



Press Release

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Court of Justice of the EU: case handling improved, but more active management needed, say Auditors

The Court of Justice of the European Union has taken a number of significant steps to improve its case handling over recent years, but further improvements could still be made, according to a new performance review by the European Court of Auditors.

The Court of Justice of the European Union (CJEU) consists of two Courts: the Court of Justice and the General Court. The Court of Justice is made up of 28 Judges, assisted by 11 Advocates-General. There are currently 45 Judges at the General Court; this figure is set to rise to 56 by 2019. The overall cost of the CJEU to the EU budget in 2017 is around 400 million euro.

In accordance with their mandate to examine the performance of EU institutions, the auditors assessed whether procedures at the CJEU promoted the efficient handling of cases and, in particular, whether cases could be resolved in a more timely manner. They had to carry out their assessment without access to certain information that the CJEU considered subject to the secrecy of the deliberative process.

The CJEU has taken significant organisational and procedural actions to enhance its case handling and reporting, say the auditors. It has introduced indicative time-frames for key steps in the lifecycle of cases, as well as developing progressive monitoring tools and reports to increase its focus on timeliness. These measures have contributed to reducing the average time taken to adopt judicial decisions in both Courts. The auditors found that progress had also been made, by the end of 2016, in reducing a significant backlog of cases which had built up at the General Court. This was achieved prior to the impact of the reform of that Court, which will significantly increase the number of judges.

However, the current case management approach is not based on tailored time-frames for individual cases, taking into account complexity, workload, resources needed and staff availability. At present, the indicative time-frames set for certain types of cases serve only as an overall objective to be adhered to on average. Whilst this approach has undoubtedly driven improvements, average time taken to close certain types of cases or procedures cannot be

The purpose of this press release is to give the main messages of the special report by the European Court of Auditors. The full report is on www.eca.europa.eu.

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equated with the notion of reasonable time taken to deal with each individual case.

IT systems are also complex and rely on an ageing central database to which a large number of sub-systems have been added over time, with no integrated system to support case management. The CJEU's longer-term goal is to develop a more integrated IT approach in order to improve efficiency.

The auditors also noted that consideration had already been given within the CJEU to performing a cost-benefit analysis on the possibility of extending the language of deliberation to languages other than French in the General Court. This analysis would help to assess the situation and to provide the information upon which to base any such decision.

“The decisions of the CJEU have important consequences for individuals, companies, Member States and the Union as a whole. Failure to adjudicate within a reasonable time may give rise to significant costs for those concerned”, said Mr Kevin Cardiff, the Member of the European Court of Auditors responsible for the review. He further explained that “the CJEU should consider a move towards more active individual case management and performance measurement. This would provide information to support decision-making so as to drive further efficiency gains and to enhance the accountability of the CJEU through more detailed reporting on performance. I am pleased to note that the CJEU has already agreed to take action on our findings.”

Notes to Editors

The Court of Justice of the European Union (CJEU) is the EU's judicial authority. Its task is to ensure compliance with European law by overseeing the interpretation and uniform application of the Treaties. It consists of two Courts: the Court of Justice and the General Court. The Court of Justice deals mainly with references for preliminary rulings from national courts on the interpretation of EU law. There is no appeal against a decision from the Court of Justice. The General Court hears, in particular, cases brought by individuals and companies against EU actions which are of direct and individual concern to them. The disputes which it hears are mostly economic in nature.

The CJEU works with all EU languages, but its language of deliberation is French.

Special Report No 14/2017: “Performance review of case management at the Court of Justice of the European Union” is available on the ECA website (eca.europa.eu) in 23 EU languages.