

Basic information

2008/2278(DEC)

DEC - Discharge procedure

2007 discharge: EU general budget, Court of Justice

Subject

8.70.03.07 Previous discharges

Procedure completed

Key players

European
Parliament

Committee responsible

CONT Budgetary Control

Rapporteur

SØNDERGAARD Søren Bo
(GUE/NGL)

Appointed

26/03/2008

Committee for opinion

AFET Foreign Affairs

Rapporteur for opinion

The committee decided not to give an opinion.

Appointed

DEVE Development

The committee decided not to give an opinion.

INTA International Trade

The committee decided not to give an opinion.

BUDG Budgets

The committee decided not to give an opinion.

ECON Economic and Monetary Affairs

The committee decided not to give an opinion.

EMPL Employment and Social Affairs

The committee decided not to give an opinion.

ENVI Environment, Public Health and Food Safety

The committee decided not to give an opinion.

ITRE Industry, Research and Energy

The committee decided not to give an opinion.

IMCO Internal Market and Consumer Protection

The committee decided not to give an opinion.

TRAN Transport and Tourism	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
PECH Fisheries	The committee decided not to give an opinion.	
CULT Culture and Education	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
PETI Petitions	The committee decided not to give an opinion.	

Council of the European Union	Council configuration	Meetings	Date
	Economic and Financial Affairs ECOFIN	2922	2009-02-10
European Commission	Commission DG	Commissioner	
	Budget	KALLAS Siim	

Key events			
Date	Event	Reference	Summary
		SEC(2008)2359	Summary

23/07/2008	Non-legislative basic document published		
20/11/2008	Committee referral announced in Parliament		
16/03/2009	Vote in committee		Summary
20/03/2009	Committee report tabled for plenary	A6-0151/2009	
21/04/2009	Debate in Parliament		
23/04/2009	Decision by Parliament	T6-0261/2009	Summary
23/04/2009	Results of vote in Parliament		
23/04/2009	End of procedure in Parliament		
26/09/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/2278(DEC)
Procedure type	DEC - Discharge procedure
Legal basis	Rules of Procedure EP 102
Stage reached in procedure	Procedure completed
Committee dossier	CONT/6/67175

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE416.559	28/01/2009	
Amendments tabled in committee		PE421.129	23/02/2009	
Committee report tabled for plenary, single reading		A6-0151/2009	20/03/2009	
Text adopted by Parliament, single reading		T6-0261/2009	23/04/2009	Summary
European Commission				
Document type	Reference	Date	Summary	
Non-legislative basic document	SEC(2008)2359 	23/07/2008	Summary	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N6-0003/2009 OJ C 286 10.11.2008, p. 0001	10/11/2008	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Budget 2009/0635 OJ L 255 26.09.2009, p. 0074	Summary

2007 discharge: EU general budget, Court of Justice

2008/2278(DEC) - 23/04/2009 - Final act

PURPOSE: to grant discharge to the Court of Justice for the financial year 2007.

LEGISLATIVE ACT: Decision 2009/635/EC of the European Parliament on the discharge for implementation of the European Union general budget for the financial year 2007 (Section IV - Court of Justice).

CONTENT: with the present decision, the European Parliament grants the Registrar of the Court of Justice discharge in respect of the implementation of the budget for the financial year 2007.

This decision is in line with the European Parliament's resolution adopted on 23 April 2009 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 23/04/2009).

2007 discharge: EU general budget, Court of Justice

2008/2278(DEC) - 23/07/2008 - Non-legislative basic document

PURPOSE: to present the final annual accounts of the European Communities for the financial year 2007 - 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 2007. It does not cover the details of the implementation of the expenditure by the institution due to the unavailability of the relevant document.

However, it does cover the figures for the Court of Justice's expenditure as presented in volume I of the [consolidated annual accounts of the European Communities](#) for the year 2007.

CONTENT: the summary of the consolidated annual accounts of the European Communities for the year 2007 show that the Court of Justice's expenditure was as follows:

Commitment appropriations:

- commitment appropriations authorised: EUR 275 million;
- commitments made in 2007: EUR 266 million (implementation rate of 96.84%);
- appropriations carried over to 2008: EUR 2 million (0.59% of total commitments);
- appropriations lapsing: EUR 7 million (2.57% of the budget).

Payment appropriations:

- payment appropriations authorised: EUR 288 million;
- payments made in 2007: EUR 265 million (implementation rate of 91.93%);
- appropriations carried over to 2008: EUR 15 million (5.04% of total payments);
- appropriations lapsing: EUR 9 million (3.03% of the budget).

Main axes of expenditure for 2007: overall, two main areas of expenditure characterised the Court's activity in 2007:

1. further institutional changes and internal reorganisation (including of its working methods);
2. work related to the institution itself (mostly of a legal nature and developments in case law).

(1) Institutional changed - reorganisation of work: the main development in 2007 for the Court as an institution was the completion of the legislative process for the establishment of an urgent preliminary ruling procedure enabling questions relating to the area of freedom, security and justice that are

referred for a preliminary ruling to be dealt with expeditiously and appropriately. Specifically, by decision of 20 December 2007, the Council adopted the amendments to the Statute and to the Rules of Procedure of the Court of Justice designed to establish an urgent preliminary ruling procedure. This is a new type of preliminary ruling procedure, created to deal with cases that are currently covered by Title IV of the EC Treaty (visas, asylum, immigration and other policies related to free movement of persons) and Title VI of the Treaty on European Union (provisions on police and judicial cooperation in criminal matters). After establishing that existing procedures were not capable of ensuring that this category of cases would be dealt with sufficiently expeditiously, the Court proposed the creation of this new procedure in order to be able to decide such cases within a particularly short time and without delaying the handling of other cases pending before the Court;

(2) Judicial activity - delivering judgments: the [statistics concerning the Court's judicial activity in 2007](#) reveal a distinct improvement compared with the preceding year. In particular, the reduction, for the fourth year in a row, of the duration of proceedings before the Court should be noted, as should the increase of approximately 10 % in the number of cases completed compared with 2006. The Court:

- completed 551 cases in 2007 compared with 503 in 2006 (net figures, that is to say, taking account of the joinder of cases). Of those cases, 379 were dealt with by judgments and 172 gave rise to orders. The number of judgments delivered and orders made in 2007 is appreciably higher than in 2006 (351 judgments and 151 orders);
- had 580 new cases brought before it, the highest number in its history, representing an increase in new cases of 8% compared with 2006 and 22.3% compared with 2005. The number of cases pending at the end of 2007 (741 cases, gross figure) did not, however, increase significantly beyond the number at the end of 2006 (731 cases, gross figure);
- saw a constant reduction in the duration of proceedings: so far as concerns references for a preliminary ruling, the average duration of proceedings was 19.3 months, compared to 19.8 months in 2006 and 20.4 months in 2005. In 2007, the average time taken to deal with references for a preliminary ruling reached its shortest since 1995. The average time taken to deal with direct actions and appeals was 18.2 months and 17.8 months respectively (20 months and 17.8 months in 2006).

During the year, the Court made use, to differing degrees, of the various instruments at its disposal to expedite the handling of certain cases (priority treatment, the accelerated or expedited procedure, the simplified procedure, and the possibility of giving judgment without an opinion of the Advocate General). Eight requests were made to the Court for use of the expedited or accelerated procedure, but the cases did not display the exceptional circumstances (of urgency) required by the Rules of Procedure. On the other hand, priority treatment was granted in five cases.

Lastly, the Court made significantly more frequent use of the possibility offered by Article 20 of the Statute of determining cases without an opinion of the Advocate General where they do not raise any new point of law. About 43% of the judgments delivered in 2007 were delivered without an opinion (compared with 33% in 2006).

As regards the distribution of cases between the various formations of the Court, it may be noted that:

- the Grand Chamber dealt with approximately 11%;
- chambers of five judges with roughly 55%, and;
- chambers of three judges with about 33% of the cases brought to a close in 2007.

2007 discharge: EU general budget, Court of Justice

2008/2278(DEC) - 10/11/2008

PURPOSE: to present the report of the Court of Auditors on the implementation of the budget for the financial year 2007 (other institutions – Court of Justice).

CONTENT: in its annual report for the financial year 2007, the Court focuses on the legality and regularity of the operating expenditure of the institutions. In 2007, the Court notes that all the institutions operated satisfactorily the supervisory and control systems required by the Financial Regulation and the transactions tested were free from material error of legality and regularity.

However, the Court draws attention to a number of findings which should be taken into consideration by the institutions concerned.

In the specific case of the audit of the **Court of Justice**, the Court notes the following issues:

Contract staff: the audit noted that the decision of the administrative committee of the Court of Justice relative to the recruitment and employment of contract staff does not set out any selection procedure for 'contract staff for auxiliary tasks'. Consequently, there are no formal selection procedures established by the Court of Justice for the recruitment of staff under short-term contracts to replace certain persons who are unable to perform their duties. For example, when language units at the translation service need to replace translators on maternity leave, the selection of replacement contract staff is at the discretion of the relevant head of service. Because of the absence of specific selection procedures for 'contract staff for auxiliary tasks' (including, for example, the use of selection committees) the provisions applied at the Court of Justice do not ensure that in such cases the requirements set out in the 'Conditions of employment of other servants of the European Communities' are fully complied with and any risk of the appearance of non-objective selection is avoided.

The Court states that this type of recruitment only takes place in exceptional circumstances, to bring in additional staff to help deal with an unusually heavy workload in a particular area. The Court has no knowledge of any case where it could be said that the decision to recruit could have been influenced by non-objective elements. All agents recruited for these auxiliary tasks fulfilled the requirements for the job as regards legal qualifications, knowledge of languages and experience in legal translation.

2007 discharge: EU general budget, Court of Justice

The European Parliament adopted by 570 votes to 19, with 38 abstentions, a decision to grant the Court of Justice's Registrar discharge in respect of the implementation of its budget for the financial year 2007. The decision to grant discharge is also an approval of the closure of the accounts of this institution.

Furthermore, the Parliament adopted a resolution with observations which form an integral part of the decision to grant discharge. The resolution points out that in 2007 the European Court of Justice (ECJ) had commitment appropriations available amounting to a total of EUR 275 million (compared to EUR 252 million in 2006), with a utilisation rate of 96.84%, higher than last year.

The other main points of the resolution can be summarised as follows:

- **Code of conduct:** noting with satisfaction the adoption by the ECJ of a code of conduct applying to Members and former Members of the Court of Justice, the Court of First Instance and the Civil Service Tribunal (including an obligation to submit a declaration of financial interests), the Parliament calls for the publication of this document, in the interest of transparency. Moreover, it proposes the appointment of an independent monitoring officer whose task would be to report annually and publicly on received declarations in order to ensure credible monitoring and control;
- **Recruitment:** the Parliament notes that, in 2007, the number of officials and agents in service (members of temporary staff and contract agents) increased over the year by 7.9% to a total of 1 928, principally due to the accession of Bulgaria and Romania. It therefore welcomes the improvement in the recruiting of qualified staff but regrets the absence of specific selection procedures for contract staff for auxiliary tasks and requests that appropriate selection procedures be put in place for this category of contract staff as well;
- **Internal audit:** the Parliament welcomes the administrative changes made within the Court in terms of auditing and notes that a new procedure for disposing of fixed assets was introduced in the context of the setting up, during 2007, of a new integrated system for management and financial control (SAP), representing substantial budget savings and gains in efficiency for the three institutions involved. It also welcomes the reduction in the number of negotiated contracts as a proportion of the number of contracts awarded from 34% in 2006 to 32% in 2007;
- **Duration of proceedings:** the Parliament welcomes for the fourth consecutive year the **reduction in the duration of proceedings** before the ECJ, as well as an increase in the number of cases completed. It notes with concern, however, that the backlog of pending cases increased for all three courts and, in particular, for the Court of First Instance (+12%).

Although the Parliament welcomes the measures taken by the Court to increase transparency, it regrets the fact that rules on procurement are still excessively cumbersome for smaller institutions. It therefore calls on the Commission to study the Court's Financial Regulation in order to ensure that this institution's concerns are fully taken into account.