Basic information

2012/2170(DEC) DEC - Discharge procedure	Procedure completed
2011 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)	29/02/2012
	Shadow rapporteur DEUTSCH Tamás (PPE) SONIK Bogusław (PPE) KALFIN Ivailo (S&D) SKYLAKAKIS Theodoros (ALDE) STAES Bart (Verts/ALE) SØNDERGAARD Søren Bo (GUE/NGL) ANDREASEN Marta (EFD) EHRENHAUSER Martin (NI)	

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	LICHTENBERGER Eva (Verts/ALE)	18/09/2012
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
25/07/2012	Non-legislative basic document published	COM(2012)0436	Summary
13/09/2012	Committee referral announced in Parliament		
19/03/2013	Vote in committee		
21/03/2013	Committee report tabled for plenary	A7-0090/2013	Summary
16/04/2013	Debate in Parliament		
17/04/2013	Decision by Parliament	T7-0127/2013	Summary
17/04/2013	Results of vote in Parliament		
17/04/2013	End of procedure in Parliament		
16/11/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/2170(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/10361

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	JURI	PE500.526	28/01/2013	
Committee draft report		PE497.967	29/01/2013	
Amendments tabled in committee		PE506.049	27/02/2013	
Committee report tabled for plenary, single reading		A7-0090/2013	21/03/2013	Summary
Text adopted by Parliament, single reading		T7-0127/2013	17/04/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05752/2013	01/02/2013	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2012)0436	25/07/2012	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N7-0127/2012 OJ C 344 12.11.2012, p. 0001	06/09/2012	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2013/0545
OJ L 308 16.11.2013, p. 0118 Summary

2011 discharge: EU general budget, Court of Justice

2012/2170(DEC) - 25/07/2012 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2011, as part of the 2011 discharge procedure.

Analysis of the accounts of the EU Institutions: Section IV – **Court of Justice**.

Legal reminder: the consolidated annual accounts of the European Union for the year 2011 have been prepared on the basis of the information presented by the institutions and bodies under Article 129.2 of the Financial Regulation applicable to the general budget of the European Union. They were prepared in accordance with Title VII of this Financial Regulation and with the accounting principles, rules and methods set out in the notes to the financial statements.

The objective of the financial statements is to provide information about the financial position, performance and cashflows of an entity that is useful to a wide range of users. The objective is to provide information useful for decision making, and to demonstrate the accountability of the entity for the resources entrusted to it.

1) Purpose: the document helps to bring insight into the EU budget mechanism and **the way in which the budget has been managed and spent in 2011**. It recalls that the European Union's operational expenditure covers the various headings of the financial framework and takes different forms, depending on how the money is paid out and managed. In accordance with the Financial Regulation, the Commission implements the general budget using the following methods: direct or indirect centralised management (by means of bodies or agencies of public law or other); decentralised management where the Commission delegates certain tasks for the implementation of the budget to third countries; and, thirdly, shared management where budget implementation tasks are delegated to Member States, in areas such as agricultural expenditure and structural actions.

The document also presents the different financial actors involved in the budget process (accounting officers, internal officers and authorising officers) and recalls their respective roles in the context of the tasks of sound financial management.

Amongst the other legal elements relating to the implementation of the EU budget presented in this document, the paper focuses on the following issues:

- accounting principles applicable to the management of EU spending (business continuity, consistency of accounting methods, comparability of information ...);
- consolidation methods of figures for all major controlled entities (the consolidated financial statements of the EU comprise all significant controlled entities –institutions, organisations and agencies, this being 50 controlled entities, 5 joint ventures and 4 associates. In comparison with 2010, the scope of consolidation has been extended by 7 controlled entities (one institution, 6 agencies);
- the recognition of financial assets in the EU (tangible and intangible assets, financial assets and other miscellaneous investments);
- the way in which EU public expenditure is committed and spent, including pre-financing (cash advances intended for the benefit of an EU organ);
- the means of recovery following irregularities detected;
- the *modus operandi* of the accounting system;
- the audit process followed by the European Parliament's granting of the discharge.

To recap, the **final control is the discharge of the budget for a given financial year**. **The discharge represents the political aspect of the external control of budget implementation** and is the decision by which the European Parliament, acting on a Council recommendation, "releases" the Commission from its responsibility for management of a given budget by marking the end of that budget's existence. When granting the discharge, Parliament may highlight some observations that it considers important, often by recommending that the Commission **takes action on the aspects in question**.

The document also details specific expenditure of the institutions, in particular: i) pensions of former Members and functionaries of institutions; ii) joint sickness insurance scheme and iii) buildings.

Lastly, the document presents a series of tables and detailed technical indicators on (i) the balance sheet; (ii) the economic outturn account; (iii) cashflow tables; (iv) technical annexes concerning the financial statements.

2) Implementation of appropriations under Section IV of the budget for the financial year 2011: the document comprises a series of detailed tables, the most important concerning the implementation of the budget. Concerning the expenditure of the Court of Justice, information drawn from the "Annual Report 2011 of the Court of Justice of the European Union" shows that:

- the total of commitments granted to this institution for 2011 was **EUR 341.2 million**;
- the rate of payments was 98.4%.

3) Budgetary implementation - conclusions: the main characteristics of the Court of Justice's budgetary implementation for the financial year 2011 were chiefly marked by:

- **greater intensity of judicial activity:** with 1 569 new cases and 1 518 cases closed, the Court saw a sharp rise in the number of proceedings brought before the three courts, and settled by them. Nevertheless, this increase in the volume of cases calls for a certain vigilance on the part both of the Court of Justice of the European Union and of the legislative authorities of the Union, in order that the effectiveness of the judicial system of the Union may not be jeopardised and in order that European citizens may continue to be served as well as is possible. With that in mind, the Court last year proposed a series of amendments to its Statute and a thorough recasting of its Rules of Procedure with a view, on the one hand, to improving its and the General Court's efficiency and productivity and, on the other, to modernising its procedures;
- **IT projects:** the objective was to bring the Court closer to the citizen. The opening of the e-Curia system which enables procedural documents to be lodged and served electronically, the launch of a more efficient, new search engine for consulting case-law and the putting on line of the catalogue of the Court's library are designed to make the Court of Justice more accessible and more transparent;
- **replacement of certain members of the institution:** 2011 also saw the departure of the President and two members of the Civil Service Tribunal as a result of the partial renewal of its membership, and the departure of one member of the Court of Justice and of one member of the General Court.

2011 discharge: EU general budget, Court of Justice

2012/2170(DEC) - 06/09/2012

OBJECTIVE: presentation of the Report of the Court of Auditors on the 2011 budget (section IV – European Court of Justice).

CONTENT: the Court of Auditors published its 35th Annual Report on the implementation of the EU budget for the 2011 financial year.

In accordance with the tasks and objectives conferred on the Court of Auditors by the Treaty on the Functioning of the European Union, it provides under the discharge procedure, for both the European Parliament and Council, a statement of assurance ("DAS") about the reliability of the accounts and the legality and regularity of the transactions of each institution, body or agency of the EU, based on an independent external audit.

The audit also focuses on the budget implementation of the Court of Justice.

On the basis of its audit work, the Court considers that payments for "Administrative and other expenditure" policy are, overall, significantly error-free. **The estimated error rate is 0.1 %.**

The Court, however, draws attention to the errors and weaknesses which did not affect the Court's conclusion. The Court examined a sample of **procurement procedures** and noted several weaknesses in the application of selection and award criteria, some of which had an impact on the results of the procedure. Other weaknesses relate to the organisation of cross border competition, to the management of automatic award procedures and to the respect of provisions as regards the drafting and filing of tendering documents.

The Court also detects weaknesses when it reviewed a sample of calculations and **payments of social allowances** as well as a sample of employment contracts concluded with temporary agents.

The Court therefore recommends that the institutions and bodies of the EU take steps to: (i) guarantee that staff deliver, at appropriate intervals, **documents confirming their personal situation** and implement a system for the timely monitoring of these documents; (ii) ensure that authorising officers improve **the design, coordination and performance of procurement procedures** through appropriate checks and better guidance.

The Court also makes a number of comments specific to each institution or body of the European Union. These observations do not affect the positive overall appraisal given that they do not significantly affect overall administrative expenditure. However, in the specific case of the audit of the Court of Justice, the Court's audit **did not identify any significant weakness**.

2011 discharge: EU general budget, Court of Justice

2012/2170(DEC) - 01/02/2013

In view of the observations made in the Court of Auditor's report, the Council calls on the European Parliament **to grant discharge to all of the Union's institutions in regard to the implementation of their respective budgets for the financial year 2011**.

Overall, the Council's remarks are positive in regard to the expenditure of the institutions since it notes that, again in 2011, the administrative expenditure of EU institutions and bodies **remained free from material error and that their supervisory and control systems continued to comply** with the requirements of the Financial Regulation.

Nevertheless, the Council regrets that in some institutions **weaknesses were still detected in the payment of social allowances to staff members**, in the employment contracts for non-permanent staff and in procurement procedures.

It welcomes the measures already taken and encourages the institutions concerned to address the remaining weaknesses pointed out by the Court.

The Council notes the Court's recommendations that the institutions concerned should ensure that staff regularly deliver documents on their personal situation, that the relevant provisions are applied when concluding, extending or modifying employment contracts with non-permanent staff, and that the authorising officers further improve guidance and appropriate checks concerning procurement procedures.

2011 discharge: EU general budget, Court of Justice

2012/2170(DEC) - 21/03/2013 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Ryszard CZARNECKI (ECR, PL) in which it calls on the European Parliament to grant the Registrar of the Court of Justice discharge in respect of the implementation of the Court of Justice's budget for the financial year 2011.

Members welcome the fact that on the basis of its audit work, the Court of Auditors concluded that the payments as a whole for the year ended on 31 December 2011 for administrative and other expenditure of the institutions and bodies were free from material error. The Court of Auditors observed that no significant weaknesses had been identified in respect of the audited topics related to human resources and procurement for the Court of Justice.

Members also note that the Court of Justice had commitment appropriations amounting to EUR 336 million (more than 98% implementation rate).

On an operational level, Members express concern that the amount of pending cases in the General Court is still very high in 2011 (i.e. 1300 pending cases in 2010 and 1308 pending cases in 2011). They urge the Court of Justice to examine what type of organisational changes could lead to a the reduction in the number of pending cases and also believes that the General Court needs human resources reinforcement. They note that the Court of Justice completed 550 cases in 2011, an appreciable increase compared with the previous year (522 cases completed in 2010).

Members welcome the eCuria application enabling procedural documents to be lodged and notified electronically and has enabled the optimisation of internal work flows. However, they ask Parliament's Committee on Budgetary Control to be given an accurate description of costs relating to the creation, maintenance and updating of the eCuria application.

Overall, Members support the initiative taken by the Court of Justice to reform its Statute and Rules of Procedure in view of the challenges it faces in connection with the increased number of cases.

Members find the engagement of the Court of Justice in holding a **collection of works of art representative of the Union's artistic heritage** an ambitious project requiring specialised resources. They invite the Court of Justice to explain how this project articulates with the traditional activities of the Court of Justice. They take note that in 2012, the Court of Justice paid EUR 7500 to insure a collection valued at EUR 2 400 000.

2011 discharge: EU general budget, Court of Justice

2012/2170(DEC) - 17/04/2013 - Text adopted by Parliament, single reading

The European Parliament adopted by 553 votes to 45, with 11 abstentions, a decision to grant the Registrar of the Court of Justice discharge in respect of the implementation of the Court of Justice's budget for the financial year 2011.

In its resolution accompanying the discharge decision, Parliament notes that the Court of Auditors concluded that the payments as a whole for the year ended on 31 December 2011 for administrative and other expenditure of the institutions and bodies were free from material error. The Court of Auditors observed that no significant weaknesses had been identified in respect of the audited topics related to human resources and procurement for the Court of Justice.

Parliament also notes that the Court of Justice had commitment appropriations amounting to EUR 336 million (more than 98% implementation rate).

On an operational level, Parliament expresses concern that the amount of pending cases in the General Court is still very high in 2011 (i.e. 1300 pending cases in 2010 and 1308 pending cases in 2011). It urges the Court of Justice to examine what type of organisational changes could lead to a the reduction in the number of pending cases and also believes that the General Court needs human resources reinforcement. Members note that the Court of Justice completed 550 cases in 2011, an appreciable increase compared with the previous year (522 cases completed in 2010).

Overall, Parliament supports the initiative taken by the Court of Justice to reform its Statute and Rules of Procedure in light of the challenges it faces in connection with the increased number of cases.

eCuria: welcoming the e-Curia application, which came into operation in November 2011, enabling procedural documents to be lodged and notified electronically, Parliament asks to be informed of the measures taken to resolve informatics breakdowns which can affect the e-Curia performance. It stresses that e-Curia must, in due course, make it possible to do away with a great proportion of exchanges of correspondence and with the scanning of documents coming in and going out, and enable the optimisation of internal work flows and asks Parliament's Committee on Budgetary Control to be given an accurate description of costs relating to the creation, maintenance and updating of the e-Curia application. It considers very positive that by the end of 2012, 14 Member States, two European Free Trade Association countries and five European institutions (in particular Parliament, the Council and the Commission) were active users of e-Curia.

Lastly, Members find the engagement of the Court of Justice in holding a **collection of works of art representative of the Union's artistic heritage** an ambitious project requiring specialised resources. They invite the Court of Justice to explain how this project articulates with the traditional activities of the Court of Justice. They take note that in 2012, the Court of Justice paid EUR 7500 to insure a collection valued at EUR 2 400 000.

2011 discharge: EU general budget, Court of Justice

2012/2170(DEC) - 17/04/2013 - Final act

PURPOSE: to grant discharge to the Court of Justice for the financial year 2011.

NON-LEGISLATIVE ACT: Decision 2013/545/EU of the European Parliament on discharge in respect of the implementation of the European Union’s General Budget, section IV – Court of Justice, for the financial year 2011.

CONTENT: with the present decision, and in accordance with Article 318 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament grants discharge to the Registrar of the Court of Justice in respect of the implementation of the budget for the financial year 2011.

The decision is in line with the European Parliament's resolution adopted on 17 April 2013 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 17 April 2013).