2002 discharge: EC general budget, Court of Justice

2003/2213(DEC) - 21/04/2004 - Text adopted by Parliament, single reading

In adopting the report by Gabriele STAUNER (EPP-ED, D), the European Parliament voted to grant the Registrar of the Court of Justice discharge in respect of the implementation of the budget for the 2002 financial year. In an accompanying resolution, the Parliament notes the replies given by the Court of Justice on 17 December 2003 to the questionnaire sent by the Committee on Budgetary Control on 26 November 2003. It also states that as from next year the Court of Justice will forward to the European Parliament a report summarising the number and type of internal audits carried out, the recommendations made and the action taken on those recommendations. On the issue of non-official use of official cars, the Parliament notes that the Court of Justice, in addition to the official journeys authorised by it or by its President, defrays the cost of the use of official cars by its Members up to a ceiling of 30 000 km a year (Members of the Court of First Instance: 25 000 km; President of the Court of First Instance: 30 000 km). It notes that the Members of the Court thus enjoy benefits in kind although no corresponding decision has been taken by the EU Council of Ministers, which is responsible for their emoluments. The Court of Justice is called upon to amend its rules by 1 July 2004 to require its Members themselves to bear in full the cost of non-official use of official cars. On the issue of increases in remuneration as a result of weightings, Parliament notes that on the basis of an internal administrative ruling the Members of the Court of Justice have the possibility of benefiting from increases in remuneration by having it transferred in part to other EU Member States, and taking advantage of 'weightings' in the process, rather than receiving a transfer to accounts in their country of employment, Luxembourg. It points out that the decision is an internal administrative ruling by the Court of Justice and can under no circumstances be regarded as a ruling in its judicial capacity. It is pointed out that a decision by the Court of Justice's Administrative Committee was taken on 25 September 2002, but that, on a proposal by the Council, Parliament and the Council subsequently deleted a remark from the Court of Justice's 2003 preliminary draft budget (Item A-1090) which provided for weightings to be applied 'by analogy' with the provisions of the Staff Regulations of Officials to the Members of the Court of Justice too. Parliament notes that, in doing so, the budgetary authority made it perfectly clear that it expected an end to be put to the practice, which, since 1 January 2003, has not been authorised either by provisions in the relevant regulations on the remuneration of Members of the Institutions or by corresponding remarks in the budget. It also points out that the Members of the Commission no longer claim weightings and calls on the Members of the Court of Justice to follow that example. Parliament requests in this connection what progress the Court has made in establishing a specific legal basis for the application of weightings, as insisted on by Parliament. Parliament is pleased that the Court of Justice adheres to the same 'whistleblower's doctrine' as the Commission. It notes that such a doctrine is only truly effective if staff members are aware of it and encourages the Court of Justice to ensure thatthis information is freely available to its staff. Lastly, Parliament invites its Committee on Budgets to place part of the 2005 administrative appropriations for the Court of Justice in reserve if there is no satisfactory response to the concerns raised in this resolution over non-official car use and the system of salary weightings.