

2008 discharge: EU general budget, Court of Justice

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PURPOSE: to present the final annual accounts of the European Communities for the financial year 2008
- Other institutions: section IV - Court of Justice.

Note: this summary provides a general overview of the main trends in terms of the Court of Justice's expenditure for the financial year 2008. It does cover the figures for the Court of Justice's expenditure as presented in the [Report on Budgetary and Financial Management in 2008](#).

In regard to judicial activity as such, readers are invited to consult the Annual Report of the Court of Justice for 2008 on the Curia Internet site (<http://curia.europa.eu>), which provides detailed information and statistics concerning the judicial activities of the Court of Justice, the Court of First Instance and the Civil Service Tribunal.

CONTENT:

1) Appropriations in the financial year 2008:

- **Commitments:** EUR 290 385 281;
- **Implementation rate:** 98.74%.

Transfers of appropriations: in the course of 2008, the Court of Justice made 18 budget transfers (representing a total of EUR 10 931 540). In accordance with the Financial Regulation, 8 transfers of appropriations were the subject of notification to the budgetary authority. Those transfers amount to a total of EUR 8 695 500 and correspond to close to 80% of the total sum transferred in the financial year. In addition, 10 transfers within articles, not notified to the budgetary authority as provided for under Article 22(4) of the Financial Regulation, were made in respect of a total of EUR 2 236 040 representing 20% of the total sum transferred in the financial year.

2) Main axes of expenditure and principal activities in 2008:

- **Inauguration of the new Palais – institutional reform:** the outstanding event for the Court of Justice in 2008 was the inauguration of the new buildings of the Court, 'the new Palais', which consolidates and extends the existing buildings. The new Palais is of an innovative architectural design and has been constructed in a way that respects and builds on the structure of the original Palais. It is made up of the original Palais, remodelled so as to accommodate the courtrooms, the Anneau ('Ring' in English), a two-storey building which is so called, despite its rectangular form, because it completely encircles the original Palais, and which houses the offices of the Members of the Court and staff working directly with them, two Towers intended for the translation service and the Gallery, a long luminous passage by way of an architectural link connecting not only the original and new buildings with each other but also the institution's various activities. With regard to the provisions governing the institution's operation, the amendment of the Rules of Procedure of the Court of Justice on 8 July 2008 involved the insertion of Title IVa, which contains the provisions designed to introduce the procedure, provided for in Article 62 of the Statute of the Court of Justice, for review of decisions of the Court of First Instance on appeal. The most noteworthy element of these new provisions is the creation of a special chamber entrusted with the

task of determining, upon a proposal of the First Advocate General, whether a decision of the Court of First Instance should be reviewed. This chamber is to be composed of the President of the Court of Justice and of four Presidents of five-judge chambers.

- **Judicial activity - delivering judgments:** the statistics concerning the Court of Justice's judicial activity in 2008 reveal, first, a very significant reduction in the duration of preliminary ruling proceedings compared with preceding years and, second, a continuation of the **upward trend in the volume of litigation**. The Court completed 495 cases in 2008. Of those cases, 333 were dealt with by judgments and 161 gave rise to orders. The number of judgments delivered and orders made is lower than in the previous year (379 judgments and 172 orders). It should nevertheless be noted that the number of preliminary ruling cases completed in 2008 (238 cases in net figures, 301 cases in gross figures) is markedly higher than in 2007 (218 cases in net figures, 235 in gross figures). The Court had 592 new cases brought before it, a number which exceeds even the number in 2007, which had been the highest in the Court's history. The number of cases pending at the end of 2008 did not, however, increase substantially (767 cases, gross figures) beyond the number at the end of 2007 (741 cases, gross figures). Moreover, the duration of proceedings in 2008 showed a considerable change. In the case of references for a preliminary ruling, the average duration of proceedings was **16.8 months**, as against 19.3 months in 2007 and 19.8 months in 2006. In 2008 use of the urgent preliminary ruling procedure was requested in six cases and the use of the expedited or accelerated procedure was requested eight times. Also, the Court continued to use the simplified procedure to answer certain questions referred to it for a preliminary ruling. Lastly, the Court made frequent use of the possibility offered by Article 20 of its Statute of determining cases without an opinion of the Advocate General where they do not raise any new point of law. About 41 % of the judgments delivered in 2008 were delivered without an opinion (compared with 43 % in 2007).

3) Salient facts of the 2008 budget implementation:

Title 1 (*Persons working with the institution*): the final budget funding of Title 1 for the financial year 2008 is EUR 222 070 742, which represents almost 76 % of the total budget of the Court of Justice. Those appropriations were committed to the extent of EUR 218 656 267, in other words a very high rate of implementation of 98.46%. In addition, it may be noted that certain savings have been achieved in respect of budget items connected with expenditure under the Staff Regulations relating to the renewal of the terms of office of the Members of the three courts (temporary allowances, rights connected with entering the service, transfer or leaving the service). As regards the payment of officials, one notes a high implementation rate of 98.72%. This is a product a very active recruitment policy on the part of all of the Court's services. The proportion of posts filled is highly satisfactory in respect of posts granted in connection with the enlargement of 2004 and also most encouraging for posts created for the recent enlargement. If non-enlargement posts are included, the proportion of posts filled as at 31 December 2008 is 98%, a very high figure if the effect of ordinary staff turnover is taken into consideration.

The following should also be noted:

- improvements in the use of commitments appropriations for external translation and interpretation services;
- strengthening further training in order to cover the growth in specialised language training for the Court's lawyer-linguists and interpreters as a direct result of the enlargements of 2004 and then of 2007, but also of the operation, since 1 March 2008, of the urgent preliminary ruling procedure which increases the requirements of language coverage;

- strengthening the ‘Early childhood centre’ item, which is allocated entirely to the funding of interinstitutional activities, of which the managing institutions are the Parliament for the creches and the Commission for the day-care centre/study centre.

Title 2 (*Buildings, furniture, equipment and miscellaneous operating expenditure*): the final budget funding in Title 2 for the 2008 financial year is EUR 71 970 249, which represents a little less than a quarter of the total budget of the Court of Justice. Those appropriations were committed at a very high rate of implementation of 99.65 %. As regards the lease/purchase items, the report states that the expenditure under this item is very largely assigned to prepayments, on the basis of contracts signed with the Luxembourg authorities, in respect of ongoing building projects, principally the new Palais project, which became necessary owing to the two recent enlargements. The construction/renovation works were, for the most part, completed in 2008, enabling the Members and staff of the Court of Justice to move into the new buildings on schedule.

Title 3 (*Expenditure resulting from special functions carried out by the institution*): the expenditure in question, for which the Court is liable, relates to legal aid, covering lawyers’ fees and other expenses. It is difficult to estimate such expenditure because the budget implementation varies greatly from year to year.

Title 10 (*Other expenditure*): no budget funding was allocated to this Title in 2008 therefore no observations were made.