



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.9.2005  
COM(2005)419 final

**PRELIMINARY DRAFT AMENDING BUDGET No 7  
TO THE GENERAL BUDGET FOR 2005**

**GENERAL STATEMENT OF REVENUE**

**STATEMENT OF REVENUE AND EXPENDITURE BY SECTION  
Section IV - Court of Justice**

(presented by the Commission)

**PRELIMINARY DRAFT AMENDING BUDGET No 7  
TO THE GENERAL BUDGET FOR 2005**

***GENERAL STATEMENT OF REVENUE***

***STATEMENT OF REVENUE AND EXPENDITURE BY SECTION***

***Section IV - Court of Justice***

Having regard to:

- the Treaty establishing the European Community, and in particular Article 272 thereof,
- the Treaty establishing the European Atomic Energy Community, and in particular Article 177 thereof,
- the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>1</sup>, and in particular Article 37 thereof,

The European Commission hereby presents to the budgetary authority the preliminary draft amending budget No 7 to the 2005 budget for the reasons set out in the explanatory memorandum.

---

<sup>1</sup> OJ L 248, 16.09.2002, p.1.

## **STATEMENT OF REVENUE AND EXPENDITURE BY SECTION**

The general statement of revenue and the statement of revenue and expenditure by section are forwarded separately via the SEI-BUD system. An English version of the general statement of revenue and of the statement of revenue and expenditure by section is attached as a budgetary annex by way of example.

## EXPLANATORY MEMORANDUM

- (1) By decision No 2004/752/EC, Euratom of 2 November 2004 the Council established the Civil Service Tribunal, “the CST”, which is composed of seven judges appointed by the Council.

The requests for the creation of posts and operating appropriations necessary for the setting up of the new Tribunal had been incorporated in the Court of Justice’s preliminary draft budget for 2006. As stated in the introductory notes to that preliminary draft, the Tribunal had been established on the assumption that it would not take up its duties until the beginning of 2006<sup>2</sup>.

Now, when the committee set up by the Council’s decision of 18 January 2005 (2005/151/EC, Euratom) for the purpose of drawing up an opinion on the suitability of the candidates to perform the duties of a Judge had completed its work, the Council appointed seven Judges by decision of 22 July 2005 and fixed 1 October 2005 as the date on which they would take up their duties.

Having regard to the fact that the CST will thus become operational on a date three months earlier than that provided for when the 2006 budget was prepared, a request must be made for a budget amending the 2005 budget.

- (2) This amending budget is intended, first, to make it possible to create in the establishment plan the 26 new posts required for the proper functioning of the CST. Those 26 posts may be broken down as follows: on the one hand, the staff for the Judges’ *cabinets*, viz., a Legal Secretary and an assistant attached to each Judge and a reader of judgments and an assistant in the President’s cabinet (a total of 16 temporary posts, viz., two A\*14, two A\*12, three A\*11, one A\*10, one B\*5 and seven B\*3) and, on the other, the staff directly attached to that court’s Registry (a total of 10 permanent posts, viz., one A\*5, five B\*3 and four C\*1).

It must be emphasised that the posts in question are intended exclusively for staff working directly with the Judges and for the staff of the Registry, that is to say, for persons playing a direct part in judicial activity and that, for the remainder, the new Tribunal will use the various services of the Court of Justice (interpretation, translation, IT etc.). Those 26 posts are therefore essential in order to ensure that the new court has available the means strictly necessary to its activity, without which its judicial autonomy might be put at risk. They were, moreover, provided for in the financial statement accompanying the proposal for a Council regulation on the creation of the Civil Service Tribunal (the sole reservation being that two extra posts have had to be added to take account of the increase in the number of Judges, which the Council has raised from six to seven).

---

2 Introductory notes, page 3, paragraph 2: “It is to be noted that the institution’s budget authorises the staff and appropriations necessary for the functioning of the Court of Justice and of the Court of First Instance. The appropriations requested also take account of the needs of the new Civil Service Tribunal (‘the CST’) and have been calculated on the assumption that the CST would take up its duties at the beginning of 2006.”

It must further be added that those posts cannot be found by redeploying staff from the Court of First Instance. The effect of such redeployment would in fact be to deprive that Court of the resources made available within it by the transfer of staff cases. That would run counter to the main objective pursued by the creation of the Civil Service Tribunal, which is to enable the Court of First Instance to dedicate itself to other cases, in particular the new matters entrusted to it as a result of the conferring on it of certain fields of jurisdiction which were hitherto those of the Court of Justice.

- (3) With regard to the appropriations, the amending draft budget is intended to make it possible, during the three last months of 2005, to pay the seven new Judges of the Tribunal, its Registrar and the 26 new posts previously mentioned. The appropriations required for that purpose are entered under various headings in Chapters 10 and 11.

Attention must, however, be drawn to the fact that no extra burden will be placed on the Community budget, for provision is made for the new expenditure to be “self-financed” by using the funds available in the two chapters concerned. Those funds have become available, *inter alia*, so far as Chapter 10 is concerned, because of lesser costs for the retirement pensions and expenditure provided for in respect of the renewal of the members and, so far as Chapter 11 is concerned, because new posts have been filled less swiftly than had been provided for.

- (4) Last, it is to be noted that, for the period from the Tribunal’s taking up its duties till the end of 2005, the Court’s administration plans to secure the functioning of the Tribunal by using the budgetary resources available. In particular, as the budgetary authority has already been informed in connection with the budgetary procedure for 2006, it is not until 1 January 2006 that, the building intended to accommodate the new Tribunal will be rented. That is why the amending budget contains no request for appropriations to reinforce Title II of the budget.