
EUROPEAN PARLIAMENT

Working Documents

1981 - 1982

30 October 1981

DOCUMENT 1-658/81

REPORT

drawn up on behalf of the Committee on Budgets

on ~~/~~ Section IV - Court of Justice - of the
draft general budget of the European Communities
for the financial year 1982

Rapporteur: Mr V. ANSQUER

On 25 May 1981 the Committee on Budgets appointed Mr ANSQUER rapporteur on Section IV 'Court of Justice' of the draft general budget of the European Communities for 1982.

At its meeting of 19/21 October 1981 the Committee on Budgets considered and adopted the draft amendments annexed.

At its meeting of 28 October 1981 it adopted the attached motion for a resolution by 17 votes in favour with 1 abstention.

Present: Mr LANGE, chairman; Mr NOTENBOOM, first vice-chairman; Mr ANSQUER, rapporteur; Mr ADONNINO, Mr BAILLOT, Mr BALFE, Mr BALFOUR, Mr FICH, Mr HELMS (deputizing for Mr LEGA), Mr HOWELL, Mr LANGES, Mr NEWTON DUNN, Mr NORD, Mr PRICE, Mr SABY, Mr Konrad SCHÖN, Mrs SCRIVENER and Mr SIMONNET.

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A

The Committee on Budgets hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on Section IV 'Court of Justice' of the draft general budget of the European Communities for the financial year 1982

The European Parliament,

- having regard to the draft general budget for the financial year 1982 drawn up by the Council (Section IV 'Court of Justice') and the explanatory memorandum thereto (Doc. 550/81),
- having regard to the report of the Committee on Budgets (Doc. 1-658/81),
 - (a) having regard, on the one hand, to the relative stability since 1973 of the establishment plan of the Court of Justice,
 - (b) having regard, on the other, to the growing demands placed upon the Court in view of the increase in its activity,
- having established the soundness of the requests for changes in the establishment plan submitted by the Court of Justice,
 - 1. Decides that the Court's establishment plan be increased by accepting in part, on the basis of amendments to the draft budget, the requests for new posts, all of which were rejected by the Council when it drew up the 1982 draft budget;
 - 2. Approves the overall level of appropriations for the Court, subject to the slight upward adjustments shown in the amendments adopted.

EXPLANATORY STATEMENTINTRODUCTIONESTABLISHMENT PLAN

1. Together with its estimates, the Court of Justice forwarded to the budgetary authority fairly comprehensive documentation on the growth and changes in its activities, as well as an exhaustive explanation of its requests for posts and appropriations on the basis of the increase in its activities.

The information submitted this year concerning the number of actions brought before the Court and of judgments delivered shows in particular that, by comparison with previous years, the number of actions brought is increasing sharply whilst the number of judgments is tending to decline (see statistical data in Annex I to this report).

It therefore becomes plain that the establishment of the Court is no longer large enough to meet the needs of that institution and that this would provide an additional justification, if any were necessary, for the requests for new posts submitted by the Court.

It should be noted in this context that one year ago, when Parliament adopted the draft budget of the Court of Justice for 1981, it once again stressed the need to create an administrative tribunal which would help to bring about a substantial reduction in the workload of the Court and would thus give the latter more time to deal as a matter of priority with the juridical problems arising in other sectors of Community activity.¹

2. In the 1981 budget procedure the Court of Justice submitted a request for a relatively substantial increase in its establishment plan. The number of posts requested then came to 122. Some of the requests were of course necessitated by the accession of Greece. Others, however, were motivated by the need for some strengthening of and structural adjustments to the Court's Secretariat in order to enable it to measure up to the growth in its activities. All in all, these requirements were especially urgent because, despite the rapid increase in the Court's activities following the 1973 enlargement, the institution's establishment had remained - at least by comparison with those of other Community institutions - rather static.

¹ See para. 7 of the resolution adopted by Parliament on 6.11.1980, OJ C 313/50

REQUESTS FOR 1982

3. For 1982 the Court renews its request for the creation of the 43 posts¹ refused in 1981, which, as from last year, formed an essential part of the posts needed for the Court to function properly.

In support of these requests the Court submitted, as was pointed out earlier, a justification describing the needs of each of the services to which these posts will be assigned.

THE COUNCIL'S DECISIONS

4. When drawing up the 1982 draft budget, the Council refused the Court's requests. The justification which appears in the Council's explanatory memorandum reads as follows: 'The Council has not granted any new posts to the Court of Justice. It has extended five temporary C3 posts for a period of 3 to 4 years'. The absence of any relevant explanation that would permit an evaluation of the Council's decisions is not merely regrettable from the standpoint of the Court of Justice. It constitutes a real obstacle in that Parliament is unaware of the reasons underlying the Council's decisions. Comments as inadequate as this cannot help along the interinstitutional dialogue between the two arms of the budgetary authority, although the dialogue is essential when budget estimates have to be assessed and approved.

ESTABLISHMENT AND APPROPRIATIONS FOR THE NEXT FINANCIAL YEAR

5. The Committee on Budgets quite understands that the Council should be motivated in its decisions by a general concern for budgetary stringency. It finds it however difficult to accept that this concern, which it shares, should give rise to such unfortunate consequences as, for example, the refusal of posts requested for the language service on the basis of an indisputable increase in the number of pages to be translated.

On the basis of the justification supplied by the Court of Justice, the Committee on Budgets finds it difficult not to approve the request for 7 LA posts and 4 C posts needed to augment the language service. It can be readily demonstrated that these requirements cannot be reduced further since they refer to one translator post (LA 6-5) for each language section and a number of secretarial posts which, according to the Court average, corresponds to one secretary for every two translators.

¹ 1 A, 6 B, 22 C, 1 D, 13 LA

6. It is clear also that the other requests regarded by the Court of Justice as essential and now reduced, including the posts for the language service, to 22 as against the 43 initially submitted to the Council, can in no way be regarded as ill-founded. The level of the posts (1 A5, 3 B, 7 C) other than those for the translation service demonstrates plainly that they are urgently needed for administrative duties, in particular because of the increased volume and complexity of the administrative activities of a number of the Court's services. The posts in question are broken down as follows:

- 1 A5 for the Documentation Service,
- 3 B: 1 B1 for the Information Service,
1 B3 for the Finance Division,
1 B5 for the Internal Services Division (Publications Section),
- 7 C: 1 C1 for the Internal Services Division, Typing Pool,
3 C3 for the Documentation Division, Internal Services Division
and Terminology Service,
3 C5 for the Internal Services Division, Typing Pool.

7. The Court has emphasized that all of the above posts (22 out of the initial 43) are the minimum that will enable it to cope with the increase in its work load and its responsibilities. It has already pointed out to the Council that it regarded as totally unacceptable a compromise, which it appeared that several members of the Council were prepared to endorse, under which only the 7 LA and 4 C posts for the Language Service referred to above would be approved. It has told the Council that it would stand by its overall compromise proposal relating to 22 posts in its discussions with Parliament.

RAPPORTEUR'S CONCLUSIONS

8. In the light of the justifications supplied by the Court, as regards both the increase in its activities and the assignment and level of the posts requested, the rapporteur considers that Parliament ought to approve the creation of the 22 posts requested by the Court.

ADMINISTRATIVE APPROPRIATIONS

9. The appropriations initially requested by the Court of Justice in the preliminary draft budget come to 29,612,970 ECU, representing an increase of 8.79% in comparison with the 1981 budget (26,030,930 ECU).

The Council has cut the amount requested to 27,594,870 ECU, which corresponds to a rate of increase of 8.66%. The Court has accepted the Council's decision to take account of the standard abatements applied to the estimates of all the institutions. The Court has, however, requested the Committee on Budgets to reinstate the appropriation for Article 142 'restaurants and canteens' of 24,000 ECU.

This request had in fact been endorsed by COREPER but overlooked by the Council. In support of this request the Court pointed out that it had been obliged to expand its canteen service, which had hitherto been unable to serve meals. Accordingly, the appropriation of 13,000 ECU shown in the draft budget, which is unchanged from 1981, should be increased to 24,000 ECU.

STATISTICAL DATAA. Actions brought* **

	1978		1979		1980		1981	
	Year	1.1.- 30.9.	Year	1.1.- 30.9.	Year	1.1.- 30.9.	Year	1.1.- 22.9.
References for preliminary rulings	104(123)	84(103)	106	78	99	71	-	81
Direct actions	76(123)	51(98)	53	41	64	41	-	99
Staff cases	22	17	61(1163)	31	55(116)	43(81)	-	43(77)
Opinions and rulings	2	1	-	-	-	-	-	-
Revisions	-	-	1	-	-	-	-	-
<u>TOTAL</u>	204(270)	153(219)	221(1323)	150	218(279)	155(193)	-	223(257)

B. Judgments***

	1978		1979		1980		1981	
	Year	1.1.- 30.9.	Year	1.1.- 30.9.	Year	1.1.- 30.9.	Year	1.1.- 22.9.
References for preliminary rulings	62	40	83	69	75	57	-	48
Direct actions	20	17	37	38	34	25	-	12
Staff cases	15	11	18	12	23	13	-	24
Opinions and rulings	1	-	1	-	-	-	-	-
Revisions	-	-	-	-	-	-	-	-
<u>TOTAL</u>	98	68	139	119	132	95	-	84

*The figures in parentheses represent the total number of actions, including groups of identical actions. The breakdown is as follows:

1978: 1 group of 20 references for preliminary ruling and
1 group of 48 direct actions;

1979: 10 groups involving a total of 1,112 staff cases;

1980: 1 group of 17 staff cases,
1 group of 23 staff cases and
1 group of 24 staff cases.

1981: 1 group of 35 staff cases.

**These figures do not include applications for interim rulings, for interpretation, for assessment of costs and for legal aid.

***These figures include interlocutory decisions but do not include orders ending a procedure.

EUROPEAN PARLIAMENT

. 26 . OCTOBER . 1981 . .

Doc-550/408



DRAFT
GENERAL BUDGET OF THE EUROPEAN COMMUNITIES
FOR THE FINANCIAL YEAR 1982

DRAFT AMENDMENT No. 408.

tabled by Mr ANSQUER, rapporteur, on behalf of the Committee on Budgets

SECTION IV - COURT OF JUSTICEEstablishment plan

- Create the following posts:

Cat. A	1 post	(1 A5)
Cat. B	3 posts	(1 B1, 1 B3, 1 B5)
Cat. C	11 posts	(1 C1, 1 C2, 4 C3, 2 C4, 3 C5)
Cat. LA	7 posts	(7 LA6)
Total	22 posts	

- Upgrade the following post:

1 A6 to A5.

A -- EXPENDITURE

Increase the payment appropriation by 422,890 ECU.

B -- COMPENSATION

-

C -- REVENUE

Increase revenue by 381,210 ECU.

JUSTIFICATION

For 1982 the Court of Justice requested the creation of 43 posts which had been refused by the Council the previous year. The Committee on Budgets has checked the soundness of the requests in question and acknowledges the fact that the Court, in its efforts to arrive at a compromise, has reduced its request to 22 posts. It feels that Parliament should approve the creation of these posts in the light of the evidence supplied as to the constant increase in the Court's activities.

EUROPEAN PARLIAMENT

26 OCTOBER 1981...

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1-550/409DRAFT
GENERAL BUDGET OF THE EUROPEAN COMMUNITIES
FOR THE FINANCIAL YEAR 1982

DRAFT AMENDMENT No. 409

tabled by MR ANSQUER, RAPPORTEUR, ON BEHALF OF THE COMMITTEE ON BUDGETS

SECTION IV - COURT OF JUSTICE

Article 140:	Restaurants and canteens
Item 1400:	Current operating expenses of the restaurants and canteens

A - EXPENDITURE

Increase the payment appropriation by 11,000 ECU (from 13,000 to 24,000 ECU)

B - COMPENSATION

-

C - REVENUE

Increase revenue by the same amount.

JUSTIFICATION

The Court needs a canteen capable of serving meals. This requirement has not been disputed by the Council, which, nevertheless, has neglected to increase the appropriation under Article 140 from the 1981 level (13,000 ECU) to the level requested by the Court in the preliminary draft (24,000 ECU). The Committee on Budgets has taken note of the Council's declaration to the effect that retention of the 1981 appropriation was due to a misunderstanding. It therefore accedes to the Court's request, which the Council does not oppose.

