European Communities

EUROPEAN PARLIAMENT

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REPORT

drawn up on behalf of the Committee on Budgets

on the 1986 draft budget

Section II - Annex: Economic and Social Committee

Section IV : Court of Justice

Section V : Court of Auditors

Rapporteur: Mr H.J: LOUWES

WG(VS)2797E PE 101.743/fin.

On 11 February 1985 the Committee on Budgets appointed Mr LOUWES rapporteur on Section II - Annex: Economic and Social Committee: Section IV: Court of Justice and Section V: Court of Auditors of the draft budget of the European Communities for the 1986 financial year.

At its meeting of 5 November 1985 the Committee on Budgets considered the draft amendments tabled to these sections of the budget. The following motion for a resolution was adopted by 26 votes to 4 with no abstentions.

Present for the vote: Mr COT, chairman; Mr RYAN, first vice-chairman; Sir James SCOTT-HOPKINS, second vice-chairman; Mrs BARBARELLA, third vice-chairman; Mr LOUWES, rapporteur; Mr ALAVANOS (deputizing for Mrs BOSERUP), Mr ARNDT, Mr BARDONG, Mr BROK (deptuizing for Mr SCHON), Mr BONDE, Mr CHAMBEIRON, Mr CHRISTODOULOU, Mr CORNELISSEN, Mr CICCIOMESSERE, Mr CURRY, Mr DANKERT, Mr James ELLES, Mr EYRAUD (deputizing for Mr ABENS), Mr FICH, Mrs FUILLET, Mr GATTI (deputizing for Mr SPINELLI), Mr HERMAN (deputizing for Mr DEPREZ), Mrs HOFF, Mr NORMANTON, Mr LANGES, Mr LALOR, Mr PAPOUTSIS, Mr PASTY, Mr PFENNIG, Mr PRICE (deputizing for Sir Fred CATHERWOOD), Mr ROMEOS (deputizing for Mr PITT), Mr RIGO, Mr TOMLINSON, Mr DE VRIES (deputizing for Mr ROSSI) and Mr VON DER VRING.

The opinion of the Committee on Legal Affairs and Citizens' Rights on Section IV - Court of Justice - is attached.

The report was tabled on 7 November 1985.

The deadline for tabling amendments will be indicated in the draft agenda of the part-session at which the report is considered.

C O N T E N T S

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

A

MOTION FOR A RESOLUTION

on the draft budget for 1986: Section II (Annex): Economic and Social Committee
Section IV: Court of Justice and
Section V: Court of Auditors

The European Parliament,

- having regard to the draft budget for 1986 (Doc. C2/100-85),

- having regard to the report of the Committee on Budgets and the opinon of the Committee on Legal Affairs and Citizens' Rights (Doc. A 2-148/85),

1. Notes with satisfaction that the Council has established the draft budget for 1986 of the Court of Justice, the Court of Auditors and of the Economic and Social Committee at a level which will not hamper the smooth operation of those institutions and will enable them to cope with the effects of the accession of Spain and Portugal to the Community;

2. Confines its amendments concerning the appropriations of those institutions to a number of technical adjustments designed, inter alia, to facilitate the implementation of the measures for the termination of service of staff in connection with the accession of Spain and Portugal;

3. Enters a p.m. item in the budget of the Court of Justice for the setting up of a chamber of the first instance for staff cases, competition, patents and customs matters; requests the Council, pursuant to Article IV(3)(c) of the joint declaration of 30 June 1982 (OJ C 194 of 28.7.1982), to make a final decision by the end of May 1986 on the relevant legislative proposals which have been before it for seven years now;

4. Urges the other institutions to allow their staff policies in the coming years to be guided by Parliament's decision on its own budget with regard to the elimination of the posts newly created in 1986; is prepared to envisage conversions of posts for that purpose; requests the heads of administrations to draw up a report on the relevant possibilities on the basis of common criteria for all the institutions.

B

EXPLANATORY STATEMENT

1. Thanks to pressure from the Italian and Luxembourg presidencies of the Council in the first and second halves of 1985 respectively, the Council, in establishing the draft budget for 1986, has allowed itself to be guided more by operational criteria with regard to the smooth functioning of the institutions than by the short-sighted obsession with savings which often characterized his attitude in previous years. The result is that the basic conditions are being created in each of the institutions to cope with the accession of Spain and Portugal to the Community.

2. The Committee on Budgets has therefore confined its draft amendments to certain technical adjustments concerning the recently adopted measures for the termination of service of officials.

3. With regard to the budget of the Court of Justice the Committee on Budgets has also endorsed a draft amendment from the Legal Affairs Committee urging the rapid setting up of a chamber of the first instance at the Court of Justice. The relevant legislative proposals have been before the Council for seven years now. The Committee on Budgets takes the view that this budget entry falls under Article IV(3)(c) of the Joint declaration of Parliament, the Council and Commission concerning various measures to improve the budgetary procedure. Under this article the Council undertakes to use its best endeavours to adopt the regulation by the end of May at the latest.

4. Parliament has decided with regard to its own budget that the newly created posts for 1986 must be incorporated within the present establishment plan by the end of the present parliamentary term. This decision was taken bearing in mind that, in addition to the thorough restructuring of the Secretariat, a number of members of staff will become free for other tasks thanks to the introduction of modern technologies in the various departments. Insofar as the posts released in this way do not meet the need for posts elsewhere, conversions of posts can be envisaged. A policy of this kind must take account of the functional requirements of the Institution and the interests of the staffmembers concerned. It should be based as far as possible on common criteria for all the institutions. The Committee on Budgets feels that all the institutions must adjust their staff policies along these lines. It therefore requests the heads of administrations, including those of the Council and Commission, to draw up joint proposals to this effect.

5. The Committee on Budgets has been informed of a difference of opinion between the Council and the Economic and Social Committee with regard to the daily allowances of members of the ESC. The Committee on Budgets requests the Council to grant the ESC complete freedom of manoeuvre in this matter and allow it to adapt such allowances to requirements.

DA	Budget line	Tabled by	Subject	Payments	Vote
	SECTION II - COUNCIL Annex: E.C.S.				
600	ESTABLISHMENT PLAN		Conversion of 2 A 3 into A 2		Neg.: 10/18/0
	SECTION IV - COURT OF JUSTICE				
217	110	Legal Affairs Comm.	Officials and temporary staff holding a post provided for in the establishment plan	+ 2 406 119	Neg.: 1/28/1
218	111	"	Other staff	+ 63 820	Neg.: 1/28/1
219	112	"	Further training for staff, language courses, retraining and information for staff	+ 1 680	Neg.: 1/28/1
220	113	"	Insurance against sickness, accidents and occupational disease, unemployment insurance and maintenance of pension rights	+ 64 810	Neg.: 1/28/1
221	114	"	Miscellaneous allowances and grants	+ 35 254	Neg.: 1/28/1
222	115	"	Overtime	+ 4 187	Neg.: 1/28/1
223	117	"	Supplementary services	+ 121 045	Neg.: 1/28/1
224	118	"	Allowances and expenses on entering and leaving the service and on transfer	+ 232 696	Neg.: 1/28/1
225	119	"	Appropriation to cover adjustments to the renumeration of officials and other staff	+ 81 452	Neg.: 1/28/1
101.743/3	1212 new	Mr LOUWES	Allowance on definitive termination of service	+ 160 000 (comp. transferred from item 1100)	Pos. :30/2/1
216	Chap. 102 new	Mr LOUWES	Reorganization of the Court	p.m.	Pos. :30/3/1

ANNEX I

DG	Budget line	Tabled by	Subject	Payments	Vote
	SECTION V - COURT OF AUDITORS				
101.743/1	1112	Mr LOUWES	Local staff	+ 20 000 (comp. transferred from item 1100)	Pos.: 15/2/1
101.743/2	1211	Mr LOUWES	Allowance on definitive termination of service	+ 120 000 (comp. transferred from item 1100)	Pos.: 20/0/0

O P I N I O N

of the Committee on Legal Affairs and Citizens' Rights
Draftsman: Mr HOON

On 20 June 1985, the Committee on Legal Affairs and Citizens' Rights appointed Mr Hoon draftsman.

The Committee considered the draft opinion at its meeting of 17 and 18 September 1985, and adopted the conclusions contained in paragraph 4, by 10 votes to one, and paragraph 7, unanimously, of the present opinion at this meeting; the Committee also instructed its draftsman to table the necessary amendments to the draft budget of the Court of Justice as amended by the Council.

The following took part in the vote; Mrs WAYSSADE, Chairman; Messrs EVRIGENIS and GAZIS, Vice-chairmen; Mr HOON, draftsman; Mr BARZANTI, Mrs BOOT and Messrs PORDEA, PRICE, PROUT, VETTER and ZAGARI.

1. This opinion is based on the overriding principle that the European Court of Justice should enjoy that degree of financial independence which is consistent with the proper and effective discharge of its judicial responsibilities. The interests of justice require that the Court should have the financial resources appropriate to this task.

2. The workload of the Court has significantly increased over recent years. The enlargement of the European Communities will inevitably add to the number of cases before the Court. In addition there are proposals to increase the jurisdiction of the Court in relation to competition and patent cases.

3. The question of a first instance chamber to resolve staff cases is of continuing concern. This was proposed by the Commission and approved by the Parliament. It has been under consideration by the Council since 1979.

4. It is suggested therefore that it would be appropriate to include in the draft budget for 1986 a 'pro memoria' or token entry allowing for the creation of first instance chambers within the Court to deal with cases relating to staff, competition, patents and customs duties.

5. This would be a means of more effectively organizing the expanding workload of the European Court of Justice. It would not involve any immediate expenditure.

6. Of less immediate significance is the desire of the Court to expand its ability to provide opportunities for visiting students, lawyers and judges to work within the institution. It is believed that this would be an effective means of expanding the knowledge and understanding of those engaged in the practice of the law of the work of the Court.

7. The Committee on Legal Affairs and Citizens' Rights therefore recommends to the Committee on Budgets the adoption in principle of the draft budget for 1986 as submitted by the European Court of Justice, subject to the amendment proposed in paragraph 4 above.

EUROPEAN PARLIAMENT

DRAFT BUDGET OF THE EUROPEAN COMMUNITIES FOR THE FINANCIAL YEAR 1986

7 NOVEMBER 1985 (Doc. C2-100 / 85) Doc. C2-100 / 604

Draft amendment [redacted] No ..604.

Tabled by Mr LOUWES, on behalf of the Committee on Budgets

SECTION V - Court of Auditors

Item 1112 - Local staff

NOMENCLATURE Unchanged

EXPENDITURE/[redacted]

[redacted]/non-differentiated appropriations

A. Amendment/[redacted]

		[redacted]	[redacted]
Item 1112 - Local staff	Preliminary Draft		41 800
	Draft		41 800
	Amend./mod.		+ 20 000
	New amount		61 800

B. Compensation

Item 1100 - Basic salaries	Preliminary Draft		12 395 000
	Draft		11 844 000
	Amend./mod.		- 20 000
	New amount		11 824 000

C. Net effect on the volume of expenditure 0

D. Effect on revenue 0

REMARKS

Replace 'two local staff' with 'three local staff'.

Amend schedule as follows:

Commitments		Payments				
		1985	1986	1987	1988	Subsequent financial years
Commitments entered into before 1985 to be covered by new payment appropriations Appropriations outstanding from 1984 Appropriation for 1985 Appropriation for 1986						
Total						

Justification

A third auxiliary is essential at the Court of Auditors for the surveillance of the buildings of the Court of Auditors which is currently housed in various scattered premises pending completion of its new building in Luxembourg. After the Court has moved to these new premises the post authorized here will be abolished.

EUROPEAN PARLIAMENT

DRAFT BUDGET OF THE EUROPEAN COMMUNITIES FOR THE FINANCIAL YEAR 1986

7 NOVEMBER 1985 (Doc. C2-100 / 85) Doc. C2-100 / .605

Draft amendment [redacted] No 605

Tabled by Mr LOUWES, on behalf of the Committee on Budgets

SECTION V - Court of Auditors

Item 1211 - Allowances for staff whose service is terminated

NOMENCLATURE

Unchanged

EXPENDITURE/[redacted]

[redacted] non-differentiated appropriations

A. Amendment/[redacted]

		[redacted]	[redacted]
Item 1211 - Allowances for staff whose service is terminated	Preliminary Draft		p.m.
	Draft		p.m.
	Amend./mod.		+ 120 000
	New amount		120 000

B. Compensation

Item 1100 - Basic salaries	Preliminary Draft		12 395 000
	Draft		11 844 000
	Amend./mod.		- 120 000
	New amount		11 724 000

C. Net effect on the volume of expenditure 0

D. Effect on revenue 0

Justification

Entry of an appropriation in order to make possible implementation of the regulation providing for early retirement of officials in connection with the accession of Spain and Portugal to the Community.