# RESOLUTION

## of the European Parliament containing the comments accompanying the decision concerning discharge in respect of the implementation of the general budget of the European Union for the 2001 financial year — Section IV — Court of Justice

THE EUROPEAN PARLIAMENT,

— having regard to the Revenue and Expenditure Account and Balance Sheet in respect of the financial year 2001 (SEC(2002) 405 – C5-0244/2002),

— having regard to the annual report of the European Court of Auditors for the financial year 2001, together with the institutions' replies (C5-0538/2002) ([1]),

— having regard to the Statement of Assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the European Court of Auditors pursuant to Article 248 of the EC Treaty (C5-0538/2002),

— having regard to the Council's recommendation of 7 March 2003 (C5-0087/2003),

— having regard to Articles 272(10) and 275 of the EC Treaty,

— having regard to Article 22(2) and (3) of the Financial Regulation of 21 December 1977 ([2]) and Article 50 of the Financial Regulation of 25 June 2002 ([3]),

— having regard to Rule 93a and Annex V of its Rules of Procedure,

— having regard to the report of the Committee on Budgetary Control (A5-0101/2003/rev1),

1. Welcomes with satisfaction the progress made by the Court of Justice in improving the accounting management of its tangible fixed assets, in particular as regards its non-financial fixed assets; points out that those improvements have made it possible inter alia to correct the errors, identified by the Court of Auditors in its annual report for 2000, concerning the net accounting value of the non-financial fixed assets of the Court of Justice;

2. Notes that the Parliament has still not been sent the expert's report on invoicing irregularities ([4]) which it requested in its decision of 25 April 2002 concerning discharge for the financial year 2000 ([5]) and in the questionnaire sent with a view to analysis concerning discharge for the financial year 2001; points out that the same applies to the other expert's report on determining the expenditure which should not be included in the final statement of account;

3. Requests the Court of Justice to send Parliament the two reports referred to above by 1 June 2003;

4. Is grateful to the Court of Justice for submitting the report on its inventory ([6]) requested in paragraph 15 of Parliament's discharge decision of 25 April 2002; notes the Court's conclusion that with the introduction of the ELS (equipment logistic support) system it now has a database recording the whole of its movable assets in accordance with the Financial Regulation;

5. Expects the Members of the Institutions to repay the costs incurred if they use the official cars with which they are provided for non-official purposes; asks the Court of Justice to forward to Parliament by 30 June 2003 a report on the rules it has issued in this respect and on the amounts paid by Members in 2001 and 2002;

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([1]) OJ C 295, 28.11.2002, p. 1.
([2]) OJ L 356, 31.12.1977, p. 1.
([3]) OJ L 248, 16.9.2002, p. 1.
([4]) Replies to questionnaire PE 315.844 (Q4).
([5]) OJ L 158, 17.6.2002, p. 66.
([6]) Report by the Court of Justice, 24.6.2002.

6. Notes the remarks ([1]) by the Court of Auditors that the rules applying to the emoluments of Members of the Institutions do not provide a specific legal basis for the application of weightings when transferring part of these emoluments to a country other than the country of employment; considers that despite the Court of Justice's reply regarding the conclusions of its administrative committee meeting on 25 September 2002 (referring inter alia to Annex VII to the Staff Regulations) ([2]), the existence of a specific legal basis is necessary, in particular in view of enlargement, and asks the Court of Justice to initiate the necessary studies in order that a legal basis should be available for the 2004 budgetary exercise at the latest so as to permit the harmonisation of the rules governing the transfer of the emoluments of Members of the different Institutions to their countries of origin; requests the Court of Justice to reconsider, until a specific legal basis is available, the need to suspend the application of these weightings;

7. Notes the Court's current building projects involving the renovation of the 'Palais', a ring-shaped building around the 'Palais' and two towers containing offices; asks the Court to provide a report on the way in which it manages its existing buildings, new building projects, maintenance and infrastructures generally;

8. Notes that in 2001 the Court of Justice made an advance payment of EUR 2 884 849 to the Luxembourg authorities in respect of the lease/purchase of the annexes to the 'Palais' with the aim of reducing the amount payable under the 2003 budget;

9. Notes the Court's assessment that, with a number of pre-enlargement staff commencing already in late 2003 and the accession date set for 1 May 2004, additional office space will be required in order to accommodate the new Members of the Institution (up to 10 judges each for the Court of Justice and the Court of First Instance), the staff of their respective chambers ('cabinets'), the staff of the translation service and many other accession-related staff; further notes that the administration of the Court, with the help of the Luxembourg Ministry of Public Works, is currently undertaking a search for suitable office accommodation;

10. Commends the willingness ([3]) of the Court of Justice to supply the discharge authority with a summary of the annual activity report drawn up by the authorising officer by delegation in accordance with Article 60(7) of the new Financial Regulation; notes that the Court of Justice expresses this willingness to be conditional on the agreement of all the other Institutions; instructs its President to write to the Presidents of the other Institutions to request them formally to send a summary of their annual activity reports to the discharge authority;

11. Notes as regards the workload of the Court of First Instance that while the number of cases disposed of has increased in recent years, it has invariably remained lower than the number of cases brought, so that the backlog of pending cases has continued to grow (2001 — cases brought: 345; cases disposed of: 275; cases pending: 589) ([4]);

12. Notes the Court's assessment ([5]) that in 2002, the rise in potential output resulting, in quantitative terms, from the recruitment of the new lawyer-linguists would enable the translation service of the Court of Justice to continue to increase the number of pages translated, but that the effect which such increased production would have on the volume of pages in stock or in the course of being dealt with would depend on the way in which the workload developed;

13. Asks that the discharge authority be kept informed of the evolution of the Court's workload and translation backlog;

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([1]) Annual report 2001, paragraph 7.18.
([2]) Replies to questionnaire PE 315.844 (Q1).
([3]) Replies to questionnaire PE 315.844 (Q3).
([4]) *Source:* Report to Committee on Budgets.
([5]) *Source:* Report to Committee on Budgets.

14. Notes with concern that the European Union's reputation, as well as the rights of EU citizens, suffer owing to the length of time it takes the Court of Justice to deal with its current case load; requests the Court to provide Parliament with a report explaining how it currently organises its work, and to detail the problems which preclude the Court from giving an efficient service; notes that enlargement will increase the severity of the problems faced by the Court; requests that the Court provide suggestions on how to address these problems, indicating where structural changes are necessary, and giving a full breakdown of the additional resources that would be necessary to carry out these improvements.