



Council of the
European Union

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COUR 18
INST 439
JUR 555

'I/A' ITEM NOTE

From: Working Party on the Court of Justice
To: Permanent Representatives Committee/Council

Subject: European Court of Auditors' Special Report No 14/2017 entitled
"Performance Review of case management at the Court of Justice of the
European Union"
- Draft Council conclusions

1. On 26 September 2017, the European Court of Auditors published Special Report No 14/2017 entitled "Performance Review of case management at the Court of Justice of the European Union".¹
2. In accordance with the arrangements defined in the Council conclusions on improving the examination of special reports drawn up by the Court of Auditors², the Permanent Representatives' Committee instructed on 4 October 2017 the Working Party on the Court of Justice to examine the above mentioned report by the Court of Auditors³.

¹ See document 12626/17 FIN 577 COUR 12 JUR 448.

² See document 7515/00 + COR 1.

³ See document 12626/17 FIN 577 COUR 12 JUR 448

3. At its meeting on 17 November 2017, the Working Party reached agreement on the text of draft Council conclusions on this subject.
 4. It is therefore suggested that, subject to confirmation by Coreper, the Council adopt the draft conclusions as set out in the Annex as an A-item.
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DRAFT

Council conclusions

**on the European Court of Auditors' Special Report No 14/2017 entitled
"Performance review of case management at the Court of Justice of the European Union"**

THE COUNCIL OF THE EUROPEAN UNION

(1) WELCOMES the Court of Auditors' Special Report, which provides an in-depth assessment of the efficiency of the case management procedures in the Court of Justice of the European Union, while preserving the Court's independence in its judicial activity and the secrecy of its deliberations. WELCOMES the detailed reaction of the Court of Justice of the European Union and RECOGNISES its willingness to follow up on the recommendations.

(2) RECOGNISES that the management efforts and procedural measures undertaken by the Court of Justice and the General Court have led over time to a reduction of the average duration of proceedings in both Courts and, in particular in 2015, of the backlog of pending cases in the General Court, despite a significant increase of the number of new cases.

(3) ENCOURAGES the Court of Justice of the European Union to continue its efforts to deliver judicial decisions in a reasonable time, whilst maintaining the highest standard of quality, making use of the public funds at its disposal as efficiently and as effectively as possible.

(4) SUPPORTS to this effect the Court of Auditors' recommendation that the Court of Justice of the European Union should consider to examine how best to monitor the use of human resources allocated to a case and the possibility of establishing differentiated indicative time-frames tailored to the complexity and typology of the cases and of publishing more detailed statistics relating to the duration of proceedings.

(5) CONSIDERS that the Court of Auditors' recommendation to enable a more flexible allocation of legal secretaries (*référéndaires*) is a matter pertaining to the Court of Justice of the European Union's internal organization and that the Court itself is therefore best placed to help mitigate problems arising from factors related to the management of resources or organizational issues. RECALLS, in this context, that the third stage of the reform of the General Court, to be completed in 2019, should not entail the recruitment of additional legal secretaries or other support staff. Internal re-organisation measures within the institution should make sure that efficient use is made of existing human resources¹.

(6) ACKNOWLEDGES the need for timely nomination and appointment of judges as remarked by the Court of Auditors while taking into consideration that the appointment of judges and advocates-general is the prerogative of the governments of the Member States and constitutes the result of a complex process which includes the opinion of the panel provided for in Article 255 TFEU on the suitability of the candidates.

(7) CONSIDERS that the choice of the language used for deliberation is a matter pertaining to the Court of Justice of the European Union's judicial autonomy and internal organisation and that the Court itself is therefore best placed to assess the impact of any change to its current practice on the efficiency and quality of its judicial activity.

(8) SUPPORTS the Court of Auditors' recommendation to implement a fully integrated IT system to support the Court of Justice of the European Union's case management.

(9) CALLS upon the Court of Justice of the European Union to give due account to these Council conclusions when following up on the Court of Auditors' recommendations.

¹ See Recital (10) of 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 of 24.12.2015, p. 14.