Basic information	
2009/2071(DEC) DEC - Discharge procedure	Procedure completed
2008 discharge: EU general budget, Court of Justice **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	CZARNECKI Ryszard (ECR)	01/10/2009

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
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.	02/09/2009
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.	

European Commission

Commission DG	Commissioner
Budget	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
23/07/2009	Non-legislative basic document published	SEC(2009)1089	Summary
07/10/2009	Committee referral announced in Parliament		
23/03/2010	Vote in committee		Summary
26/03/2010	Committee report tabled for plenary	A7-0079/2010	

21/04/2010	Debate in Parliament		
05/05/2010	Decision by Parliament	T7-0094/2010	Summary
05/05/2010	Results of vote in Parliament		
05/05/2010	End of procedure in Parliament		
25/09/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/2071(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/00606

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE430.314	02/02/2010	
Amendments tabled in committee		PE439.353	03/03/2010	
Committee report tabled for plenary, single reading		A7-0079/2010	26/03/2010	
Text adopted by Parliament, single reading		T7-0094/2010	05/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2009)1089	23/07/2009	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Document attached to the procedure	N7-0036/2009 OJ C 269 10.11.2009, p. 0001	10/11/2009	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2010/0500
OJ L 252 25.09.2010, p. 0085 Summary

2008 discharge: EU general budget, Court of Justice

2009/2071(DEC) - 05/05/2010 - Final act

PURPOSE: to grant discharge to the Court of Justice for the financial year 2008.

LEGISLATIVE ACT: Decision 2010/500/EU of the European Parliament on the discharge for implementation of the European Union general budget for the financial year 2008 (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 2008.

This decision is in line with the European Parliament's resolution adopted on 5 May 2010 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 5 May 2010).

2008 discharge: EU general budget, Court of Justice

2009/2071(DEC) - 23/07/2009 - Non-legislative basic document

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.

2008 discharge: EU general budget, Court of Justice

2009/2071(DEC) - 05/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a decision on discharge to be granted to the Court of Justice's Registrar in respect of the implementation of its budget for the financial year 2008.

Furthermore, Parliament adopted a resolution with observations which are an integral part of the decision to grant discharge.

Parliament cites that in 2008 the European Court of Justice (ECJ) had commitment appropriations available amounting to a total of **EUR 297 million** (2007: EUR 275 million), with a utilisation rate of 98.20%, higher than the average of the other institutions (95.67%).

Parliament notes that the Court of Auditors indicated in its annual report that its audit of a contract the ECJ concluded for the provision of services (following a joint open tender procurement procedure with a Member State) showed weaknesses in the internal control system for performing this tendering procedure. Taking account of the various enlightenments provided by the Court of Justice on this issue, Parliament endorses the Court of Auditor's suggestion that **enhanced procurement procedures should be established**.

Parliament also welcomes the following elements:

- the effective operation of the recently established ECJ's Internal Audit unit;
- the constant reduction in the duration of proceedings before the ECJ, in particular, a significant reduction in the duration of preliminary ruling procedures (even if this reduction is not yet satisfactory);
- the fact that the Court of First Instance in 2008 showed a 52 % increase in the number of cases decided, as well as a certain decrease in the duration of proceedings, which is not yet satisfactory;
- the new integrated system for management and financial control (SAP), in operation since 1 January 2008, which has enabled budget savings and gains in efficiency for the three institutions involved (the Council, the ECJ and the Court of Auditors);
- the ongoing successful interinstitutional cooperation with the Court of Auditors as regards training.

Parliament regrets the reluctance of the ECJ to publish its members' declarations of financial interests and requests that it implements this practice without delay.

2008 discharge: EU general budget, Court of Justice

2009/2071(DEC) - 10/11/2009

PURPOSE: to present the report of the Court of Auditors on the implementation of the budget for the financial year 2008 (other institutions - European Court of Justice).

CONTENT: in its annual report for the financial year 2008, the Court focuses on the legality and regularity of the operating expenditure of the institutions. In 2008, the Court carried out audits in all the institutions on the following selected topics (procurement contracts, late payment penalties, payments on carried-over appropriations, transfers of acquired pension rights, etc…). In addition, the Court assessed the compliance of the supervisory and control systems applied by each institution with the requirements of the Financial Regulation.

In 2008, 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**.

Although the legality and regularity of the transactions underlying the accounts have been confirmed by the Court of Auditors, it does however draw attention to a number of findings which should be taken into consideration by the institutions concerned.

Nevertheless, in the specific case of the audit of the **Court of Justice**, the following is noted:

Procurement procedure as regards the new building complex: in 2008, the Court of Justice concluded a contract for the provision of services, following a joint open tender procurement procedure with a Member State . The Court's audit of the contract showed weaknesses in the internal control system for performing this tendering procedure. These led to an overly short deadline for tenderers to obtain the tender specifications, and the announcement in the contract notice both of the obligation to submit tenders in one language only and of the holding of a closed meeting for the opening of tenders.

The Court of Justice states that with regard first of all to the scheduling of the procedure, the joint contracting authorities were required to reconcile, in their own interest and in that of the tenderers, the need to award the contract at a date enabling the successful tenderer to be operational as soon as the new building complex was delivered with the need, having regard to the complexity of the contract, to provide for a period of sufficient length to allow the tenderers to prepare their tender in good conditions. That is why the timetable, although observing the time-limits formally prescribed by the financial regulation, was unavoidably constricted as regards the period allowed for the candidates to request the call for tender documents. As for the other weak points highlighted by the Court, they were the result of administrative mistakes and were, of course, not deliberate. Lastly, the Court will use its best endeavours, so far as the number of staff available permits, to continue to improve its arrangements in this field of tendering procedures.