

RESOLUTION (EU) 2020/1882 OF THE EUROPEAN PARLIAMENT**of 14 May 2020****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section IV — Court of Justice of the European Union**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section IV – Court of Justice of the European Union,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0027/2020),
- A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;
1. Notes with satisfaction that in its 2018 annual report, the Court of Auditors identified no significant weaknesses with respect to the audited topics relating to human resources and procurement for the Court of Justice of the European Union (the ‘CJEU’);
 2. Welcomes the conclusion of the Court of Auditors that the payments as a whole for the year ended 31 December 2018 in respect of the administrative expenditure of the CJEU were free from material error and that the examined supervisory and control systems were effective;
 3. Regrets, as a general observation, that chapter 10 ‘Administration’ of the 2018 annual report of the Court of Auditors has a rather limited scope and conclusions, notwithstanding the fact that the Multiannual Financial Framework Heading 5 ‘Administration’ is considered to be low risk;
 4. Notes that the Court of Auditors selected a sample of 45 transactions from the Multiannual Financial Framework Heading 5 ‘Administration’ for all Union institutions and bodies; notes that the sample was designed to be representative of the range of spending under Heading 5, which represents 6,3 % of the Union budget; notes that the work of the Court of Auditors indicates administrative expenditure as low risk; considers, however, that the number of transactions selected in relation to the ‘other institutions’ is not sufficient and asks the Court of Auditors to increase the number of transactions to be examined by at least 10 %;
 5. Notes that, in 2018, the CJEU’s budget amounted to EUR 410 025 089, compared to EUR 399 344 000 in 2017, corresponding to an increase of 2,67 %; notes an overall rate of implementation of 99,18 % (compared to 98,69 % in 2017);
 6. Welcomes the overall prudent and sound financial management of the CJEU in the 2018 budget period; notes the high budget implementation rate for Title 1 (persons working with the CJEU, representing 75 % of budget implemented) and Title 2 (buildings, furniture, equipment and miscellaneous operating expenditure, representing the rest of the budget implemented) amounting to 99,0 % and 99,8 % (compared to 98,6 % and 99,1 % in 2017);
 7. Acknowledges the CJEU’s efforts to avoid significant discrepancies between commitments (99,18 %) and payments (94,04 %); welcomes the fact that the CJEU monitors very closely the execution of its budget during the year by establishing monthly dashboards in order to ensure an optimal use of the resources available;

8. Highlights the CJEU's application of the principles of performance-based budgeting to all its administrative services; notes the establishment of specific objectives accompanied by one or more measurable indicators which are essential in the preparation of the annual budget; acknowledges the organisation of workshops with all services in order to harmonise the budgetary approach and exchange best practices;
9. Regrets, however, the increase in expenditure of 11,81 % between 2017 and 2018 in respect of budget item 2022 'Cleaning and maintenance' arising from a new building maintenance contract and other factors, in respect of which an estimate had not been made and which resulted in an increase in this budgetary line during 2018; calls on the CJEU to continue its efforts to prepare sound budget estimates;
10. Welcomes the fact that the implementation rate in respect of the final appropriations for meetings and conferences increased to 98,83 % in 2018 (compared to 81,40 % in 2017); recognises that this budget item is partly intended to finance official visits and ceremonial events for which budgetary planning is less predictable due to unforeseeable events;
11. Welcomes the CJEU's effort to publish its annual activity report on 29 April; notes that the CJEU continues to explore, in cooperation with other institutions, the possibility of bringing forward further its calendar, which would provide the discharge authority with more time to go into greater depth and to conduct the discharge procedure;
12. Acknowledges the CJEU's commitment to work towards the implementation of the recommendations of the Court of Auditors, in particular with regard to proactive case management with timetables adapted according to the nature and complexity of the different cases; recognises the CJEU's careful planning and monitoring to ensure a smooth continuity of judicial activity; notes that the average duration of proceedings in 2018 at the Court of Justice was 15,7 months (compared to 16,4 months in 2017) and at the General Court was 20 months (compared to 20,6 months in 2015 and 16 months in 2017); encourages the CJEU to continue its efforts to shorten the duration of proceedings whenever possible;
13. Recognises that the main priorities of the CJEU are to ensure a reasonable period of time for the handling of cases brought before the two Courts together with the preservation of the quality of decisions; notes that, due to a rigorous control system and a high level of vigilance, it was possible to achieve a reduction in the average duration of proceedings over recent years; notes, however, that this demands continual attention, in particular in the context of an increasing workload;
14. Welcomes the satisfaction expressed by users of the e-Curia application (which has become compulsory for the exchange of procedural documents between lawyers and the General Court as of 1 December 2018); notes that the use of e-Curia has not been made compulsory by the Court of Justice; encourages the Court of Justice to follow the good example of the General Court and to consider the compulsory introduction of e-Curia; commends the fact that this development has contributed both to the security and the speediness of such exchanges and to the improvement of the environment (through the reduced use of paper) and to the reduction of postal costs; encourages the CJEU to continue its efforts to achieve widespread digitalisation of all stages of the judicial process;
15. Takes into account the fact that further organisational and procedural measures are needed to enable the CJEU to cope with an ever-increasing workload while still respecting its objectives; notes that, on 26 March 2018, the CJEU (on the basis of the second paragraph of Article 281 of the Treaty on the Functioning of the European Union (TFEU)) made a request to amend Protocol No 3 on the statute of the Court of Justice of the European Union and that this legislative procedure came to an end with the adoption and entering into force of Regulation (EU, Euratom) 2019/629 of the European Parliament and of the Council⁽¹⁾;
16. Notes that the CJEU had 2 217 posts in 2018 composed of 1 413 officials (or 64 %), 650 temporary agents (or 29 %) and 154 contract agents (or 7 %) (compared to 2 180 posts in 2017);
17. Points out that the distribution of staff by sector of activity remains similar to that in previous years with at least 85 % of posts occupied by staff performing legal and linguistic activities; notes that the occupation rate of posts remained very high in 2018 (97 %) owing to the sustained volume of judicial work, which requires rapid and optimal recruitment to all vacant posts;

⁽¹⁾ Regulation (EU, Euratom) 2019/629 of the European Parliament and of the Council of 17 April 2019 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (OJ L 111, 25.4.2019, p. 1).

18. Reiterates that, in the context of the continued increase in the number of cases, a flexible allocation of resources, in particular of existing legal secretaries, could increase the effectivity of the CJEU; calls on the CJEU to report on concrete measures taken;
19. Expresses concerns that while 274 trainees worked at the CJEU in 2018, only 87 trainees were entitled to a monthly stipend of EUR 1 120; welcomes the fact that the CJEU adopted new rules regarding trainees and requested additional appropriations in order to be able to finance internship for trainees in members' cabinets from 2019 onwards; notes, however, that it remains the case that not all traineeships offered will be accompanied by a fair remuneration; instructs (with due regard to non-discrimination practices and fair remuneration) the CJEU to swiftly accept the decision to start paying all trainees; calls on the CJEU to ensure fair remuneration for all of its working staff;
20. Welcomes the reform of the General Court which brought improvements in reducing the backlog of cases and lowering the average duration of proceedings; notes that in 2018 the General Court closed 13 % more cases than in 2017 and reduced the number of pending cases by 12 %;
21. Welcomes the fact that the two courts comprising the CJEU closed a combined total of 1 769 cases in 2018 (which is a record in terms of productivity) and that this confirms the general trend between 2012 and 2018 of a major upswing in court activity;
22. Points out that in 2018 a record number of new cases were brought before the Court of Justice (a total of 849, which equals an increase of 15 % compared to 2017); welcomes the record number of closed cases (a total of 760, which equals an increase of 10 % compared to 2017);
23. Welcomes the fact that in 2018 the General Court passed the mark of 1 000 closed cases (1 009 in total) for the first time; highlights, at the same time, the significant reduction (12 %) in the number of cases pending compared to 2017 (1 333 on 31 December 2018, compared with 1 508 one year previously);
24. Notes a steady increase in the number of women in management positions which was 37,7 % in 2018, 35 % in 2016 and 30 % in 2013; notes that there are 27 female managers (21 posts in middle management and 6 posts in higher management) compared to 45 male managers in 2018; welcomes the CJEU's efforts to strengthen its policy on equal opportunities and diversity by setting up a special entity introducing and following-up concrete programmes, measures and awareness-raising meetings; calls on the CJEU to continue its efforts;
25. Notes, however, the persistent imbalance concerning the number of women among the judges of both the Court of Justice and the General Court; urges, once again, the Members of the Council to address this situation by actively promoting gender parity in the appointment of judges, in line with the principles enshrined in Article 8 TFEU and Article 23 of the Charter of Fundamental Rights of the European Union, and with the commitments made pursuant to Regulations (EU, Euratom) 2015/2422 of the European Parliament and of the Council⁽²⁾ and (EU, Euratom) 2019/629;
26. Reiterates that the geographical balance of staff, in particular in management positions, should be closely monitored; notes that only 15 of 57 heads of unit at the CJEU and 2 of its 13 directors are from Member States that have joined the Union since May 2004; encourages the CJEU once more to develop a policy to improve the geographical balance and to report back to the discharge authority in this regard;
27. Welcomes the CJEU's commitment to promote work-life balance measures such as the adoption of a decision allowing occasional teleworking in addition to structural teleworking arrangements; notes also the achievements within IT to improve remote access to work applications; notes further, with satisfaction, the efforts to protect the psychological health of the staff by providing the support of a psychologist, working part-time;

⁽²⁾ Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (OJ L 341, 24.12.2015, p. 14).

28. Expresses concern at the number of cases of burnout at the CJEU, which totalled 12 cases both in 2017 and 2018; asks the CJEU, therefore, to assess whether the workload is distributed proportionally across the different teams and members of staff;
29. Calls on the CJEU to publish on an annual basis a table with detailed data on its interinstitutional cooperation agreements with respect to fees, services and related matters; repeats the importance of interinstitutional cooperation through service level agreements for different domains, such as HR, security and IT; agrees with the recommendations of the internal audit service to increase the exchange of good practices with other institutions and to explore the possibilities of enhanced cooperation for contract preparation and contract management, such as in IT matters; regrets the lack of information given in response to Parliament's question relating to the cooperation of the CJEU with the European Anti-Fraud Office; encourages the CJEU to seek ways to increase its cooperation with the European Anti-Fraud Office;
30. Observes that the CJEU updated its data processing operations following the entry into force of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽³⁾; notes with appreciation that a specific procedure to report data breaches was set up;
31. Welcomes the efforts of the CJEU to improve the cybersecurity of the institution; notes that activities have been coordinated with the Computer Emergency Response Team for the EU institutions, bodies and agencies (CERT-EU) and with the Informatics Inter-institutional Committee subgroup on security;
32. Welcomes the internal audit on the proper functioning of the staff selection and recruitment procedures in order to identify synergies and streamlining opportunities to make them more effective; notes that an action plan was initiated in 2016 and completed in 2018 with the introduction of measures such as a new recruitment manual, new and updated modules for the HR management information system, the simplification of administrative circuits and the streamlining of vacancy notices drafting; notes the measures taken to improve the attractiveness of the CJEU and of the Luxembourg site in an interinstitutional context;
33. Highlights the internal auditor's follow-up to appraise whether the action taken by the departments audited is appropriate, effective and timely and to identify and record improvements made; notes with satisfaction that all audits carried out were closed without prejudice to any additional examinations;
34. Notes the CJEU's anti-fraud strategy to combat fraud, corruption and any illegal activity detrimental to the interests of the Union; notes that this strategy is founded on the relevant provisions of the Financial Regulation and the Staff Regulation, supplemented by a series of internal decisions and rules; acknowledges that the strategy is an integral part of the CJEU's risk management policy within the framework of the internal control system;
35. Acknowledges the CJEU's environmental management system based on Regulation (EC) No 1221/2009 of the European Parliament and of the Council ⁽⁴⁾; notes that the CJEU improved its environmental performance in 2018 compared to the base year 2015 as follows: a reduction in paper consumption of 15,5 %, a reduction in electricity consumption of 8,3 % and an increase in the number of videoconferences of 52,9 %; welcomes various additional projects, such as the reduction in single-use plastics, the reduction in the number of individual printers and participation (jointly with the other Union institutions based in Luxembourg) in the self-service bike system 'vel'OH';
36. Welcomes the CJEU's commitment to fully respect the timetable and budget for the work of the fifth extension of the CJEU's buildings (construction of the third tower offering an additional 50 000 m²) which will make it possible to gather all CJEU staff on a single site; notes the works on the upgrading of security measures and welcomes the fact that the CJEU's buildings are designed to ensure easy access for disabled people;
37. Welcomes the fact that savings in the order of EUR 100 million will be achieved over the 25 year depreciation period for that fifth extension, compared with the continuation of a policy of leasing, which clearly shows the value of the chosen building policy of purchase; underlines the outcome of Special report no. 34/2018 of the Court of Auditors on office accommodation of EU institutions, in which it made highly positive findings regarding the efficiency of the CJEU's buildings policy;

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽⁴⁾ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

38. Notes with interest that the staff committee of the CJEU in 2017 organised a survey about open spaces and presented the findings to the directors-general on 30 January 2018; welcomes the initiative of the CJEU in creating a working group featuring the director of buildings and security, the president of the staff committee and members of staff working in open spaces; notes that, following the recommendations of this working group, the information technology directorate converted part of its office space into individual offices; calls on the CJEU to share its insights from this experience with other institutions and with the Commission in particular;
39. Congratulates the CJEU for having been included by the European Ombudsman among the three finalists for the Award for Good Administration (category 'excellence through collaboration') in respect of the creation of the Judicial Network of the European Union; agrees that, in terms of transparency and cooperation, the launch of the secured platform in January 2018 (where previously undisclosed documents are made available to participating courts) is an important step in the correct direction;
40. Notes the launch of CJEU's redesigned website in June 2018 and the important steps and works undertaken in order to strengthen, clarify and simplify the information delivered to the public; welcomes a new product on the website named 'factsheets' which aims at presenting an overview of the reference case law in a specific area of Union law in all official languages; notes that a recent survey has shown a very high level of user satisfaction, with 80 % of users giving a rating between 4 and 5 out of 5;
41. Welcomes the CJEU's communication strategy which seeks to bring the CJEU closer to citizens; recognises the evolving budget for communication of the CJEU, totalling EUR 429 000 in 2018 (compared to EUR 330 500 in 2013); notes the short animated films which are made available in 23 official languages on the CJEU's YouTube channel (viewed by 82 800 in 2018), its presence on Twitter with more than 74 000 followers (compared to 42 000 in 2017), its outreach events (including seminars for journalists) and its open days;
42. Encourages the CJEU to broadcast its public hearings and to make the recordings available online; believes that this enhanced transparency would be in line with Article 15 TFEU and would benefit all who work or study in the legal field in the Union;
43. Points out that the Judicial Network of the European Union, which includes the Member States' constitutional and supreme courts, has been set up by the CJEU and is being coordinated by it;
44. Welcomes the fact that that a list of the missions (representation of the CJEU at a ceremony or an official event) carried out by members, in line with the revised code of conduct of the CJEU, is published on the CJEU's website and contains information such as the participating member's name and the purpose, the venue and the organiser of the event; calls on the CJEU to publish also the related costs (as is done by other Union institutions); reiterates its call on the CJEU to publish more detailed information concerning the external activities of members, including the purpose, date, venue and travel and subsistence costs of the listed events and whether they were paid by the CJEU or by a third party;
45. Welcomes the fact that members of the CJEU are subject to a code of conduct governing their independence, impartiality, integrity, commitment, collegiality, responsibilities and obligations; notes that the CJEU considers the declarations of financial interests of its members as an internal means to ensure impartiality and independence; calls on the CJEU to consider publication in the interest of public scrutiny;
46. Notes that the declarations of financial interests are necessarily of a self-declaratory nature and, given the current legal framework, the CJEU has no investigatory powers to ensure the veracity and the exhaustiveness of the declared data; calls on the CJEU to improve the system in cooperation with other Union institutions;
47. Reiterates its call on the CJEU to publish CVs and declarations of interest for all its members on its website; notes that short biographies of each member are published on the website (which do not, however, contain information on membership of any other organisations); notes that members are required to submit a declaration of their financial interests to the president of the court of the CJEU of which they are members on taking up their duties in line with the new code of conduct for members; calls on the CJEU to publish those declarations on its website;
48. Recognises the internal procedures to verify, before attributing a case to a member, on the basis of the declarations of interests, whether that member has a financial interest in the case; notes that the members contact the President of the court of the CJEU of which they are members whenever an issue relating to the interpretation of the code of conduct may arise and that the consultative committee is only convened in exceptional cases, e.g. when a complaint has been lodged against a member; asks the CJEU to advise Parliament's Committee on Budgetary Control as to the robustness of this mechanism;

49. Regrets the fact that it has not received information on the progress achieved relating to the internal procedures on 'revolving doors' for senior members of staff; reminds the CJEU of the strategic initiative conducted by the European Ombudsman in 2018 on how to implement the provisions laid down in the Staff Regulations on 'revolving door moves' of senior members of staff; calls on the CJEU to establish and to publish strict rules in this regard without delay;
 50. Notes the procedure related to the pre-recruitment declaration on the absence of conflicts of interests for new members of staff; notes further that the recruitment process has been modified to ensure that such declarations are assessed and that, if necessary particular measures are proposed to the appointing authority; notes also that the CJEU is working on rules governing the exercise of external activities by staff; calls on the CJEU to report on this to Parliament's Committee on Budgetary Control;
 51. Acknowledges the CJEU's procedures and internal rules to prevent all forms of harassment in the working place, which are published on its website; welcomes the information provided on how to initiate a formal or an informal procedure in case of inappropriate behaviour;
 52. Congratulates the interinstitutional network of counsellors (which involves the participation of all Union institutions located in Luxembourg and was set up in order to exchange best practices in the field of prevention of harassment and counselling); welcomes the intensive training provided to the CJEU's counsellors;
 53. Deplores the fact that it was not informed by the CJEU of plans to enhance the control system related to the use of official cars; underlines the requirement that drivers should only accompany members to their home countries in exceptional and justified cases; urges the CJEU to rapidly adopt measures to avoid situations in which drivers are going to members' home countries without having the member on board; underlines the high reputational and ethical risks these practices may carry for the CJEU; calls on the CJEU to report back to the discharge authority on progress achieved in this regard by June 2020;
 54. Notes that more than 40 % of the translation workload has been outsourced with the cost of an outsourced translated page in 2018 amounting to EUR 103,10 (compared to EUR 111,30 in 2017); notes that the cost of an in-house translated page in 2018 amounted to EUR 128,07 (compared to EUR 136,70 in 2017); notes that the internal cost includes all necessary sub-costs, such as IT, office space and similar; notes that under the current conditions the CJEU does not consider a further increase of the outsourcing rate advisable and that, due to the sensitive nature of the information handled by this institution, a part of the translation workload should remain in-house; asks the CJEU to explain to the Parliament's Committee on Budgetary Control the reasoning for this view;
 55. Acknowledges that members of staff from the United Kingdom have been informed that the appointing authority does not intend to require the compulsory resignation of officials who are no longer nationals of a Member State following the withdrawal of the United Kingdom from the Union; notes that, similarly, temporary and contract agents from the United Kingdom have been informed that an assessment based on the interests of the service will be made on a case-by-case basis;
 56. Highlights all the work achieved in recent years, in areas such as performance-based budgeting, the ethical framework with its many related rules and procedures, enhanced communication activities and the increasing number of measures to improve transparency; welcomes the substantial number of interinstitutional service and cooperation agreements; underlines the importance of collaboration and of sharing of experience among Union institutions and bodies; suggests that an analysis be made of the possibility of formalised networking activities in different domains in order to share best practises and to develop common solutions.
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