

# Procedure file

Basic information		
DEC - Discharge procedure	2008/2278(DEC)	Procedure completed
2007 discharge: EU general budget, Court of Justice		
Subject 8.70.03.07 Previous discharges		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>CONT</b> Budgetary Control		
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>PETI</b> Petitions	The committee decided not to give an opinion.	
	<b>REGI</b> Regional Development	The committee decided not to give an opinion.	
	<b>AFCO</b> Constitutional Affairs	The committee decided not to give an opinion.	
	<b>DEVE</b> Development	The committee decided not to give an opinion.	
	<b>CULT</b> Culture and Education	The committee decided not to give an opinion.	
	<b>AFET</b> Foreign Affairs	The committee decided not to give an opinion.	
	<b>PECH</b> Fisheries	The committee decided not to give an opinion.	
	<b>AGRI</b> Agriculture and Rural Development	The committee decided not to give an opinion.	
	<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	<b>EMPL</b> Employment and Social Affairs	The committee decided not to give an opinion.	
	<b>BUDG</b> Budgets	The committee decided not to give an opinion.	
	<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.	
	<b>JURI</b> Legal Affairs	The committee decided not to give an opinion.	
	<b>ECON</b> Economic and Monetary Affairs	The committee decided not to give an opinion.	
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
	<b>INTA</b> International Trade	The committee decided not to give an opinion.	
	<b>IMCO</b> Internal Market and Consumer Protection	The committee decided not to give an opinion.	
<b>TRAN</b> Transport and Tourism	The committee decided not to		

give an opinion.

FEMM Women's Rights and Gender Equality

The committee decided not to give an opinion.

Council of the European Union

Council configuration

Meeting

Date

[Economic and Financial Affairs ECOFIN](#)

[2922](#)

10/02/2009

European Commission


Commission DG

Commissioner

[Budget](#)

KALLAS Siim

## Key events

22/07/2008	Non-legislative basic document published	SEC(2008)2359	Summary
20/11/2008	Committee referral announced in Parliament		
16/03/2009	Vote in committee		Summary
20/03/2009	Committee report tabled for plenary	<a href="#">A6-0151/2009</a>	
21/04/2009	Debate in Parliament		
23/04/2009	Results of vote in Parliament		
23/04/2009	Decision by Parliament	<a href="#">T6-0261/2009</a>	Summary
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 100
Stage reached in procedure	Procedure completed
Committee dossier	CONT/6/67175

## Documentation gateway

Non-legislative basic document	SEC(2008)2359	23/07/2008	EC	Summary
Court of Auditors: opinion, report	N6-0003/2009 <a href="#">OJ C 286 10.11.2008, p. 0001</a>	10/11/2008	CofA	Summary
Committee draft report	<a href="#">PE416.559</a>	28/01/2009	EP	
Amendments tabled in committee	<a href="#">PE421.129</a>	23/02/2009	EP	
Committee report tabled for plenary, single reading	<a href="#">A6-0151/2009</a>	20/03/2009	EP	
Text adopted by Parliament, single reading	<a href="#">T6-0261/2009</a>	23/04/2009	EP	Summary

## Final act

## 2007 discharge: EU general budget, Court of Justice

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

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The Committee on Budgetary Control adopted the report drawn up by Søren Bo SØNDERGAARD (GUE/NGL, DK) recommending that the Parliament grant the Court of Justice's Registrar discharge in respect of the implementation of its budget for the financial year 2007.

The committee recalls 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.

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), MEPs call for the publication of this document, in the interest of transparency. Moreover, they propose 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.

At the same time, MEPs note 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. They therefore welcome the improvement in the recruiting of qualified staff as well as in the tackling of some difficulties as regards certain posts (mainly interpreters and IT specialists). They regret, however, the absence of specific selection procedures for contract staff for auxiliary tasks and request that appropriate selection procedures be put in place for this category of contract staff as well.

MEPs also welcome the administrative changes made within the Court in terms of auditing and note 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.

MEPs also welcome 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.

They also welcome 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. They note with concern, however, that the backlog of pending cases increased for all three courts, and in particular for the Court of First Instance (+12%) due to an increase in the number of new cases introduced and to the ever-increasing complexity and diversity of actions brought before it.

Although MEPs welcome the measures taken by the Court to increase transparency, they regret the fact that rules on procurement are still excessively cumbersome for smaller institutions. They therefore call on the Commission to study the Court's Financial Regulation in order to ensure that this institution's concerns are fully taken into account.

## 2007 discharge: EU general budget, Court of Justice

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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.

## 2007 discharge: EU general budget, Court of Justice

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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).