



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 2 May 2011 (04.05)
(OR. fr)**

**Interinstitutional file:
2011/0901 (COD)**

**8787/11
ADD 1**

**CODEC 607
COUR 18
INST 197
JUR 160
PARLNAT 112**

ADDENDUM TO COVER NOTE

from: Mr V. SKOURIS, President of the Court of Justice of the European Union
dated: 18 April 2011
to: Mr J. MARTONYI, President of the Council of the European Union

Subject: Draft amendments to the Statute of the Court of Justice of the European Union
and to Annex I thereto

Delegations will find attached a statement with an assessment of the financial impact of the proposed amendments to the Statute of the Court of Justice as set out in 8787/11.

Luxembourg, 14 April 2011

*Mr János Martonyi
President of the Council of the European Union
175, rue de la Loi*

B – 1048 BRUSSELS

Dear President,

As referred to in my letter of 28 March 2011, I hereby enclose a statement concerning the assessment of the financial impact of the proposed amendments to the Statute of the Court of Justice.

Yours faithfully,

Vassilios SKOURIS

FINANCIAL STATEMENT
CREATION OF 12 ADDITIONAL JUDGES AT THE GENERAL COURT OF THE EUROPEAN UNION

The attached summary financial statement and Annex thereto are intended to assess the financial impact of the proposal to amend the Statute of the Court of Justice with a view to creating 12 additional Judges at the General Court.

The financial statement takes into account (1) the direct costs of such an amendment – the remunerations, related allowances and charges in respect of the 12 new Judges, the staff of their Chambers and additional staff required in the Registry of the General Court – and (2) the infrastructure and operating costs incurred.

In the interests of transparency, the financial statement details the cost in a normal year of operation and the necessary additional costs, under Titles 1 and 2, during the first year in which the new Judges would take office.

It must be noted that strengthening the structure of the institution in this way would necessarily entail additional work for certain services (translation, interpreting, research and documentation, library, human resources, etc.), in particular as a result of the increase in judicial activity, and could, therefore, lead to additional costs linked to the need for additional staff in those services. However, at this stage, those costs cannot be assessed with any certainty. The current rate of acceleration of judicial activity and the staff increases that that might entail, irrespective of, on the one hand, the effect of the organisational and productivity measures adopted in response thereto and the beneficial impact of the amendments to the Rules of Procedure that are currently being drawn up, on the other, make it difficult to estimate the additional workload that might be imposed on the services as a result of 12 additional Judges taking office on an as yet undeterminable date. It is only when the amending budget is drawn up – which would have to be submitted to the budgetary authority, should the present proposal to strengthen the General Court be accepted – that all the cost parameters could be considered with greater certainty.

As regards expenditure under Title 1 ‘Persons working with the institution’, the financial statement (and the Annex thereto) set out the detail of gross remunerations and related allowances/charges on the basis of the scale in force on 1 January 2011,¹ together with certain ancillary expenditure (training, missions, social).

The gross remuneration of the 12 Judges is calculated in accordance with the emoluments determined by the Council.² The various allowances and charges must be added to the remuneration.

The composition of the Judges' Chambers is modelled – so as to ensure equal treatment – on that of the Chambers of the 27 General Court Judges currently holding office, namely 5 temporary posts, including 3 legal secretaries and 2 assistants for each of the 12 new Chambers. The Registry of the General Court would require a further 18 posts, including 6 administrators and 12 assistants. As regards Chambers and Registry staff, the salaries, allowances and charges laid down by the Staff Regulations have been taken into account.

Generally, the additional costs applicable in the year of taking office represent travel expenses on entry into service, installation allowances, removal costs and daily subsistence allowances granted temporarily, which are assessed in accordance with the Staff Regulations and legislative provisions.

Expenditure under Title 2, "Buildings, furniture, equipment and miscellaneous operating expenditure" essentially covers the accommodation of the Judges and additional staff, together with data processing, furniture and operating costs. As in respect of Title 1, the appropriations envisaged for a normal year of operation are shown separately from those representing the initial, one-off investment.

The 12 Judges and their Chambers can be accommodated on a long-term basis in the buildings known as the Annexes (currently being renovated), and the budgetary impact will be relatively limited, given the scope for reorganisation within the framework of the policy on using the Court's buildings (main site and leased buildings).

¹ Council Regulation (EU) No 1239/2010 of 20 December 2010.

² Amended Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967.

For the record, the financial statement also shows estimated budgetary revenue (taxation/special levy and salary-related pension contributions) which are linked to the payment of remunerations and which would indirectly reduce the actual budgetary cost.

Annex: Financial statement + Annex

ANNEX Table summarising the cost of 12 new Judges, their Chambers and Registry staff at the General Court

Expenditure							
Budget Titles and Chapters	Description	Unit cost	Additional unit cost in 1st year	Number	Costs in normal year of operation	Additional costs in 1st year	Total costs and additional costs (over 1st year of creation)
Title 1							
Chapter 10	Members						
	Remunerations	(see Annex attached)		12	3 555 000		3 555 000
	Installation allowances		49 167	12		590 004	590 004
	<i>Sub-total</i>				3 555 000	590 004	4 145 004
	Missions	3 250		12	39 000		39 000
	Training	4 200	5 250	12	50 400	63 000	113 400
	<i>Sub-total</i>				89 400	63 000	152 400
	Total Chapter 10				3 644 400	653 004	4 297 404
						Rounded up to	4 298 000
Chapter 12	Chambers staff						
	Remunerations	(see Annex attached)		60	7 442 000		7 442 000
	Installation allowances		10 550	60		633 000	633 000
	<i>Sub-total</i>				7 442 000	633 000	8 075 000
	Registry staff						
	Remunerations	(see Annex attached)		18	1 168 000		1 168 000
	Installation allowances		10 550	18		189 900	189 900
	<i>Sub-total</i>				1 168 000	189 900	1 357 900
	Total Chapter 12				8 610 000	822 900	9 432 900
						Rounded up to	9 433 000
Chapter 16	Other expenditure relating to staff						
	Training	825	1 031	78	64 350	80 438	144 788
	Missions	170		78	13 260		13 260
	Social	1 320		78	102 960		102 960
	<i>Sub-total</i>				180 570	80 438	261 008
	Total Chapter 16				180 570	80 438	261 008
						Rounded up to	262 000
Total of Title 1					12 434 970	1 556 342	13 991 312
						Rounded up to	13 992 000
Title 2							
Chapter 20	Buildings				610 867		610 867
Chapter 21	Data processing	2 500	3 317	90	225 000	298 530	523 530
	Furniture						
	Members		25 500	12		306 000	306 000
	Staff		2 410	78		187 980	187 980
	Technical equipment and installations	140	71	90	12 582	6 429	19 011
	Cars	21 917		12	263 000		263 000
	<i>Sub-total Chapter 21</i>				500 582	798 939	1 299 521
Chapter 23	Stationery and office supplies						
	Members	1 644	288	12	19 732	3 456	23 188
	Staff	973	50	78	75 920	3 900	79 820
	Robes for the Members and Registry administrators		550	18		9 900	9 900
	<i>Sub-total Chapter 23</i>				95 652	17 256	112 908
Chapter 27	Publication	900	2 200	12	10 800	26 400	37 200
	Total of Title 2				1 217 901	842 595	2 060 496
						Rounded up to	2 061 000
Grand total					13 652 871	2 398 936	16 051 807
						Rounded up to	16 052 000
Own resources							
Chapter 40	Miscellaneous taxes and deductions (proceeds from the taxation of and special levy on salaries)						1 649 000
Chapter 41	Contribution to the pension scheme						756 000
Total revenue							2 405 000
Net budgetary impact							13 647 000

Annex to the Summary Table: details of calculation of remunerations

Description	Number	Basis of calculation	Monthly basic salary	Miscellaneous allowances		Total monthly	Total impact	
				%	Amount		1 month	12 months
Members of the General Court								
Remunerations	12	ABS AD16/3 * 104%	19 106	25.0%	4 776	23 882	286 585	3 439 021
Entertainment allowances	12	€ 554.17 per month			554.17	554	6 650	79 800
Special duty allowances (Presidents of Chambers)	4	€ 739.47 per month			739.47	739	2 958	35 495
Total Members							296 193	3 554 316
							Rounded up to	3 555 000
Chambers of the Members								
Legal secretaries	Grade							
	AD 14/2		7		13 772	32.0%	4 407	18 179
	AD 12/2		11		10 758	32.0%	3 443	14 201
	AD 11/2		12		9 508	32.0%	3 043	12 551
	AD 10/2		6		8 404	32.0%	2 689	11 093
	<i>Sub-total legal secretaries</i>		36					
							500 628	6 007 539
Assistants	Grade							
	AST 4/2		12		4 006	32.0%	1 282	5 288
	AST 3/2		12		3 541	32.0%	1 133	4 673
	<i>Sub-total assistants</i>		24					
							63 453	761 432
							56 082	672 978
							119 534	1 434 410
Total Chambers							620 162	7 441 949
							Rounded up to	7 442 000
Registry of the General Court								
Administrators	Grade							
	AD 9/2		3		7 428	32.0%	2 377	9 804
	AD 5/2		3		4 532	32.0%	1 450	5 983
	<i>Sub-total administrators</i>		6					
							29 413	352 956
							17 948	215 378
							47 361	568 333
Assistants	Grade							
	AST 3/2		6		3 541	32.0%	1 133	4 673
	AST 1/2		6		2 766	32.0%	885	3 651
	<i>Sub-total assistants</i>		12					
							28 041	336 489
							21 904	262 852
							49 945	599 341
Total General Court Registry							97 306	1 167 675
							Rounded up to	1 168 000

FINANCIEL STATEMENT
CREATION OF THE OFFICE OF VICE-PRESIDENT OF THE COURT OF JUSTICE

The attached financial statement is intended to assess the financial impact of the proposal to amend the Statute of the Court of Justice with a view to creating the office of Vice-President of the Court.

This amendment would require an amendment to the Council Regulation ¹ determining the emoluments of the President and Members of the Commission, of the President, Judges, Advocates-General and Registrar of the Court of Justice, of the President, Members and Registrar of the Court of First Instance and of the President, Members and Registrar of the European Union Civil Service Tribunal. The Vice-President of the Court of Justice would be granted the same salary and entertainment allowance as the Vice-President of the Commission. The Judge designated to perform the duties of Vice-President would thus receive a salary equal to 125 %, instead of 112,5 %, of the basic salary of an official on the third step of Grade 16, and his entertainment allowance would rise from EUR 607,71 to EUR 911,38.

¹ Amended Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967.

Additional costs relating to the creation of a post of Vice-President at the Court of Justice

	Monthly base	Miscellaneous allowances (22%)	Impact 1 month	Impact 12 months	Total rounded up
Remuneration					
Basic salary of an AD16/3	18 370.84				
Basis of remuneration of a Judge (112.5% of the ABS of an AD16/3)	20 667.20				
Basis of remuneration of a Vice-President (125% of the ABS of an AD16/3)	22 963.55				
	Difference	2 296.36	505.20	2 801.55	33 618.64
					34 000
Entertainment allowances					
Allowances of a Judge	607.71				
Allowances of a Vice-President	911.38				
	Difference	303.67	303.67	3 644.04	4 000
			Total impact over 12 months		38 000
