou agents temporaires occupant un emploi respectivement sous-occupant des emplois du grade supérieur.

Certains emplois sont réservés pour des fonctionnaires en détachement

(5) estimation de l'évolution des emplois occupés entre le 1/7/84 et le 31/12/84

(6) estimation du nombre d'emplois occupés au 31/12/04

exercice 2005 - emplois vacants nécessaires pour les promotions 2005 (a)

estimation du nombre d'emplois vacants au 1/1/05 en tenant compte des