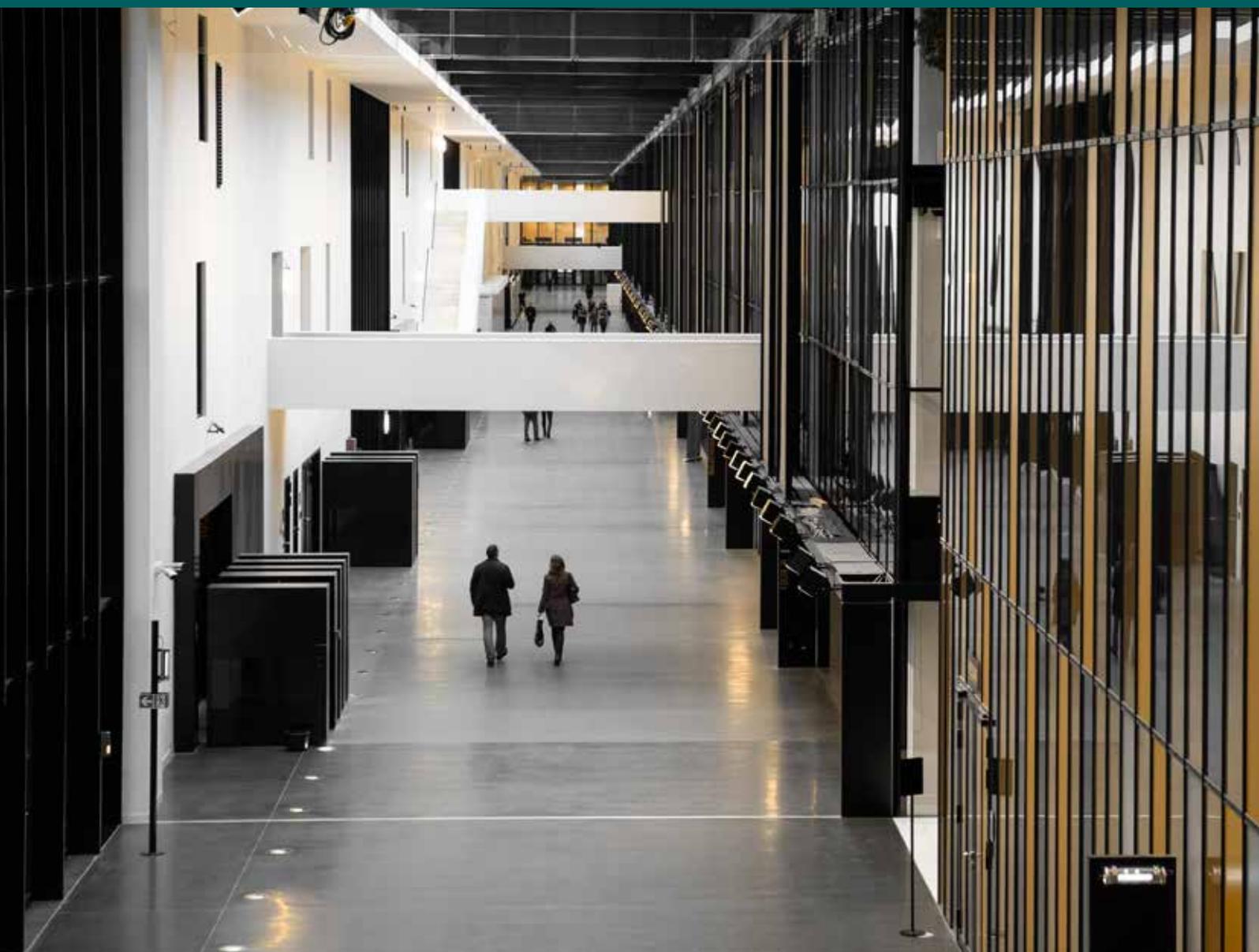




COURT OF JUSTICE
OF THE EUROPEAN UNION

ANNUAL REPORT 2020

MANAGEMENT REPORT





COURT OF JUSTICE
OF THE EUROPEAN UNION

ANNUAL ACTIVITY REPORT

FOR THE FINANCIAL YEAR 2020

(ANNUAL MANAGEMENT REPORT)



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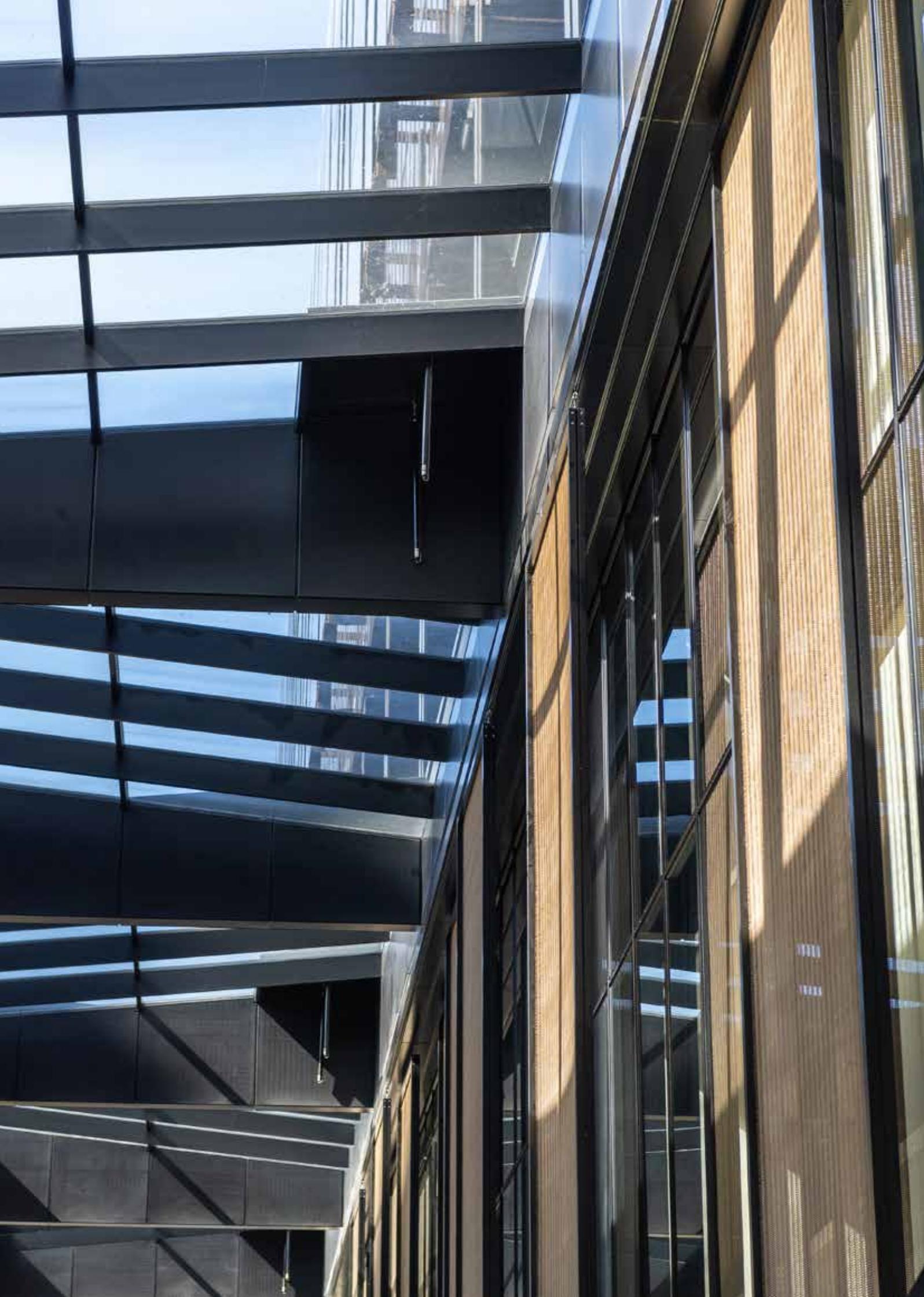
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I. INTRODUCTION

The Court of Justice of the European Union ('the Court' or 'the Institution') reports on its activity each year by publishing a report composed of the following:

- ▶ the 'Judicial activity' report,
- ▶ this management report (annual activity report by the authorising officer by delegation) drawn up in accordance with Article 74(9) of Regulation 2018/1046 on the financial rules applicable to the general budget of the Union ('the Financial Regulation').

Article 74(9) of the Financial Regulation requires the authorising officer by delegation to report to his or her Institution on the performance of his or her duties in the form of an annual activity report containing financial and management information and by declaring that he or she has reasonable assurance that:

- a) the information contained in the report presents a true and fair view;
- b) the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management; and
- c) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

The annual activity report includes information on the operations carried out, by reference to the objectives and performance considerations, the risks associated with those operations, the use made of the resources provided and the efficiency and effectiveness of internal control systems.

Similarly to last year, the activities and the objectives achieved over the year are presented transversally and thematically, grouped according to five management areas. This makes it possible to highlight what has been achieved by the Institution over the past year, irrespective of the administrative entity in charge of a particular task or project within the Institution. The sections of the report relating to the risks associated with operations and interinstitutional cooperation are also presented transversally.

Thus, following a first introductory chapter, Chapter II sets out the main developments in judicial activity in 2020 and the main aspects of the management of the Covid-19 health crisis. Chapter III is focused on the main results concerning the administrative activity of the Institution in 2020 as regards its various areas of management; Chapter IV analyses the risks associated with operations and Chapter V reports on interinstitutional cooperation and cooperation with bodies in the Member States in 2020. Chapters VI, VII and VIII report on the use of the budgetary and human resources made available to the Court, on the functioning of the internal control system and on the follow-up to the observations made in the Court of Auditors' reports and the Resolution of the European Parliament granting discharge for the 2019 financial year. Finally, various annexes provide more specific information, some of which is required under specific provisions of the Financial Regulation.

II. JUDICIAL ACTIVITY IN THE CONTEXT OF THE MANAGEMENT OF THE COVID-19 HEALTH CRISIS

A. Judicial activity in 2020

The public health crisis forms the backdrop against which this management report by the authorising officer by delegation has been drawn up for 2020, as shown by the statistics on the activity of both courts comprising the Court.

First, the consequences of the United Kingdom's withdrawal from the European Union should be noted, which had the effect of bringing to an end the terms of office of the UK Members of both courts with effect as of 31 January 2020. The number of judges at the Court of Justice and the General Court, set at one per Member State for the Court of Justice and two per Member State for the General Court was thus reduced with immediate effect as of the UK's withdrawal from the European Union. However, in accordance with the Declaration of the conference of the representatives of the governments of the Member States of 29 January 2020 on the consequences of the withdrawal of the United Kingdom from the European Union for the Advocates-General of the Court of Justice of the European Union, the number of Advocates-General of the Court of Justice, set at eleven par the Council Decision of 25 June 2013, was not affected by that withdrawal.

In 2020, the Court of Justice of the European Union was successful in maintaining a high level of activity under conditions of teleworking and travel restrictions, which made it impossible for hearings to be held between 16 March and 24 May 2020. Since that latter date, the Court has opened its doors to the representatives of the parties and to the public, in the interests of the sound administration of justice and in accordance with the principle that hearings are to be held in public.

Continuity in the administration of justice has been made possible through pre-existing structures and crisis plans, by putting in place robust health protocols, through an early intervention strategy designed to equip the Court's staff with the IT equipment necessary for teleworking and adaptation of the workings of the Courts, in compliance with the procedural rules.

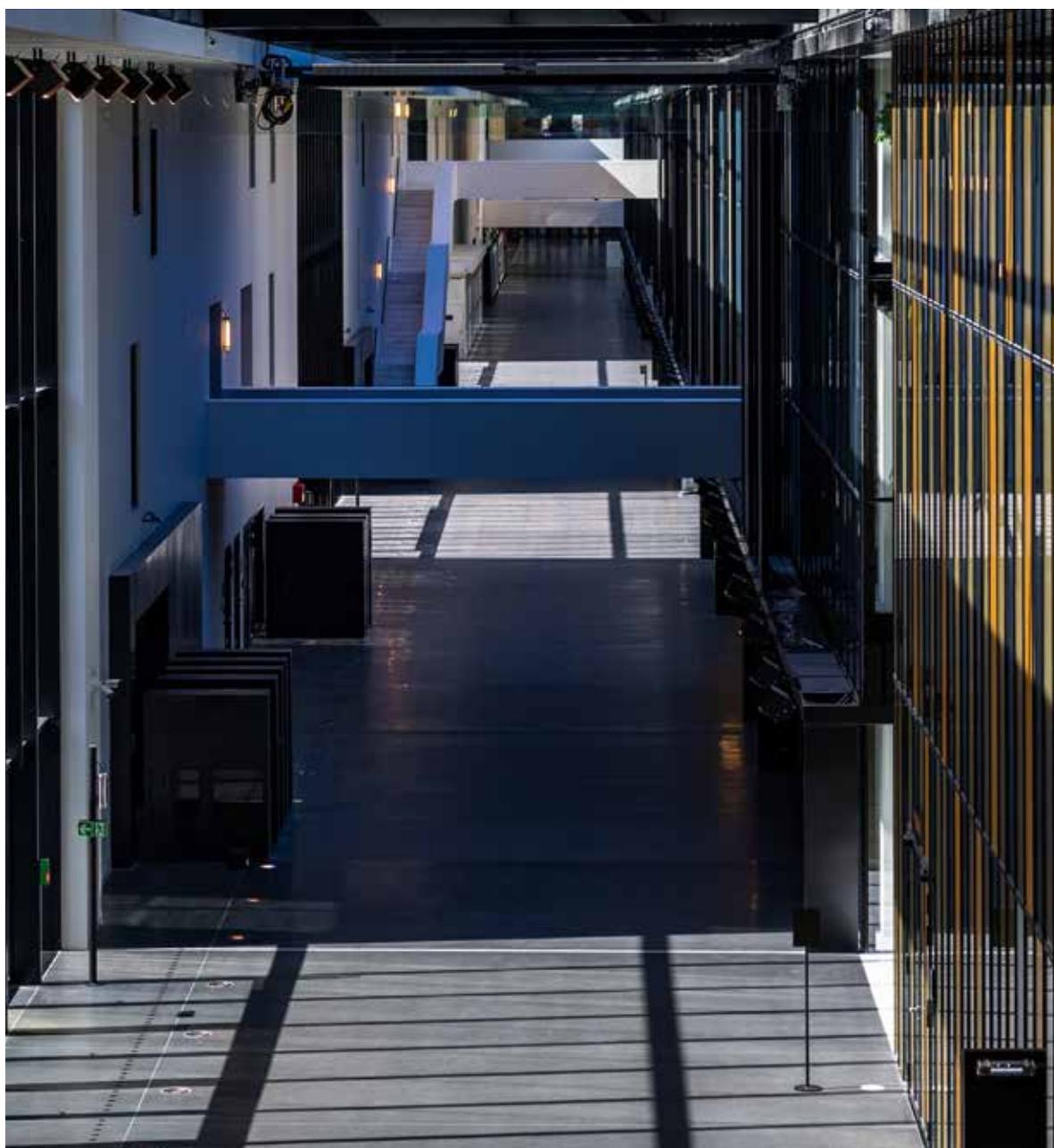
In particular, the Institution demonstrated innovation in order to enable the remote participation in hearings of representatives of the parties (lawyers and agents representing the institutions and the governments of the Member States) who were unable to travel to Luxembourg. To that end, the Court designed a specific videoconferencing system offering high-quality transmission, which was essential to the conduct of the hearings and allowed simultaneous interpretation potentially from and into all 24 official languages.

All of those measures allowed the Court of Justice and the General Court to continue with the proceedings under way, to deliver decisions within deadlines that were very close to the usual procedural deadlines and to deliver and publish judgments and Opinions in all of the official EU language versions in accordance with the usual publications policies by the Courts.

The lockdown measures and restrictions designed to curb the pandemic, which were adopted by the majority of Member States, had an inevitable impact on economic activity and on the activity of the Courts of the Member States, with the result that fewer cases were brought. Thus, **1 582 cases were brought** before both EU Courts, which is lower than the record number for the previous year (1 905 cases in 2019), but at a similar level to the statistics for 2018 (1 683) and 2017 (1 656).

A similar trend may be observed regarding the **number of cases disposed of, which stands at 1 540**, lower than that in 2019 (1 739) and the record number in 2018 (1 769) but similar to that of 2017 (1 594) and still higher than that of 2016 (1 459). In order to be evaluated correctly, that result must be examined in the light of the fact that it was impossible for either of those two courts to hold hearings for more than 2 months in 2020.

Finally, the **average duration of all of the proceedings** in the cases adjudicated on by both jurisdictions in 2020 reached a historic low of an average of **15.4 months**, which demonstrates the pursuance of the objective of gaining in efficiency in the management of proceedings.



Court of Justice

Regarding the cases brought (735), requests for preliminary rulings, which stood at 556 (compared with 641 in 2019), account essentially for the largest share (75%) of the new cases brought before the Court, as in the two previous years. The 131 appeals brought in 2020 constitute the second largest share of the cases brought (18%), although that figure represents a significant decrease (266 in 2019).

Although it falls short of the record number in 2019 (865), the number of cases closed in 2020 (792) is exceptional, being significantly higher than that for the years 2018 (760) and 2017 (699), in spite of the constraints arising from the pandemic.

The number of pending cases also decreased, as it stood at 1 045 cases at the end of 2020 compared with 1 102 at the end of 2019.

Regarding procedural timelines, although a slight increase may be observed in all of the procedures taken together (15.4 months in 2020 compared with 14.4 months in 2019), it should be emphasised that that increase may also be explained, among other things, by the time taken to process appeals adjudicated by judgment, of which there were a large number in 2020. However, the average durations of proceedings in relation to requests for preliminary rulings and direct actions remain largely unchanged (15.8 months for preliminary proceedings compared with 15.5 in 2019).

General Court

The number of cases brought to the General Court decreased in 2020, as it stood at 847 compared with 939 in 2019. The highest number of cases still relate to intellectual property rights (282) and most of the other cases concern the application of the Staff Regulations (120), the law governing the institutions (65) and State aid (42).

The activity of the General Court was impacted by the pandemic. In the light of its role as a court of first instance and the nature of the litigation before it, and in accordance with its Rules of Procedure, the General Court does not adjudicate without having heard the parties at a hearing (whether at the request of the main party or of its own motion where it deems it to be necessary), except where the parties in the main proceedings did not ask to be heard or the case lends itself to determination by means of an order. Like the Court of Justice, it was impossible for the General Court to hold hearings between 16 March and 25 May 2020, and a number of parties to the proceedings sought postponement of hearings due to the travel difficulties encountered and isolation measures imposed in some Member States. A reduction in the number of cases closed (748) must therefore be noted in comparison with 2019 (874). Intellectual property (237) and the European civil service (79), for which the General Court has put in place specialised chambers, account for the main areas in which cases were closed in 2020.

The number of pending cases increased slightly in 2020 (1 497 compared with 1 398 one year previously).

It should be noted that the number of cases adjudicated by five-judge chambers almost doubled from 2019 to 2020 (from 59 to 111), thus contributing to high-quality justice and the greater authority of the judgments delivered by the General Court.

The average duration of proceedings continued to fall, reaching a record of 15.4 months (16.9 months in 2019) for all categories of cases.

The number of cases pleaded in 2020 is exceptional, as it reached 335 (275 of which were between May and December 2020), compared with 315 in 2019, despite the fact that hearings were suspended for a number of weeks.

Finally, it should be noted that on 21 December 2020, the Court of Justice submitted to the European Parliament, the Council and the Commission, the report provided for under Article 3(1) of Regulation 2015/2422¹ on the functioning of the General Court, which is available at the following link:

https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/tra-doc-en-div-t-0000-2020-202009736-05_02.pdf

The contribution, as external advisers, of Mr K. Rennert, President of the Bundesverwaltungsgericht (Germany), and of Mr L.M. Díez-Picazo Giménez, President of the Third Chamber of the Tribunal Supremo (Spain), to the work prior to its adoption by the Court of Justice was particularly noteworthy, as is that of the General Court. The work also notably involved consulting regular users of the General Court. The report is the result of in-depth reflection involving not only the Members of the Court of Justice and the General Court, but also the informal consultation of a large number of actors (agents of the Member States, of the European Parliament, the Council, the Commission, the ECB, EUIPO and the CCBE).



1] 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 2015 L 341, p. 14).

B. Crisis management measures put in place to ensure the continuity of the administration of justice by the EU Courts in the context of the pandemic in 2020

1. CRISIS GOVERNANCE

The management of the Court's Services presented a considerable challenge of adjusting the Institution's entire mode of operation within a very short period.

To that end, the Court was able to draw on a structure and procedures established for crisis situations and activated its crisis and continuity plan as early as February 2020. The crisis management structure is centred on the crisis cell (led by the Registrar of the Court of Justice and composed of the Registrar of the General Court, Heads of Cabinet of the Presidents of both courts and the members of senior management), which has the power to adopt important decisions at institutional level concerning the crisis and developments thereto. It adopts the general measures arising from the crisis (teleworking arrangements, transversal measures relating to staff management, etc.). Those general decisions are then implemented by the Crisis Management Centre (CMC), comprised of representatives of the operational cells ensuring the continuity of activities within each Service. The CMC also reports to the crisis cell during regular meetings to allow it to effect oversight of the situation.

With a view to responding to specific needs, two task forces were established in order to examine, respectively:

- the measures and procedures to be put in place to ensure the protection of personnel carrying out tasks on the premises, which could not be carried out remotely, particularly as regards supplies of personal protective equipment (masks, gloves, hand sanitiser), and in order to allow hearings to resume under health and safety conditions ensuring the highest level of protection for all participants, including the parties' lawyers and agents;
- the design of a unique, secure videoconferencing system offering simultaneous interpretation potentially from and into all 24 official languages, for the parties' representatives who were unable to travel to Luxembourg due to the travel restrictions applicable in the Member States.

Those crisis management measures, designed in close collaboration with both of the courts and the Services of the Institution, led to the adoption of a coherent plan focused on three associated and interdependent objectives: protecting the health of staff and persons entering the Court's buildings, ensuring the continuity of the judicial activity and supporting the staff.

2. PROTECTING THE HEALTH OF STAFF AND PERSONS ENTERING THE COURT'S BUILDINGS

a) Teleworking - phasing

In order to ensure health protection within the Court's buildings and to protect staff from the risk of contamination, it was decided, as early as 10 March 2020, that suitable tasks would be carried out from the place of residence of the persons responsible for them. In the light of the developments to the pandemic in Europe, the Court strengthened those measures by deciding, on Friday 13 March (even before the measures adopted by the Luxembourg Government), to introduce teleworking arrangements across the Institution as of the following Monday, 16 March and to forbid access to the buildings, with the exception of persons performing essential tasks that cannot be carried out remotely.

Through constant monitoring of public health and regulatory developments in Luxembourg and the neighbouring countries carried out by the Security Service and the Medical Service, in regular cooperation with the Luxembourg authorities, those rules were adjusted along with various phases, with a view to achieving a balance between the public health situation, the occupancy rates in the Court's buildings, the continuance of judicial activity and the needs of staff.

Thus, following three successive extensions, the teleworking arrangements were adjusted from 25 May, the date on which hearings resumed, until 15 July 2020. Having regard to the recommendation issued by the Luxembourg authorities which, for administrations and businesses, consisted in the promotion of teleworking throughout the easing of restrictions, and given the level of activity that had been carried out remotely, teleworking arrangements were maintained across the Institution, in principle.

Nonetheless, the previous arrangements were adjusted to take into account their application over a longer period, in full compliance with public health advice as it evolved. Under that adjustment, tasks which:

- cannot be carried out remotely, and
- are necessary to the operation of the Institution, in particular with a view to organising hearings and deliberations,

were to be carried out in the Court's buildings.

From 16 July to 31 August, taking into account the reduction of activity linked to the fact that no hearings were being held and that annual leave was taken by a large proportion of staff, staff were permitted to enter the buildings without prior authorisation, although the number of persons present was monitored on a daily basis.

Following the return to widespread teleworking arrangements from 1 September to 20 September, in order to take account of the risks associated with travel by persons returning from holidays, it was decided, having regard to the stability of certain public health factors, to permit a higher level of staff presence in the buildings up to a ceiling corresponding to the maximum limit of daily occupancy permitted in the buildings in order to ensure the effectiveness of health protocols. Having regard to the needs specific to judicial activity, that limit was set at 50% of the staff of the courts (chambers and registries) and 35% of the Services' staff. Taking into account external contractors entering the buildings, the maximum number of simultaneous presences was not permitted to exceed half of the total staff of the Institution.

Finally, having regard to the resurgence of the pandemic in Luxembourg and in the neighbouring countries, it was decided to resume teleworking arrangements across the Institution from 26 October until the end of the year.

b) Health protocols

In parallel to teleworking arrangements, the definition and implementation of precise and robust health protocols were key instruments of public health protection.

As early as February, the Court put in place prevention and hygiene measures designed to curb the spread of the virus, thus supporting the measures taken by the host State. Aside from prevention advice and the sanitisation equipment which were provided to staff entering the buildings, the Court drastically stepped up cleaning and preventive healthcare operations.

In order for justice to continue to be administered by the EU Courts, the Court resumed hearings as soon as possible, that is to say on 25 May. Consequently, the day-to-day presence had to be safely managed - in logistical and security terms - not only of the members of staff needed to hold hearings (judges and Advocate Generals, members of chambers, staff of the Registries, interpreters, technicians, court ushers) but also of lawyers and agents from the Member States and, potentially, the public given that the principle that hearings are to be held in public had to be adhered to.

The series of particularly stringent measures put in place (temperature screening upon entry into the buildings, the requirement to wear a mask in communal areas and when attending hearings, maintaining social distancing by separating movement channels, disinfection of areas where people have been present, installation of hand sanitiser dispensers, protection screens, display of signs, awareness-raising through various communications), overseen by the Court's Medical Officer, offered the highest standard of protection to all persons involved while also ensuring satisfactory reception conditions. In that context, the Court procured personal protective equipment supplies for distribution to the Members, to staff and to participants in proceedings and members of the public, in accordance with the highest standards of protection.

3. ENSURING CONTINUITY IN THE ADMINISTRATION OF JUSTICE BY THE EU COURTS

a) Adjustment of working arrangements

From 13 March 2020, in the light of the travel restrictions applicable both in Luxembourg and in the majority of the Member States, the hearings before the Court of Justice and the General Court scheduled from 16 March to 24 May had to be postponed. Nonetheless, judicial activity was sustained by processing cases remotely, in compliance with the applicable procedural rules. The work of the formations of the Court continued through written procedure, and then by videoconference calls or by a hybrid regime. Measures of organisation of procedure were taken in order to prepare the files for adjudication, including in the form of written questions addressed to the parties. Judgments and Opinions were delivered on a grouped basis. Finally, on an exceptional basis and as a temporary crisis measure, the courts adapted the conditions for opening an e-Curia account (the application for lodging and notifying procedural documents in electronic format) along with their policies concerning procedural time limits.

The Registries of both courts liaised with the representatives of the parties, in particular, to inform them of postponements and provide them with information on the arrangements for the next steps in the proceedings. A page on the Court's website dedicated to providing information on the management of the crisis and on developments thereto was also set up and updated throughout the crisis.

In spite of the difficulties encountered, contact with the representatives of the parties and the processing of cases continued without interruption. Following an initial brief period during which priorities had to be set, cases ultimately took their normal course, with the exception of hearings scheduled between 16 March and 24 May 2020, which had to be postponed.

In addition, owing to the introduction of widespread teleworking arrangements dictated by the circumstances, both the courts and the Services introduced paperless documentary and decision-making processes, resulting in their simplification in many cases and the optimisation of approval processes. That significant change was accompanied by a shift towards greater empowerment of staff linked to greater recourse to delegation and a corresponding evolution in the role of senior and middle management. Through the addition of those different types of measures and the adaptability of the Registries and the Services, the continuity of the Court's activities was made possible within extremely short time frames.

b) IT equipment

As regards technology, the Court's IT Services also sped up the teleworking equipment programme from as early as February, the completion of which was initially set for, and would otherwise have been in, the month of June. Through preparatory measures, almost 70% of the staff of the Services and of the Registries (and approximately 90% of the staff of the Members' chambers) had been provided with remote access equipment by the time teleworking arrangements were introduced across the Institution. Over the course of the following weeks, all members of staff were afforded the possibility of obtaining a token offering secure access to their office email. Finally, a new purchasing campaign allowed the distribution of laptop computers to be resumed from the month of April onwards. By the end of May, approximately 95% of staff had suitable technical equipment for teleworking.

In addition, in order for the Court's internet network to accommodate a large number of simultaneous connections, the bandwidth was multiplied by 10 in the early weeks following the first lockdown. A secure conference calling system was put in place by 24 March, followed by a secure videoconferencing system for all Services by 20 April.

c) Participation in remote hearings

The Institution responded innovatively to the travel difficulties experienced by certain representatives of the parties. Forged out of a remarkable cooperation effort between the Services, in close collaboration with both courts and their registries, a unique solution for remote participation in hearings via videoconference was designed, offering simultaneous interpretation potentially into and from all 24 official languages of the European Union. It is a comprehensive solution covering the procedure, the documentation necessary to process the requests from the parties to participate via videoconference, the technical testing phase and coordination tools with the Services concerned. In 2020, 40 hearings were held by videoconference before the Court of Justice and 38 before the General Court, some of which entailed the remote participation of up to four parties.

d) Management of resources

Human resources

In order to have an overall and on-going view of the consequences of the crisis, the heads of Service were requested, from the early weeks following the introduction of teleworking arrangements, to provide regular reports on their activities to the authorising officer by delegation, regarding tasks the continuity of which was ensured and also, if relevant, any difficulties resulting from the crisis.

The series of measures taken to allow teleworking allowed the Services of the Institution to carry out their tasks under conditions which were as close as possible to normal and thus to continue to support judicial activity. For a significant number of Services, productivity in 2020 remained at a comparable level to that recorded before the crisis. However, some services, the very nature of whose mission entails physical presence, were affected in a more direct or sustained manner, for example, by the temporary suspension of public construction works in the Grand Duchy or the lockdown measures and travel restrictions within the European Union.

In that context, on the basis of that monitoring and in order to ensure efficient management of resources, some members of staff with reduced workload due to the nature of their tasks were reassigned to Services experiencing an increased workload. That solidarity and mutual enrichment of skills and experiences constituted an asset in navigating the difficulties experienced. The Services also took advantage of the opportunity of a temporary reduction in workload to pursue crosscutting projects.

Financial resources

The management of the crisis entailed meticulous evaluation of the actual or foreseeable consequences of the crisis for the financial resources of the Institution.

Regarding its contractual commitments, the Court had to suspend the execution of certain agreements. Such was the case for contracts in relation to the occupancy of the buildings, such as the surveillance, cleaning and maintenance, catering and logistics support contracts, which were partially suspended.

As regards the use of appropriations, the crisis gave rise to significant additional costs arising from, in particular, investments which had to be made in the field of IT infrastructure and equipment and the purchase of health protection and disinfection supplies. Certain orders had to be cancelled, which also entailed costs, particularly following the cancellation of hearings or certain training courses. Through appropriate management, those costs nonetheless remain limited.

At the same time, savings were made due to the impossibility of travelling and the drastic reduction of activity in the buildings during the lockdown. The reduction in certain running costs may be explained by the temporary absence of hearings, missions and hirings, and the reduction in the number of in-person training courses offered and by the suspension of the contractual services referred to above.

The details of the financial consequences of the public health crisis are detailed in Annex 2 'Report on Budgetary and Financial Management'.

4. SUPPORTING STAFF

a) Welfare of staff

In the context of the management of the crisis, in the light of its scale and length, it has been crucial to support staff throughout this unprecedented period, in which many faced difficult personal circumstances.

Particular attention was given to individuals in vulnerable situations, be it persons who tested positive for Covid-19 and their contacts, vulnerable persons, persons with disabilities or in distress, those supporting others in difficulty or having to care for children staying at home, pensioners and trainees. Each person received appropriate support, having due regard to their welfare and in a way that is respectful of the protection of personal data, with the assistance, where needed, of the Institution's Medical Officers, nurses, the Psychologist and the Social Assistant.

The heads of Service also took particular situations into account, having regard to the welfare of staff, with a view to adapting, where necessary, the arrangements for the execution of their tasks by the persons concerned.

b) Internal communication

From the beginning of the crisis, the Institution has been aware of the need to ensure clear, accessible, coherent and relevant communication with staff. Complementary and structured communication channels, each having their own purpose, were put in place: the 'CJEU-InfoAlert' intranet site gathering together all of the relevant information, important messages sent to work and private addresses from the dedicated functional mailbox and by text message, staff communications concerning operational aspects sent by email, regular updates on developments to the situation and on the support measures put in place via the internal newsletter.

Various communications concerning questions in relation to rights under the Staff Regulations and the administration of staff were disseminated regularly, in addition to messages on the theme of well-being in the context of the lockdown, including short videos (11 in total) designed in collaboration with the Court's psychologist.

Social events and remote communication activities were also organised in order to maintain staff cohesion (quizzes, photography competitions, entertainment related to the end-of year festivities).

Finally, surveys were conducted, respectively, of all staff and of management, in order to evaluate their view of the working arrangements put in place both with a view to making certain adjustments and to envisage the more long term future of the innovations put in place in the context of the management of the crisis.

c) Staff training

Following the decision taken, as early as March 12, to suspend all in-person training courses scheduled in the short and medium term, the Court made contact with its contractors, with the other institutions and the European School of Administration in order to propose alternatives. That swift response allowed it, first, to ensure a certain level of continuity in the training activities and courses offered to staff and second, to limit the number of training cancellations.

E-learning training courses have been significantly bolstered, drawing on existing tools and tools available in the interinstitutional context. Staff have been able to take advantage of a wide range of possibilities to acquire new knowledge or consolidate existing knowledge through recourse to specialised online training platforms. Furthermore, training modules are under development to strengthen and sustain the provision of training, for example in the context of induction programmes for new members of staff. Finally, many training courses have been adjusted so that they can be delivered remotely, by offering trainers support, where relevant, to adapt their course. Significant communication efforts have been deployed in that regard.

III. MAIN RESULTS CONCERNING THE INSTITUTION'S ADMINISTRATIVE ACTIVITY IN 2020

The Services and the Registries of both courts in 2020 continued to work, under entirely exceptional circumstances in the light of the public health crisis, in order to achieve their respective objectives, which may be grouped schematically around the following five management areas, which are:

1. Contributing to the proper functioning of the courts
2. Improving performance
3. Facilitating access to information and the opening of the Court to the public
4. Managing multilingualism effectively
5. Ensuring compliance with applicable regulations and best practice monitoring

At the outset, it is important to note in that regard that the capacity to adapt swiftly, effectively and efficiently to the new conditions brought about by recourse to teleworking across the Institution as a result of the public health crisis was the key factor that characterised the activity of the Services and the Registries of both courts in 2020. Both courts demonstrated innovative thinking to devise and implement new working methods in order to achieve their respective objectives. In certain cases, those objectives had to be adjusted to contribute to the proper functioning of the Institution.

The following paragraphs detail the results achieved by the Court in 2020 for each of those areas of management.

1. RESULTS RELATED TO CONTRIBUTING TO THE PROPER FUNCTIONING OF THE COURTS

a) Management measures taken in the context of the public health crisis in order to ensure continuity of the administration of justice by the EU Courts

Optimal management of the public health crisis unexpectedly became the main objective of the Institution, from as early as the month of February 2020, with the activation of the Court's continuity and crisis plan and the adoption of all of the necessary measures in order to ensure the continuity of the activity of both jurisdictions of the Institution.

A detailed description of the measures put in place for the management of that unprecedented crisis in 2020 may be found in Point II above 'Judicial activity in the context of the management of the Covid-19 health crisis'.

Despite that context, the Services and Registries of both courts succeeded in making progress on ongoing projects and work contributing to the proper functioning of the courts.

b) Continuation of the Integrated Case Management System (SIGA) Project

In 2020, in accordance with its digital strategy, the Institution continued work on its project to put in place an Integrated Case Management System. This objective is a priority of the Institution, following, in particular, a recommendation made by the Court of Auditors in Special Report No 14/2017 on the *Performance Review of Case Management at the Court of Justice of the European Union*, published in September 2017.

That project, the importance of which became all the more evident in the context of the public health crisis, is aimed at putting in place an integrated case management system, which will replace the majority of the case management applications currently in use by the Court of Justice and the General Court. Aside from a technology upgrade, the future system will offer added value by shifting from a compartmentalised approach with respect to different judicial activities to a crosscutting approach following the flows inherent therein, thus offering the possibility of greater optimisation and automation of the various stages of case processing.

In 2020, the call for tenders for the SIGA project was finalised with the signature of a service contract, the execution of which began with the launch of the first work packages. That call for tenders was aimed at choosing an 'Adaptive Case Management' solution, and an operator who will be responsible, in the first place, for installations and configurations and, in the second place, for maintenance and operation. In 2021, the Court intends to work on the modelling of a first process with the objective of designing a simplified prototype. That basic foundation will include the main features of the future system and form the basis on which the final solution will be built as of the second half of 2021.

c) Use of e-Curia

Since its launch in November 2011, e-Curia has made it possible to file and serve procedural documents electronically. That efficient, environmentally-friendly application is used by both courts of the Institution. It promotes both greater digitalisation of the flow of documents to and from the Court of Justice and the General Court (with obvious gains in both environmental and financial terms, such as the reduction of postal charges and paper consumption), and the speeding up of the processing of procedural documents transmitted via this application, as well as strengthening the quality of management by means of a harmonised and secure process.

The use of e-Curia has been made mandatory at the General Court since 1 December 2018. Certain exceptions have, however, been provided for in order to ensure that the principle of access to the courts is complied with (in particular where the use of e-Curia is technically impossible or where legal aid is requested by an applicant who is not represented by a lawyer). In 2020, e-Curia was used for 95% of filings to the General Court (93% in 2019). Procedural documents filed using e-Curia have, for the first time, exceeded one million pages over the course of the year (1 146 664 pages, compared with 749 895 pages lodged in 2019).

At the Court of Justice, e-Curia is also the main channel for the exchange of procedural documents with the parties. However, although it is strongly encouraged, the use of e-Curia is not mandatory. The main reason for that difference between the two courts lies in the difference between the types of cases which can be brought before them.

Whereas the General Court deals with direct actions - in which the parties must always be represented by an agent, a lawyer or under certain conditions, a professor of law -, the Court of Justice deals with different types of cases (references for preliminary rulings, direct actions, appeals, requests for Opinions, etc.) involving different types of actors: agents and lawyers, of course, but also national courts and tribunals, law professors, persons authorised under national rules to represent the parties in the main proceedings

and, in certain cases, the parties themselves. To require the use of e-Curia in all circumstances would be disproportionate and might result in a possible restriction on access to justice, as not all of the actors referred to above necessarily have the necessary IT resources and often only appear before the Court of Justice once.

In 2020, the number of new e-Curia accounts opened by national courts increased significantly with an almost threefold increase in one year, from 45 accounts at the end of 2019 to 121 accounts at the end of 2020. The usage rate of e-Curia was very high and accounted for approximately 80% of all filings to the Court of Justice. Although that rate is comparable to that observed in 2019, it is the result of a temporary decrease in the number of appeals brought to the Court in 2020, for which the e-Curia application was used almost systematically.

The introduction of e-Curia, in November 2011, had a major impact on postal costs, which fell by approximately 90% over the period 2011-2020.

d) Judicial Network of the European Union (EUJN)

This Network, created in March 2017 on the 60th anniversary of the signature of the Treaties of Rome and including the constitutional and supreme courts of the Member States, continued to contribute to strengthening cooperation between the Court and national courts in 2020.

The EUJN has set itself the objective in 2020 of continuing its activity with a view to deepening cooperation in European justice and its administration, particularly in the fields of legal research, multilingual terminology and technological innovation.

The thematic groups on 'Innovation' and 'Legal terminology' met a number of times throughout 2020 by videoconference to share information, respectively on the use of new technologies to support judicial activity and to share translation resources which could be used by the national courts.

Furthermore, the EUJN was also used in order to facilitate information sharing on the measures taken by national courts, in particular the supreme courts, to adapt their activities to the context of the pandemic.

e) Strengthening operational support from the Services in the context of the preprocessing of cases referred for a preliminary ruling

Over the course of 2020, a system was put in place to identify cases referred for a preliminary ruling which are suitable for adjudication by means of an order adopted on the basis of Article 53(2) of the Rules of Procedure of the Court of Justice.

That system is aimed at identifying such cases at an early stage of the procedure, that is to say, within three days as of when the case is brought. Where an alert is issued to that effect, the requests for translation of the request for a preliminary ruling (DDP) are temporarily suspended.

Then, within 4 to 8 days of when the case is brought, based on complementary information, should the cabinets of the President and the First Advocate General determine that the DDP is inadmissible and/or that the Court of Justice manifestly lacks jurisdiction, the Registry will adopt the necessary procedural measures, and the request for translation of the DDP will be cancelled.

In 2020, the introduction of that identification system resulted in 26 suspensions of translation requests, 13 of which were cancelled following the decision not to proceed with the notifications of the DDP referred to in Article 23 of the Statute of the Court of Justice of the European Union. Aside from the savings in translation resources and the synergies between Services, that system also contributed to swifter processing of cases suitable for adjudication by means of an order, which is also in the interests of litigants.

2. PERFORMANCE IMPROVEMENT RELATED RESULTS

a) Automation and digitalisation of procedures

i) Information and documentation

Aside from the work under way to put in place an integrated case management system, referred to previously, the following projects may be mentioned:

- **Electronic signature:** during the period of teleworking for staff across the Institution as a result of the crisis, the need arose for a digital signature tool, both for the courts and for the administrative Services, to guarantee the authenticity and integrity of electronic documents. An existing interinstitutional tool was chosen, EU Sign. The protocol agreement with the Commission for that purpose was signed at the end of the year and the electronic signature tool will be deployed in 2021.
- **Document management system:** a project to modernise the management of administrative documents and to establish a register of documents accessible to the public continued in 2020 with the introduction in some Services, as early as 1 December 2020 of the HAN application, used by the Commission.
- **Transformation of the library:** In line with the new strategy adopted in 2017, in 2020 the Court's library continued its gradual transformation from a structured repository of books and periodicals in paper format to a documentation centre to be operated from a knowledge management perspective. In this context, and to support teleworking across the Institution, it pursued its objective of increasing the acquisition of digital resources (databases, electronic books and periodicals). In 2020, the library continued with all of its existing subscriptions to databases, opting for access to more content in a number of those databases, subscribed to a number of new online resources and obtained access to several thousand electronic books (including 3 897 with permanent access).
- **Media monitoring system:** a new media monitoring system was introduced in March 2020. The system is a new tool for the preparation of the Press Panorama, made available daily to the Members of the Institution, with the aim of improving its quality and making its preparation process more efficient. This is the result of close collaboration in 2019 with the European Commission's Joint Research Centre in Ispra. That collaboration, necessary due to the obsolescence of the previous system, made it possible to identify the Court's specific needs and to respond to them in an appropriate manner. That system allowed the number of articles listed to be increased significantly: 20 494 in 2020 across all languages, compared with 9 222 in 2019.

- Court of Justice's 'Dossier documentaire': following the development undertaken in 2019, the Court of Justice's 'dossier documentaire' was launched in February 2020 to allow the Cabinets of the Members to access a shared documentation platform for the processing of pending cases. An interservices process was put in place to enter bibliographical and terminological references, in particular, for cases identified as being important.
- Procedures relating to visits: the procedure for the reimbursement of costs related to visits and sending documentation (downloadable brochures) for visitors was fully digitalised in 2020.

Finally, as regards the publication of the case-law, the final versions of judgments and orders continue to be made available online in the Digital ECR within the time limits laid down, that is to say, within 48 hours of delivery of the judgment or service of the order in the case of the procedural and working language versions. In 2020, the number of documents published was 21 057 for the Court of Justice and 13 962 for the General Court, all language versions taken together.

ii) Legal analysis and monitoring

In 2020, the Court continued its training and monitoring efforts in the area of legal data processing, with the long term aim of taking advantage of advances made in this area in order to automate certain aspects of the legal analysis of decisions. In that regard, a number of solutions have been examined with a view to automating the analysis of legal citations of decisions and to optimise the input into databases and the performance of case-law search tools.

The Court also carries out regular monitoring of artificial intelligence projects applied to the field of legal technology with a view to taking advantage, in the long term, of technological developments that may provide assistance, particularly in the field of legal analysis of decisions.

iii) Human resources

The teleworking arrangements for staff across the Institution were key to speeding up the process of digitalisation of administrative procedures and to simplifying and digitalising workflows. In addition, efficiency gains were made and continue to be sought through greater use of the various modules of SYSPER, the interinstitutional staff management application, which facilitates, among other things, the management of selection procedures, the automatic generation of documents and the preparation of reliable, comprehensive, up to date statistics.

The Institution succeeded in pursuing its recruitment efforts during the public health crisis by organising remote selection procedures, by putting in place electronic approvals for recruitment requests and for the extension of contracts for members of the temporary and contract staff by the competent authorities of the Court and supporting the recruiting services throughout the process. Virtual induction allowed new officials and temporary and contract staff to enter into service, to be informed remotely on their rights under the Staff Regulations, to receive suitable office equipment and to become accustomed to the Service to which they have been assigned so as to be operational within a short space of time.

iv) Financial management

A significant increase in the percentage of invoices received electronically has been reported in 2020 (74% compared with 60% in 2019). The upward trend observed over the previous years, which saw the number of invoices received electronically increased from 14% in 2015 to 74% in 2020 has proven to be crucial in the context of the crisis related to the pandemic due to the fact that the reception of paper invoices has been greatly hampered throughout 2020, particularly as a result of the difficulties experienced by the postal services. In 2021, it will therefore be crucial to pursue the objective of promoting electronic invoicing.

b) Strengthening the stability and availability of IT systems in the context of widespread recourse to teleworking

2020 will have been a year in which, in spite of the exceptional circumstances related to the pandemic and the implementation of the new contract for those operations, the stability and continuity of the services provided by the IT systems has been sustained, the availability of the main IT services has been ensured 99.03% of the time in 2020 (97.32% availability for applications, 99.78% for telephone services and 100% for email). Multimedia services for hearings were ensured at a rate of 99.9%. In view of the above, the overall level of user satisfaction is very high: 97.71% of users who participated in the surveys conducted after using the user support services responded 'very good' or 'good', when assessing their level of satisfaction.

The work plan in the field of IT was adapted, from the beginning of the crisis, in order to give higher priority to operational activities and the mobility programme. The programme was stepped up greatly with the widespread provision of teleworking equipment for staff under conditions comparable to office work. Equipment, software and teams were strengthened in order to respond to new needs of the Services arising during the crisis, including secure videoconferencing, thus facilitating meetings, hearings and deliberations with participants from remote locations. Six videoconferencing systems were set up in the court rooms.

In order to strengthen the stability of the existing systems, a number of migrations have been finalised during the year and a new high availability computer centre was also completed in 2020, and is to be installed in 2021.

c) Finalisation of the 5th extension of the Palais of the Court

The delivery in July 2019 of a new tower, the flagship development of the 5th extension of the *Palais* of the Court, brought together all members of staff of the Institution in the Court's buildings, with the return of the last officials and members of the temporary and contract staff of the administrative and language Services who had been accommodated in an external building. Completed on schedule and within budget, that tower, which is the third on the site of the Court, thus allowed the Institution to achieve one of the strategic objectives pursued under its real estate policy for over 25 years, that is to say, bringing together all of its services on a single site, in premises appropriate to the needs of judicial activity (the other objective being to acquire the ownership of buildings occupied by it, see Annex 5, I.1.)

Over the course of 2020, in spite of the difficulties arising from the pandemic and, in particular, the total stoppage of construction work from 15 March to 27 April, most of the finishing works, adjustment of various technical installations and lifting of reservations regarding the new tower have been completed. In addition to that tower, three other works under the 5th extension are worth mentioning for the year 2020, even though some finishings will not be completed until 2021 and adjustments still have to be made to certain technical fittings: an additional hearing room on the site of the former printing room and the

cafeteria in the *galerie*, a secure archiving room in the area made available by the closure of the former health centre and new rooms for welcoming groups of visitors on the first floor of the *galerie*, to replace the former training rooms.

d) Improvement of working conditions

In 2020, efforts continued to make working conditions ever more suited to the combined requirements of the well-being of members of staff and the efficiency and effectiveness of the Institution, in the very particular context arising from the pandemic.

Regarding teleworking and given the new reality created by the introduction of those working arrangements across the Institution in 2020, a survey of staff, on living and working conditions during the public health crisis and the return to work and the key changes to be retained in the long term, was launched based on close collaboration of the administration with the Staff Committee.

The responses to that survey, which recorded a very high response rate, opened the way to reflection on diversifying working arrangements, which should be accompanied by management based more on performance (achieving objectives and results) with greater autonomy and empowerment of staff. The public health crisis and the introduction of teleworking arrangements across the Institution necessarily resulted in members of staff becoming familiar with teleworking. Despite the difficulties related to those working arrangements dictated by the circumstances, teleworking was perceived as also having advantages. In particular, it facilitates a better balance between family obligations and work and saves on commuting time.

The experience acquired during that period nonetheless gave rise to reflection on a possible modification of the structural teleworking regime, established in 2010, as well as the occasional teleworking regime put in place in 2019.

Finally, the Court's administration considered it to be worthwhile to increase the service hours, from a half-day to a full day per week, of the Court's psychologist engaged by the Court's Medical Service, in the light of the increasing demand for support from members of staff experiencing personal and work-related difficulties in the context of the pandemic.

3. RESULTS RELATED TO FACILITATING ACCESS TO INFORMATION AND OPENING THE COURT TO THE PUBLIC

a) Maintaining the earlier date for the publication of the annual activity report (AAR) by the authorising officer

In 2020, the Institution followed the same schedule for the drafting and publication of this report as in 2019, which is relatively early compared to what is required under the Financial Regulation. This highly satisfactory outcome is worth noting, given the fact that this task had to be accomplished in the difficult context of the crisis in relation to the pandemic with the majority of the Institution's staff working from home.

b) Communication actions vis-à-vis the general public

Firstly, with regard to publications, the Court produced in 2020:

- the 'Panorama of the Year', addressed to the general public and summarising the Institution's judicial and administrative activity;
- A new information brochure on the Court's case-law entitled 'The Court of Justice and Equal Treatment' was published. The brochure was published in paper format and on the CURIA website in two versions (PDF and html);
- three new multimedia animations on, respectively, the role of the Advocate General, the case-law on the rights of students and the case-law on healthcare were published online on the Court's YouTube channel.

Secondly, the Court continued to develop its use of social networks for communication purposes. At the end of 2020, the Court's LinkedIn account had 90 000 subscribers (30 000 subscribers at the end of 2019). The engagement rate on LinkedIn is close to 6% with peaks exceeding 8% for certain messages posted on that social network. As regards Twitter, the number of followers on both of the Institution's accounts (EN and FR) exceeded 100 000 (81 552 in 2019), with an engagement rate of between 1% and 2% for most tweets with peaks of greater than 10% for tweets in a number of particularly newsworthy cases in 2020. The number of views of multimedia animations on the Institution's Youtube channel also grew significantly (+ 55.7% with 194 020 views in 2020 (124 608 views in 2019)).

Based on the satisfaction survey conducted in 2019 of users of the Curia site, work on a new version of the CVRIA application for smartphones and tablets was completed and certain site functionalities were improved.

Finally, the activities for Europe Day on 9 May were held on an almost exclusively virtual manner. An activity based mainly on a question and answer session on Twitter was held (during which citizens were invited to ask questions using the hashtag #askCuria2020, a few days prior to 9 May), as well as the promotion of existing digital products (virtual visit, animations, online brochures, annual report). Those actions generated 593 000 impressions on Twitter with an average engagement rate of 2%.

c) Relations with the media

Aside from the development of a direct relationship with the public, the Court accords great importance to its relations with the media, in their role of analysis and dissemination of information.

In 2020, the Court issued 172 press releases, compared with 165 in 2019. The number of weekly newsletters on the Institution's activities sent to correspondents decreased slightly (518 weekly or bimonthly newsletters in 2019 and 351 *Infos rapides* compared with 540 and 391 respectively in 2019).

In 2020, in order to respond to the circumstances arising from the pandemic, a new permanent virtual press room was made available to the Communication Directorate, which allowed the Court to organise 11 information sessions with journalists from a total of 17 Member States for the European Day of Justice on 25 October 2020.

d) Visitor hosting activities by the Institution and reflection on the introduction of a new virtual visit programme

These activities, which allow a wide audience to be reached thus ensuring that citizens in general and legal professionals in particular are better informed on the role, the jurisdiction and the case-law of the Court of Justice and the General Court, were severely impacted in 2020 by the effects of the pandemic. Visits to the Court's buildings had to be suspended from the month of March until the end of the year.

Thus, the number of visitors necessarily fell sharply. 92 groups, with a total of 2 617 persons visited the Court in 2020, compared with 707 groups, totalling 17 136 visitors in 2019. The public health crisis also had a significant impact on the hosting of seminars, which are mainly aimed at groups of judges and constitute the preferred means of facilitating the relationship between the Court and the national courts: in 2020, 6 seminar days were organised with 143 participants, compared with 116 days and 2 852 participants in 2019.

In parallel with that reduced onsite activity, 12 webinars and 9 virtual meetings were organised at the request of visitors. Remote hosting activities allowed the Court to reach an audience of approximately 800 persons.

The public health crisis lent further weight to the conclusion that the traditional approach to hosting activities, on an entirely in-person basis, no longer appears sufficient to achieve the results sought, particularly that of ensuring possibilities for access to knowledge, both for actors in the European legal sphere and citizens in general, regardless of where they come from. As a result, reflections on the development of those activities became part of the possibilities offered by information technologies and the new perception among the public of virtual meetings. The result was the launch of a project for the organisation of remote visits to supplement the onsite programmes, which will facilitate greater diversity both in terms of the forms those activities will take and the development of content. The launch of that strategic project, with a pilot phase aimed at testing the suitability of the content, the techniques to be used and the arrangements for the management of remote hosting, is currently under way.

e) Optimising the dissemination of case-law

In 2020, monthly case-law bulletins were drawn up by the Research and Documentation Service based on the résumés of the most important cases before the Court of Justice and the General Court, classified by subject area. Currently circulated internally on a monthly basis, by highlighting important cases, those bulletins facilitate the internal legal monitoring by the Chambers and the Services. Given that those bulletins could be of interest for an external audience, in particular for national judges, legal advisers and academics, work is under way for them to be published, in a number of languages, on the Court's website.

In addition, given the strong interest from the general public in the case-law fact-sheets, in 2020, the Research and Documentation Directorate worked to draft new factsheets and update existing ones.

4. RESULTS OBTAINED RELATED TO THE EFFECTIVE MANAGEMENT OF MULTILINGUALISM

a) Sustained productivity in spite of the crisis and quality in legal translation and interpreting maintained

In 2020, due to the crisis, the workload of the translation service fell by 8% (with a total of 1 144 581 pages to translate). Through the commitment of staff, even in the difficult situation arising from the distance from the premises, and ever greater recourse to IT tools, productivity essentially kept up with demand, bringing stocks down to 187 458 pages (209 000 pages at the beginning of 2019).

It is important to note that without all the cost-saving measures put in place since 2004, the burden of translation would have exceeded 1 625 000 pages in 2020. Savings of more than 480 000 translation pages were made through measures taken in the past, namely selective publication or publication by extracts of the case-law, limiting the length of the Advocate Generals' Opinions, drawing up summaries of requests for preliminary rulings and the use of editing, consultation on the need to translate certain annexes in procedural documents, etc. or through other measures such as the mechanism provided for in Article 58a of the Statute whereby the Court determines whether an appeal should be allowed to proceed, which opened up additional savings.

As regards quality, the investment made in IT, training, terminology and internal quality assurance processes, particularly within the framework of the methodological approach known as the 'Quality process', have made it possible to maintain a very high quality level of legal translations, despite the complexity of the documents and the difficulty of the source languages, all while responding to needs in terms of quantitative production.

When the crisis meant that staff had to work remotely from the buildings, major efforts were made to enhance the IT equipment indispensable to pursuing tasks in a high-performing and secure environment, and to adjust priorities in the light of each individual situation. Fortunately, translation workflows had already been digitalised. In addition, many members of staff from the language and transversal units came to the assistance of other units experiencing excessive workload, for example, for secretarial tasks or even by taking on certain translations subject to in-depth revision.

In conclusion, the commitment of the Legal Translation service has made it possible to meet all the deadlines required for the due progress of proceedings in all languages and to meet the objectives linked to the dissemination of the case-law among citizens. Almost every single translation of judgments of the Court of Justice is published on its day of delivery: it can therefore be considered that the objectives of making all language versions of judgments of the Court of Justice available on the day of delivery and of making Opinions available on the day of delivery of the judgment were achieved in 2020.

As regards interpretation, the interpreters made use of the period during which hearings could not be held from 13 March to 24 May to become more involved in various routine tasks, such as language training courses, and new tasks, such as contributing to a major clean-up operation of the terminology databases used within the Institution. After that period, they dealt with a large number of hearings, particularly in the second half of the year, while becoming accustomed to the new methods for participating remotely in hearings described below. The participation of the parties from remote locations had to be closely managed in an extremely responsive manner, which entails not only a specific demand on the performance of interpretation, but also significant technical constraints, as the remote sites had to be tested at two key times, along with organisational constraints owing to the contribution of a significant number of Services in the Institution. A specific training course was also dispensed to all of the interpreters participating in those tests.

Thus, 94 tests led to the approval of 53 remote sites and allowed 40 hearings to be organised involving parties outside the Court of Justice and 37 at the General Court in 2020.

More specifically, the resumption of hearings on 25 May 2020 necessitated the introduction of new working methods to continue with judicial activity in spite of the travel restrictions and with due regard for the health of all persons. Interpreters were seated alone in the interpreting booths, which halved the maximum number of languages normally available in a room. For certain hearings where interpretation into a larger number of languages was required, interpreters who could not be seated in the booths of the main room worked from a twinned room via remote interpreting. Furthermore, the representatives of the parties who were unable to travel to Luxembourg to participate in the hearings were permitted to make submissions by videoconference, subject to the availability of technical resources and compliance with technical pre-requisites. The Court's interpreters made every effort to tackle the busy schedule for the confirmed hearings, with the organisation of validation tests and tests prior to the hearing.

The various working groups also tirelessly pursued the tasks with which they were entrusted. For example, the GTIV (Working group on videoconferencing) continued its analysis and support for remote videoconferencing. The Court continued to examine new working arrangements, constantly ensuring that the internal procedures put in place were suitable for ensuring that high-quality service was maintained, in compliance with health protection advice. Together with another working group, the GPTI (Permanent Taskforce for Distance Interpreting), it analyses the impact of new working arrangements on the quality of interpretation, as well as on the health and well-being of interpreters.

In order to increase the flexibility of the service, appropriate language learning approaches are adopted on an ongoing basis. This makes it possible to cover 76% of interpretation needs from within the Institution.

b) Maximising the contribution of freelancers

With this aim in mind, the Court has, in 2020, continued to optimise external translation gradually in order to further capitalise on the multilingual and multicultural reality of the European Union and the diversity of its legal systems. It liaises with the Member States and is developing a pool of external expertise in order to cope with the structural increase in the volumes to be translated and the language combinations to be covered. The profession of lawyer-linguist is also enhanced by concentrating internal resources on the management and revision of external resources, although the Court's lawyer-linguists continue to translate a significant number of sensitive and important texts. Awareness-raising on the freelance profession continued as much as possible through videoconferences and greater investment has been granted to develop presentation and training videos for the freelance market.

Without greater recourse to outsourcing, it would not have been possible to achieve the results noted for 2020, namely, first, to respond to the workload in the context of the crisis and remote working and second, to succeed in reducing stocks.

Quality is paramount in interpretation too, and largely depends on the availability of permanent interpreters of the Institution, who are specialists in judicial and legal work.

The use of external resources depends on the language combination of each hearing. In 2020, the Court made use of 257 auxiliary conference interpreters in order to meet its needs. Those interpreters provided a total of 1 948 freelance contract days, or an average of 62.83 per week of judicial activity.

The Court benefits from the joint management of conference interpreters, accredited at interinstitutional level, and is in particular in contact with the other institutions to ensure the possible redeployment of contracts for auxiliary conference interpreters.

c) Introduction of neural translation and voice recognition software

The Court has set itself the objective of forging the way in the use of new digital technologies as a catalyst and multiplier for enhanced multilingual communication. It is fully aware of the transformational potential that these technologies hold for its Services, and ensures that they are adequately prepared to take advantage of the benefits offered by those technologies, while supporting its staff in managing change, with a view to supporting production while maintaining a high quality service.

It has been involved in the use of translation tools for many years. It contributes financially and otherwise to the maintenance and development of the interinstitutional tool eTranslation (officially launched on 15 November 2017), which builds on MT@EC, the European Commission's previous statistical machine translation service.

eTranslation is a machine translation service from the Commission based on a technology called Neural Machine Translation (NMT), which is based on deep learning, one of the forms of artificial intelligence.

As part of a joint project with all language units and following the validation of the IT security plan, the neural version of the interinstitutional machine translation software eTranslation has been added to the SDL Trados Studio work environment, replacing its statistical version as of 1 April 2019 for a limited number of languages.

By using the data collected by the institutions (Euramis alignments), eTranslation makes it possible to cover the 552 possible language combinations between the official languages of the European Union, even if through a pivot language. Since July 2019, all the language units have benefitted from the use of neural translation, through engines which are trained for work at the Court, from French, on the case-law of the Court of Justice and the General Court. The engines specific to the Court were retrained twice in 2020 and new architecture was introduced, which has shown benefits in terms of the quality of the results.

From January 2020, a Portal giving access to eTranslation for all of the Court's Services was put into service, including specific engines trained on French-language case-law.

The Court also uses the neural translation tool DeepL, and continues to analyse other neural translation tools. To that end, it held meetings with SDL on the topic of the EDGE tool and with the Translation Centre (CdT) regarding its NICE tool, in order to discuss possibilities for more collaboration in those fields.

Regarding voice recognition tools, such as those under development by the CdT and the World Intellectual Property Organisation, they might in time become useful for the Court for the following activities: transcription of hearings, support for interpreters during hearings (particularly for dates, figures and names) and support for lawyer-linguists in their translation work.

5. RESULTS RELATED TO COMPLIANCE OF ACTIVITIES WITH APPLICABLE REGULATIONS AND FOLLOWING UP BEST PRACTICES

a) Actions to ensure compliance with regulations in the field of data protection

The data protection officer (DPO) advises the controller, the staff or the persons concerned by a processing operation and ensures, in the context of non-judicial activities and in an independent manner, the internal application of the rules on the protection of personal data. The DPO collaborates with the European Data Protection Supervisor, in particular by responding to his or her requests, and with the officers of the other institutions and agencies within the interinstitutional network of officers. The DPO circulates information and guidelines on data protection within the Institution and supports the Services in implementing them, in particular, through the network of data protection correspondents. In the context of non-judicial activities, the DPO shall also keep the central register of the Institution's processing activities, the register of data violations and the ad hoc register of limitations on the rights of individuals.

In the performance of these duties, in 2020, the DPO received 59 documents and updates on the processing of personal data by the Institution's Services. The DPO sought clarification from those services, made recommendations and provided assistance to controllers in the preparation of documents.

A number of documents and consultations, which related to the introduction of specific measures in the context of the management of the Covid-19 crisis, raised new and delicate questions on the processing of personal medical data or other highly sensitive data in the workplace.

It is also important to note that the Court took the necessary measures in 2020 to publish a central register of the Institution's processing activities in the context of non-judicial activities on its website. That register was published on 15 January 2021.

Two processing impact analyses began in 2020.

The Institution also received and responded to four information requests from the EDPS in 2020. The response to another information request is also under preparation.

b) Increased environmental performance

In 2020, the Court continued the process of improving its environmental performance through the EMAS environmental management system, which requires close monitoring of the various environmental aspects on the basis of indicators, taking into account the number of ‘full-time equivalents’ (FTE). For example, the policy followed by the Court contributed to reducing electricity consumption by 10.6% (kWh/FTE), water consumption by 5.5% (m³/FTE), paper consumption by 17.6% (kg/ETP) and office and catering waste by 8.6% (kg/FTE), in comparison with the reference year 2015.²

After securing EMAS registration for the first time on 15 December 2016, the Court had its EMAS certification renewed on 15 January 2020 by the Luxembourg Ministry for the Environment, Climate and Sustainable Development, up to 30 November 2022.

Transport plays a key role in environmental projects for the improvement of the Institution’s environmental performance. A survey of staff transport habits is conducted each year in order to gauge the scale of greenhouse gas emissions linked to such transport and to provide a full update on the Court’s carbon footprint. In 2020, the survey yielded a high response rate with 903 persons filling out the questionnaire of a total of 2 249 FTE.

In cooperation with the other EU institutions based in the Grand Duchy of Luxembourg and following the introduction of free public transport by the national authorities, the Court decided to grant a subsidy for annual cross-border public transport to members of staff. That measure is designed to encourage the use of public transport for almost 400 officials and members of the temporary and contract staff who live in a neighbouring country.

The Court also decided to participate, together with the other EU institutions based in Luxembourg, in the vel’OH self-service bike facility set up by the City of Luxembourg. An agreement allowing the signatory institutions to offer members of their staff who so request a free subscription to the service was signed at the end of 2020 (the cost of rental beyond the first free half-hour remains payable by the user).

Discussions were initiated simultaneously with the City of Luxembourg and the Kirchberg Fund with a view to setting up new bike stations in the vicinity of the buildings of the EU institutions in Kirchberg and to enlarging the existing stations. During a conference organised by the Court in the context of the European Mobility Week, aimed at raising awareness of the positive impact of sustainable transport and of the protection of the environment, the City of Luxembourg confirmed that a new station would be built in front of the Court’s Erasmus building.

Those two interinstitutional initiatives, which reflect the desire of the participating institutions to encourage members of their staff to use more environmentally-friendly transport modes, contribute to achieving the objectives of the Court’s EMAS programme, namely the reduction of carbon emissions related to commuting, which correspond to 15% of the Court’s current carbon footprint. In addition, the vel’OH! Service is fully suitable for adhering to the requirements of physical distancing between persons in the context of the public health crisis related to Covid-19.

As regards reducing the consumption of single-use plastics, the Court pursued its policy of replacing plastic bottles by glass bottles in meeting rooms, hearing rooms and deliberation rooms. It is also preparing to install new water fountains.

2| The figures in question relate to 2019, as the figures for 2020 will only be available at the end of the first quarter of 2021. It is clear that the results for the year 2020 will show a striking improvement in those indicators, particularly in the light of the impact of the public health crisis the effect of which was to drastically reduce footfall in the Court’s buildings. However, those results cannot be considered to be representative of normal working conditions.

Other measures in the field of environmental protection have been examined or put in place, such as the project aimed at reducing the number of individual printers in the Court, while the new call for tenders for 'office paper in A4 format' will allow paper from sustainable sources and recycled paper to be ordered.

In the same vein, the Court participated in an interinstitutional call for tenders led by the European Parliament concerning carbon emissions offsetting, which led to the signature of a contract with an emissions trading company for the purchase of credits to finance three Gold Standard projects.

It should also be noted that refrigeration for catering purposes was overhauled and new, more efficient equipment were installed. This allows the Court to comply with the new restrictions concerning the use of coolants with a significant environmental impact, in force from 1 January 2020, and to reduce its carbon footprint.

Finally the Court acquired energy-management software, the new decision-making aid for energy efficiency through the analysis of consumption over time.

c) Equal opportunities and diversity policy

On 31 December 2020, the percentage of women in managerial posts was 41%. The increase in that percentage over those past years should be considered in the context of the numerous initiatives taken by the Institution in order to achieve gender-balanced representation in both middle and senior management posts.

In that regard, in the first place, work to raise awareness among staff and heads of Service of the issues related to equal opportunities and diversity should be mentioned, in particular those factors that might hinder women's access to management positions. This awareness-raising has included meetings organised by the administration for line managers to highlight the key role that heads of Service play in the career development and skills development of their staff.

In the second place, specific measures, based on an inclusive policy in respect of all the staff of the Institution, have been introduced in the following areas: making management posts more attractive, training and supporting interested persons to participate in managerial tasks, training and supporting heads of Service after taking up their duties, promoting a better work-life balance.

Furthermore, the Court participated actively in interinstitutional consultations on the topic of the harmonisation of internal policies in the institutions in terms of equal opportunities, diversity and inclusion, in shared reflection on the management of people with disabilities and the design of IT tools allowing them to log in and work remotely. The 'Equal opportunities and diversity' cell, within the Directorate for Human Resources and the Administration of Personnel, also played a central role in coordinating the interinstitutional network of women working in the institutions based in Luxembourg (LuXX EU women's network).

Regarding geographical balance, the Court remains sensitive to the specific need to ensure balanced geographical representation among its staff and takes account of that need, in strict compliance with the rules provided for in Article 7(1) and the first paragraph of Article 27 of the Staff Regulations, in the context of its recruitment procedures, which are always based on the criterion of merit, with a view to selecting candidates with the highest levels of competence, efficiency and integrity. The institution makes every effort to encourage applications from candidates whose nationality is under-represented and makes use of the relevant information obtained in the context of interinstitutional exchanges on that topic.

d) Upgrading of the Institution's security system

The project for the upgrading of the security system of the Court's buildings (Project CJ10), approved by the budgetary authority at the end of 2018, includes a security perimeter, the construction of three reception pavilions and security checks located away from the main entrances to the Court, as well as six autonomous security booths outside the buildings. The framework contract governing cooperation between the Grand Duchy of Luxembourg and the Court for the execution of works and the leasing of certain works completed in the context of the project, was signed in October 2020. According to current forecasting, the works will begin in Spring 2021 and continue until the end of 2022.

e) Correct application of standards and sound administration

In 2020, as in previous years, very little legal action was taken against the Institution. This is the result of the attention paid by all its Services to compliance with the applicable rules, with the assistance and advice provided by the Legal Adviser on Administrative Matters.

As regards actions against the Institution, 4 cases were disposed of by judgment or order in 2020. The Institution was successful in all of those cases. On 31 December 2020, 4 cases were still pending, of which 2 were introduced in 2020 and 2 had been suspended since 2016.

As regards the handling of complaints lodged (9 in 2020, plus 2 complaints which were under investigation on 1 January 2020) under Article 90(2) of the Staff Regulations of Officials of the European Union, 8 explicit decisions were adopted and one complaint was withdrawn. On 31 December 2020, 2 claims were still under examination.

Regarding the files in relation to complaints made to the European Ombudsman, only one file was communicated by the Ombudsman in 2020 mentioning the fact that that file had already been closed after it was found that there was no maladministration.

In 2020, the Services also had increased recourse to legal assistance in order to navigate the consequences of the pandemic, under the best possible conditions, with respect to procurement procedures and the application of contracts in force in the various fields of activity of the Institution.

f) Request for access to administrative documents and historical archives

In 2020, 31 requests for access to administrative documents (including 28 initial requests and 3 confirmatory requests) and 33 requests for consultation of historical archival documents relating to 309 files were registered.

As part of the management of historical archives, the Court collaborates closely with the Historical Archives of the European Union (HAEU) at the European University Institute in Florence. In December 2020, the procedural files of the Court of Justice for the years 1983 to 1986 were placed in the Historical Archives.

The Court is also represented on the Interinstitutional Archives Group (IIAG).

g) Staff training on ethics and integrity, harassment, whistle-blowing and preventing conflicts of interest

In 2020, the Court organised 6 training courses entitled 'Rules of Good Conduct', with the participation of 70 members of staff.

That training course is designed to inform new arrivals and other members of staff on their obligations arising from the Staff Regulations and the CEOS. It also covers the prohibition on harassment and the internal procedures to be followed by the victim in the event of a breach of that prohibition, whistle-blowing, the prevention of conflicts of interest and other ethical questions.

Whistle-blowing and conflicts of interest were also included in the content of the 'Internal Control' course and 2 sessions of financial training: 'Expenditure Lifecycle' and 'Public Procurement'. In 2020, 2 'Internal Control' classes, 4 'Expenditure Lifecycle' classes and 4 classes on 'Public Procurement' were organised, with a total participation of 138 persons.

IV. RISKS ASSOCIATED WITH OPERATIONS IN THE SERVICES OF THE COURT

The occurrence of certain risks could impede the proper functioning of the Services, or even prevent completion of the tasks assigned to them.

To address this, the Court has updated crisis continuity plans for all its Services. These continuity plans are regularly tested in the framework of internal discussions, in particular at the level of the operational cells of all the Services of the Court, and exercises organised centrally.

Although 2020 was essentially characterised by the emergence of the crisis linked to the SARS-COV-2 pandemic, during which risk management became crisis management, the fact remains that the Institution continues to face many other important risks. The main risks faced by the Institution concern, essentially:

1. a major crisis situation,
 2. inability to cope with the increased workload,
 3. the impossibility of maintaining the quality of the work performed,
 4. the impossibility of meeting deadlines,
 5. fraud or other inappropriate conduct of staff,
 6. the impact of possible computer malfunctions,
 7. cyber attacks against IT systems,
 8. harm to persons, data and property,
 9. lack of staff with the required skills,
 10. incorrect application of the relevant regulatory provisions,
 11. poor implementation of appropriations.
1. As far as concerns **major crisis situations**, these are risks to which the Institution as a whole is exposed (epidemic, fire, natural disasters or adverse weather conditions, etc.). As indicated above, in order to cope with this, continuity plans have been drawn up, updated and tested, as well as a Special Intervention Plan (SPI) in collaboration with the Luxembourg Government. The efficiency of the Services in sustaining their activities throughout the public health crisis engendered by the SARS-COV-2 pandemic has proven the relevance of those various plans. The Services updated those plans, based on the additional measures which had to be taken throughout the crisis to ensure the continuity of operations. The efforts made in the field of new technologies in order to introduce ever better performing tools to further facilitate teleworking, digitalisation of documentary workflows and remote communication contributed substantially to managing the risk related to that major crisis.
 2. Regarding the **management of the increase in the workload**, the main risk lies in the unsuitability of human, technical and financial resources available to the Court's Services to respond, particularly in the current context which restricts the possibilities for the Services to add to their teams.

In any event, the Court's Services always ensure that they make optimal use of the resources allocated to them and closely monitor the evolution of the workload, priorities and future events likely to influence it. Such monitoring allows the Services to express their needs and benefit from synergies, by constantly rationalising their working methods, ensuring optimal planning of their work, by participating in the design of new IT tools, while stepping up efforts to make savings. Thus, the development of new IT tools, in particular the new Integrated Case Management System (SIGA), and exploitation of the potential offered by digital technologies in the field of languages, as well as increased use of interinstitutional cooperation, should make it possible to manage the risks

associated with the increased workload more effectively. However, at the present time, these new developments require significant human and financial resources in order to be able to meet the planned schedule for their implementation.

3. With regard to maintaining **quality**, the risks are managed by establishing controls through regular, structured reporting. The improvement and streamlining of tools and management methods also contribute to ensuring a high level of quality. Particular attention is also paid to recruitment procedures to ensure that new recruits actually meet the necessary requirements in terms of knowledge, skills and competencies. In some fields, technological tools make a non-negligible contribution in a context of limitations on human resources.
4. With regard to the risks associated with **meeting deadlines**, measures are being taken by the various Services to ensure that deadlines are met, in particular:
 - As regards the registries of the two courts, the strict monitoring of procedural files, the drawing up of checklists and the introduction of scoreboards, the use of task-specific email addresses, the drafting of internal procedures and the setting of priorities for operations are aimed at reducing, in particular by updating key performance indicators, any risk of incidents during the processing of cases.
 - In the field of translation, careful monitoring is carried out centrally. Results in 2020 remain very satisfactory. Reflection is also under way on optimising the contribution of external translation and its consequences.
 - In the field of interpretation, regular meetings, with the Members of both Courts, in particular, are organised in order to better determine the real needs for interpretation and a monitoring tool is used with respect to pre-booked hearings. Cooperation procedures with the Commission and the Parliament are also put in place with a view to structural and occasional exchanges concerning the reciprocal provision of interpreters in languages where there is a shortage.
 - At the Directorate for Research and Documentation, the deadlines given for all activities of the Directorate are monitored with the help of databases which allow management to carry out regular checks. The working methods used when carrying out activities are regularly subject to assessment with a view to improving and simplifying them and to make best use of new technology. Maintenance that is sufficiently adaptable is important in order to take advantage of technological change.
 - In the area of financial audit, the risk of excessively long delays, mainly due to the very high workload, is being addressed by establishing priority rules for the processing of files and introducing a simplified financial circuit without centralised ex ante verification (see Part VII for further details).
 - With regard to the risks associated with meeting deadlines for construction projects, those risks are managed using instruments described in Annex 5.

5. As for the risks linked to **fraud or any other inappropriate conduct**, the measures taken to control them consist, in particular, in establishing rules and procedures and regularly reminding staff members of these rules and of the obligation of confidentiality to which they are subject. In terms of the various IT tools, rigorous management of access rights based on profiles has been put in place. The financial risks have been mitigated through a centralised ex ante control and by siphoning certain sensitive tasks.

6. With regard to the **risk of the impact of IT malfunctions**, an infrastructure continuity plan has been drawn up with the existence of a back-up site, the introduction of an application redundancy system, the implementation of a progressive technology migration plan, the creation of internal control bodies, the adoption of a new critical incident management procedure and the updating of the change management procedure to strengthen the quality control of production releases.

Similarly, the establishment of a 'Business Network' involved in the modelling of processes and in the design and implementation of solutions and their implementation has helped to reduce the risk of insufficient collaboration with users in the courts and Services.

In terms of external IT systems and services, SLAs (Service Level Agreements) and security agreements are established with the institutions providing those services which ensure their level of quality.

Finally, the construction of a data centre within the Court's buildings and the replacement of a number of applications and software by an Integrated Case Management System (SIGA) based on an 'adaptive case management' tool, currently under development, should also considerably reduce the risks of IT malfunctions and deal with the obsolescence of certain applications currently in use.

Recourse to teleworking arrangements across the Institution during the public health crisis related to SARS-COV-2 and increased recourse to the possibilities offered by information technology resulted in greater dependency on the quality of IT tools and the internet connection, by augmenting the impact of those types of risks.

In technical terms, effective management of that crisis was possible by speeding up the digital transformation of the Institution, in addition to preparing for the mobility programme, strengthening the infrastructures and putting in place new video-conferencing equipment.

7. The risk of a **cyber attack against the Institution's IT systems**, which could destroy or alter digital information and disclose confidential information is taken into account by strengthening the capacity and quality of prevention mechanisms, particularly through the review of the practices for detecting network vulnerabilities and putting in place a new security logging infrastructure. This also includes the continued expansion of cooperation with CERT-EU at the operational and strategic level, both between teams and between IT systems. The cyber-security awareness-raising programme, launched in 2019, continues. Training sessions relate to three areas: social media, mobility and email. Finally, in relation to IT projects, the Court considers security risks at the beginning of projects ('security by design').

8. Regarding the **protection of persons, data and property:**

- Particular attention is paid by the Court Registries, both in the processing of cases and in connection with the publication/dissemination of decisions of the courts, with respect to the protection of the identity of persons and other personal data (by granting anonymity), and the preservation of the confidentiality of certain data, in particular business secrets.

Regarding breaches of the security of persons, property and infrastructures, the major concern for the Institution in 2020, was the protection of the health and safety of its Members, its staff and visitors in the context of the above-mentioned crisis. The Court has put in place strict rules and procedures for access to and staying and moving within its buildings with a view to containing the risk of spreading SARS-COV-2 as much as possible, in accordance with its obligation, as an employer, to provide working conditions that meet the appropriate health and safety standards, which are at least equivalent to the minimum requirements applicable under the measures adopted in those fields pursuant to the Treaties. In particular, group visits were suspended and access for external persons was made conditional upon there being essential reasons for accessing the buildings, linked mainly to the judicial activity of the Institution.

- More generally, risks linked to the security of persons, property and infrastructure are mitigated through a continuity plan, including regular evacuation exercises and continuity plans developed for each Service, together with the national service providers and authorities, as well as by the strengthening of security measures in the event of an increase in the alert level. Monitoring by an independent expert of the quality of the security company's services and high-performance encryption of badges contribute to risk management. In terms of fire and occupational safety, account of the risks are mitigated by scrupulous compliance with the regulatory framework and by periodic inspections of dedicated installations and systems.
- As far as catering is concerned, the main risk is that of harm to the physical health of individuals. This risk is managed through unannounced checks on compliance with hygiene rules carried out by an external body. It should be noted that the catering service was suspended during 2020, due to constraints linked to the pandemic. The resumption of catering activities was made subject to strict sanitary conditions, which even went beyond what is required under the legislation in the Grand-Duchy of Luxembourg.
- In terms of information security, risks are mitigated through broader awareness-raising among staff having to deal with highly sensitive information in the context of a court case. To minimise the risk of premature dissemination of information to the outside world, an effective internal procedure has been put in place and tested, in particular to prevent all or part of the legal assessment of a case from being compromised before it is closed. The procedure put in place for confidential orders or judgments (limited access to the original text via an encrypted folder and files) has been used on several occasions in a very effective manner. Furthermore, an awareness-raising campaign concerning the physical security of information was implemented, accompanied by the distribution of security cabinets and document shredders, and will continue throughout the first half of 2021.
- In the context of unwavering efforts to preserve its collection; the library continues to apply rigorously the security measures provided for such as, for example, securing books using a magnetic system, high-performance management of loans and strict access controls to the reading room and the stocks.

9. Regarding the risks related to **a lack of staff with the required skills**, various measures are taken.

As regards recruitment, vacancy and transfer notices for posts which become vacant and specific EPSO or internal competitions are organised swiftly. In addition, managers from the Human Resources Service specially trained in staff selection regularly support the Services during the various recruitment procedures in order to contribute optimally to quality recruitment corresponding to the real needs of the Services in terms of the knowledge and skills required of candidates. Actions are also under way in collaboration with other EU institutions based in Luxembourg with a view to boosting their attractiveness.

Regarding training, the Institution has put in place a package for new recruits to ensure that they quickly settle in to their Services, together with a continuing training plan addressed to all staff. That plan allows the Institution's staff to develop the necessary skills to carry out their tasks at a high level of quality, to update their knowledge and to adapt to change. In the context of the public health crisis related to the SARS-COV-2 pandemic and widespread teleworking arrangements, the Institution has made every effort to ensure continuity in the learning and development processes for staff. Most training courses given in person have been converted to online courses.

Furthermore, manuals to guide staff in the performance of their duties are created and updated by the Services to ensure continuity of service operations in the event of prolonged absences of key personnel. Knowledge sharing practices and documentation of procedures have been put in place to ensure the transmission of information and its sustainability. Innovative methods for the transfer of skills, such as mentoring, coaching and job shadowing are used.

10. The risk of errors in the application of regulatory provisions are managed through training and control measures in the field of public procurement, which is governed by particularly complex rules. The Directorate for Budget and Financial Affairs provides a 'Helpdesk' service to the Services, aimed at standardising the practices and documents used within the Court by contributing to the regularity of operations relating to procurement. The existence of a procurement consultative committee, which gives an opinion on all calls for tender of an amount estimated to exceed EUR 60 000 and a central verification of transactions with financial impact allow mitigation of those risks and dissemination of best practice.

The very low number of complaints, including complaints to the European Ombudsman, disputes from staff representatives and the absence of observations by the Court of Auditors in its annual reports for 2010 to 2019 are objective indicators of the effectiveness of the control systems in place and of the control of those risks.

11. In the budgetary sphere, the risks of **wrongly implementing appropriations** were properly managed owing, in part, to the measured evaluation of the appropriations sought when drawing up the draft budget and, in part, to regularly monitoring of the implementation of the budget by the Services through reporting, which resulted in a very high appropriations implementation rate of 99% in 2020. As indicated in the previous point, great importance is placed in providing suitable training courses to authorising officers and managers in order to ensure not only the proper application of the rules, but also regular monitoring of the use of appropriations granted by the budgetary authority.

V. COOPERATION WITH THE OTHER INSTITUTIONS AND BODIES OF THE MEMBER STATES

In 2020, interinstitutional cooperation was more intense than ever with the aim, as far as possible, of identifying coordinated approaches to navigate the many challenges posed by the pandemic.

Thus, discussion on that topic, particularly with regard to the crisis management strategy were held and chaired by the Registrar of the Court, in the context of regular meetings with the College of the Heads of Administration of the Institutions and Bodies of the European Union, informed by the interventions of the representatives of the Interinstitutional Medical College as well as in the context of regular and extraordinary meetings of the Secretary Generals and Heads of administration of the Institutions and Bodies of the European Union based in Luxembourg (CALux) with the participation of the representatives of the national authorities of Luxembourg.

In more operational terms, the collaboration in the following fields is worth mentioning more specifically:

- The Preparatory Committee for Matters relating to the Staff Regulations (CPQS): in the context of the pandemic, approximately fifty meetings have been held by that committee, since March 2020, in order to exchange information between the administrations of the institutions and to coordinate the administrative measures taken by them in various fields (rules on the occupancy of buildings, teleworking arrangements, authorisations to work remotely away from the place of employment, vaccinations, etc.) while respecting their autonomy and the national measures applicable in the participating institutions;
- Training: intensive collaboration with other institutions was necessary in order to identify innovative pedagogical solutions, develop new training courses and ensure continued access to training throughout the crisis via various remote training tools and platforms;
- Management of buildings: coordination for the purposes of drawing up procedures for cleaning and disinfecting the premises (within the informal 'buildings management' network, bringing together the Heads of Unit responsible, in their respective institutions, for that area);
- Security: coordination for the purpose of drawing up procedures for access control, particularly with regard to the restriction of access and temperature checks (within the Interinstitutional Group on Security GIS);
- Catering: joint analysis of Luxembourg's legislation in order to adapt the catering services in accordance with those rules and the needs of the institutions (informal network of catering managers in the institutions located in Luxembourg);
- Purchase of health protection equipment: participation in an interinstitutional contract managed by FRONTEX for the acquisition of personal protective equipment.

In addition, throughout 2020, the Court continued to derive maximum benefit from interinstitutional calls for tenders, whether as a partner or leader, in order to benefit from better market prices and optimise the associated management costs.

The Court also continued to participate in the usual meetings between interinstitutional groups and networks with a view to greater harmonisation of the application of the rules in the Staff Regulations and the rules applicable to other agents as well as policies and practices in various fields, such as buildings and security (GIS, GICIL), the protection of the environment (ECONET, GIME), information technologies (CII, CERT-EU Pilot Committee and the FORMATS group of the Publications Office), legal information (GIL, e-Law, e-Justice, EUR-Lex), the library (EUROLIB), information and communication [CEIII, Interinstitutional Online Communication Committee (IOCC), Web Preservation Group and the Interinstitutional Archives Group (IIAG)], human resources (EPSO, Sysper, Staff Regulations Committee, with a view, in particular to adopting general implementing provisions (GIP) and other texts for the application of the Staff Regulations),

CPQS (the interinstitutional body responsible for preparing draft conclusions for adoption by the College of heads of administration), equal opportunities and diversity (Intercopec, LuXX EU women's network, network of women managers, interinstitutional permanent task force in the field of equal opportunities and diversity, led by the European Parliament), management of cases of harassment (network of trusted persons for harassment matters), training (Learning Network, discussion group on training; Interinstitutional Working Party (IWP), hosted by EUSA (School of Administration)).

In the field of translation and interpretation, cooperation continued within the framework of the ICTI (Interinstitutional Committee for Translation and Interpretation), and within the IEC (its Executive Committee for Interpretation) and the Executive Committee for Translation (ECT).

Within the framework of the ICTI, interinstitutional tools used on a daily basis, such as ACI-Webcalendar, DocFinder, Euramis, IATE, Quest and eTranslation (a translation aid tool which has been operating at the Court in neural version to replace its statistical version), are developed, maintained and financed. The Court is working very actively with the Commission to improve the eTranslation tool, which is also part of the Connecting Europe Facility initiative, and to make it as suitable as possible for the Court's needs.

For some years now, the Court has been a member of the interinstitutional monitoring group in which it collaborates with the Irish authorities and EU institutions to prepare for the lifting, on 1 January 2022, of the derogation applicable to the Irish language. The cooperation focuses essentially on increasing translation capacity including legal translation in the Irish language, the translation of the *Acquis communautaire* into Irish and development of terminology resources and translation tools for that language.

The Court also uses applications and hosting services common to other institutions. The shared applications cover the main areas of administrative management (human resources, payroll, training, and budget, financial and accounting management). This type of cooperation allows very significant direct budgetary savings (reduction of development costs, shared technical infrastructure, support structure and joint maintenance).

The Court works with the Commission in the context of the outsourcing of certain activities relating to the administration of personnel, in particular, in the areas of transfer of pension rights, severance pay and unemployment benefit.

The Court also continued to collaborate closely with the Publications Office, both as an information provider and as a service user (publication of brochures and leaflets, advanced technical services, publication in the ECR on EUR-Lex, the official publications site of the EU institutions). The Court continued to chair the management committee, whose term will expire at the end of July 2021.

The management of the Library of the Court has also strengthened cooperation with other libraries. In that regard, following identification of its needs and possibilities for closer collaboration, the Court undertook to develop various types of partnerships designed to provide it with complementary resources on the national law of the Member States (for example, the Cujas intervarsity library in Paris); using existing networks (European institutions, Grande Région, Judicial Network of the European Union: for example, the Max Planck Institute Library of Luxembourg, the library of the Belgian Constitutional Court, the Library of the French Constitutional Council), and to foster partnership links to increase the range of services offered and access to complementary collections (library of the Swiss Institute of Comparative Law in Lausanne).

The logistical support offered to the European Public Prosecutor's Office, located in front of the Court (access to the Court's canteen and inclusion of the Prosecutor's needs in the call for tenders concerning security and surveillance services launched by the Court). The Court also assisted with the evaluation of the translation needs of the Public Prosecutor's office.

Since October 2019, the Court has also hosted the EPSO Luxembourg branch in its buildings and provides the meeting rooms necessary for the organisation of evaluation centres for candidates for posts in Luxembourg, in particular in the field of translation.

Furthermore, it should be mentioned that the Court chairs and provides secretarial services for the College of the Heads of Administration and CALux, as well as the secretariat for the Staff Regulations Committee.

Finally, virtual meetings were organised jointly with the European Parliament under the 'European Union Visitors Programme' project.

The following table summarises the main service agreements with the other EU institutions in 2020.

Service Level Agreements (SLAs) with other EU institutions in 2020			
Institution concerned	Nature of service	Budget line	Cost
European Commission	Development and maintenance of the Euramis, MT@EC, Quest II and DocFinder tools	1406.0 interinstitutional cooperation activities in the linguistic field	€ 228 893
Translation Centre	Development and maintenance of the IATE tool	1406.0 interinstitutional cooperation activities in the linguistic field	€ 58 936
European Commission	Services to be paid to the Commission's DG SCIC (contract conference interpreter days)	1406.2 Auxiliary conference interpreters	€ 2 552 753
European Commission	Nurseries managed by the Commission	1654 Early Childhood Centre	€ 2 408 401
European Commission	Management of transfers of pensions (IN/OUT), pensions of former Members, management of severance allowances and unemployment allowances	1655 PMO expenditure for the administration of matters concerning the Court's staff	€ 113 000
European Commission	Accommodation of data centre	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 275 000
European Commission	E-Prior	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 35 000
European Commission	SYSPER II	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 711 410
European Commission	EU Learn	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 29 211

European Commission	NAP and Sysper Rights	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 190 000
European Commission	EU-CV online	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 20 000
European Commission	NDP	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 60 275
European Commission	Contribution to public procurement procedures	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 24 215
European Commission	CERT-EU	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 180 000
European Commission	Historical archives	272.07 Historical archives of the EU	€ 117 752
Council	SAP SOS II	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 483 502
European Commission	CAS — Social Activities Committee	1632.1 Social contacts between members of staff	€ 287 154
European Parliament	Early Childhood Centre	1654 Early Childhood Centre	€ 832 352
Publications Office	Production of publications	2741 General publications	€ 165 000
European Commission	Hermes-Ares-NomCom(HAN) Management of administrative documents in the context of e-Domec	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 11 334
European Commission	EU-sign	210 Equipment, operating costs and services related to data-processing and telecommunications	€ 188 820
Total =			€ 8 973 008

VI. USE OF HUMAN AND FINANCIAL RESOURCES

Two specific annexes provide more information, first, on the use of budgetary resources (see annex 'Report on budgetary and financial management') and, second, on the use of human resources (see annex 'Report on staff policy'). Consequently, the tables that follow present a summary only of the implementation of appropriations and the use of human resources.

A. Implementation of appropriations

million EUR

Budget chapters	Appropriations Commitments 2019	% implementation 2019	Appropriations Commitments 2020	Commitments of appropriations	% implementation 2020
10 — Members of the institution	36.9	92.0%	34.7	33.6	96.9%
12 — Officials and temporary staff	252.5	99.5%	260.3	259.1	99.5%
14 — Other staff and external service providers	25.9	97.7%	25.2	24.6	97.5%
16 — Other expenditure related to persons connected with the Institution	6.3	97.5%	6.4	5.6	87.1%
TITLE 1 SUB-TOTAL	321.6	98.4%	326.6	322.9	98.9%
20 — Buildings and associated costs	75,0	99,7 %	76,7	76,6	99,8 %
21 — Data processing, equipment and moveable property	27,9	99,8 %	30,1	29,8	99,0 %
23 — Current administrative expenditure	2,0	95,1 %	0,9	0,8	85,2 %
25 — Meetings and conferences	0,5	99,1 %	0,2	0,1	60,5 %
27-37 — Information: purchasing, archiving, production and dissemination and expenditure relating to certain institutions and bodies	2,4	96,0 %	2,1	1,9	90,9 %
TITLES 2 AND 3 SUB-TOTAL	107,8	99,5 %	110,0	109,2	99,2 %

100 — Provisional appropriation	0	0%	0	0%
TOTAL COUR DE JUSTICE	429.4	98.7%	436.6	99%

Source: Report on budgetary and financial management during the year 2020

Overall, the rate of implementation of appropriations in 2020 was once again very high (99%), an increase compared with that of 2019 (98.7%).

B. Use of posts provided for in the establishment plan

Posts provided for in the establishment plan are allocated as set out in the table below:

Area of activity	2020	2020	
	Number of jobs	%	
Chambers	554	26.7	Chambers of Members of the Court of Justice and of Members of the General Court
Registries	119	5.7	Registry of the Court of Justice and of the General Court
Support for judicial activity	139	6.7	Research and documentation, library and support for hearings
Language services	962	46.4	Translation (873); Interpretation (74); Projects and terminology coordination (15)
Administrative, logistical and IT support services	299	14.4	Administration, protocol, communication, IT, legal adviser, internal audit, staff committee
TOTAL	2 073	100	

The distribution of posts by sector of activity remains similar to that of previous years, with almost 86% of posts dedicated to jurisdictional and linguistic activities.

With regard to the occupation rate of posts, it remains at a very high level (around 97%) in 2020, due to sustained judicial activity which requires recruitment to be carried out quickly and comprehensively for all posts which have fallen vacant.

VII. FUNCTIONING OF THE INTERNAL CONTROL SYSTEM

A. Overall evaluation of internal controls and of their cost-effectiveness

The effective and efficient functioning of the internal control system is a priority of the Court. This internal control system is based in particular on the following pillars:

- an internal control framework, based on the COSO 2013 baseline,³ approved by the Administrative Committee on 29 January 2019. In line with COSO guidelines, the new framework is based mainly on the principles of autonomy and accountability at each level of management.
- the existence of a centralised ex ante verification service, which carries out the ex ante control of all financial operations at the Court, as well as verifying agents within several authorising services who carry out an initial review of the merits of each item of expenditure;
- a highly effective integrated accounting and budget management system which facilitates the control and monitoring of operations;
- assistance and advice provided by the Directorate for Budget and Financial Affairs in respect of questions relating to the application of the Financial Regulation and, in particular, in respect of questions relating to public procurement, helping to reduce the risk of irregularities and/or errors in managing appropriations;
- continuity in risk analysis and management exercises for the whole Court, which provide an overview of the risks to be dealt with;
- the performance of ex post controls on the basis of an annual programme approved by the authorising officer by delegation;
- an internal audit Service, which is completely independent in the conduct of its audits, provides the Institution with assurance on the degree of control over operations carried out to implement the budget and provides it with advice to improve the conditions for carrying out these operations, as well as to promote sound financial management.

3| That system is the Internal Control — Integrated Framework of the Committee of Sponsoring Organisations of the Treadway Commission (COSO), an organisation created in 1985 in the United States by professional associations in the fields of accounting and auditing to develop guidelines for risk management, internal control and anti-fraud.

In 2020, the first evaluation of the introduction and proper functioning of the new internal control framework was undertaken, with very positive results. The evaluation exercise, led by the Directorate for Budget and Financial Affairs, allowed the Institution's Services to carry out a full analysis of the state of internal controls.

The exercise showed that the framework for internal control in place in the Court is working well: at the same time, a number of avenues for improvement into the future have been identified.

The cost-effectiveness of that internal control environment is very positive, as a result, inter alia, of the following:

- an accounting and financial management application (SOSII-SAP) which has been developed interinstitutionally in close cooperation with the Council, the Court of Auditors and the European University Institute in Florence, thereby providing the Court with access to an effective management tool at the lowest possible cost, which was migrated to a new version of SAP HANA in September;
- centralised responsibility for ex ante verifications, resulting in a saving of human resources devoted to control tasks. The existence of *de minimis* thresholds, explained in the part of this report specifically dedicated to ex ante verification, ensures cost-effectiveness;
- rapid and appropriate action taken in response to the advice and recommendations of the Internal Auditor or to observations of the Court of Auditors.

B. Results of activities and management indicators relating to activities of verification, assistance and advice on internal control and internal audit

- **Ex ante verification**

Since 2016, a new simplified circuit (without centralised ex ante verification) has been set up for certain transactions of very low value, ⁴ thus allowing, in the context of an ever-increasing workload, the work of centralised ex ante verification to be concentrated on more complex transactions or on those presenting greater financial risks.

Ex ante verification concerns not only financial transactions, in particular commitments and payments, but also any human resources decisions with financial implications (determination of financial entitlements at the time of entry into service, granting of allowances, etc.).

The simplified verification circuit has made it possible to control ex ante verification workload, which is still very high: in 2020, 13 087 files (11 860 transactions in the SAP system and 1 204 decisions in the field of human resources) were checked by a team of 6 FTEs. The average processing time for files in the SAP system was 5.68 days. The percentage of rejected transactions in the SAP system was 2.26%. No substantive disagreement was recorded between the authorising officer by delegation and the Financial Assistance, Budget and Verification Unit during the 2020 financial year.

- **Ex post verification**

The 'Financial Assistance, Budget and Verification' Unit has established an ex post control system which, combined with the action of all those involved in the control chain, contributed to the ability of the authorising officer by delegation to report his assurance.

During 2020, two ex post controls concerning the remuneration of staff were finalised. Those ex post controls did not show any errors with financial impact.

- **Assistance and advice on internal control and public procurement**

Participation in the interinstitutional working groups in the matter has been effective and fruitful, particularly in the area of 'green procurement' (green public procurement aims at encouraging a sustainable consumption model).

Since 2017, the Court has been using the 'interinstitutional GPP (Green Public Procurement) Helpdesk'. The GPP Helpdesk provides fast, efficient, direct and practical assistance, with the objective of assisting the Institution to integrate environmental criteria into procurement procedures, in order to help reduce environmental impact and thus promote sustainable consumption. This service has become well known to the authorising services and its consultation has increased since its launch. The use of the GPP Helpdesk by any authorising Service preparing a public procurement procedure is systematically encouraged.

4| The centralised ex ante control verifies all financial transactions amounting to more than EUR 200 (EUR 1 000 in the case of invoices for freelance translators) and the great majority of decisions on human resources with financial implications.

The Financial Assistance, Budget and Verification Unit provides the Services with ad hoc support for any questions relating to public procurement. In addition, it also carries out, at the request of the authorising Services, a preliminary examination of the documents of the procurement procedures prior to the launch ('pre-submission'), with the aim of completing the analysis of each file within 10 days. In 2020, 18 complete procurement files were reviewed, with an average processing time of 5.3 calendar days (3.4 working days).

Lastly, a coordinated exercise to analyse risks and update continuity plans was carried out by the various Services of the Institution and the Registries of both jurisdictions. That exercise, which took place during the health crisis, underlined the importance of having effective and efficient risk management in place within each Service and at every level of the Institution, and particularly to plan the measures to be put in place to respond to crisis situations. The results of that exercise demonstrate, first, that the measures adopted by the Services to manage the risks identified are effective and, secondly, that the main high risk levels identified correspond to fields in which particularly serious efforts are made to contain those risks, as described in Point IV of this report.

- **Internal audit**

In accordance with Article 118(4) of the Financial Regulation, the Internal Auditor is to report to the Institution his findings and recommendations and the Institution is to forward each year to the Parliament and the Council a report containing a summary of the number and type of internal audits carried out, the recommendations made and the action taken on those recommendations.

As stated in the Internal Auditor's annual report, audits were completed in 2020 in the following areas:

- Management of the crisis arising from the Covid-19 pandemic;
- Audit on the deployment, administration and use of human resources management IT applications.

In 2020, the Service continued to provide advice in a number of areas of activity, in particular, in the context of the crisis arising from the pandemic and through carrying out a study on key indicators in the judicial field.

Furthermore, the annual internal audit report shows that satisfactory action was taken in response to the recommendations made. Regular monitoring of the actions taken by the audited Services makes it possible to assess whether they are appropriate, effective and timely and to identify and record improvements made. That monitoring showed that the majority of audits carried out before 2020 can be considered to be closed and that a number of actions have already been implemented by the Services, or are under way, in order to respond appropriately to the audits completed in 2020. A high percentage of acceptance of recommendations made and swift implementation are the key performance indicators of the internal audit activity. Furthermore, the action taken in response to the advice and recommendations of the Internal Auditor contributes to the continuous improvement of the internal control framework of the Court and to strengthening the application of the principles of sound financial management and performance.

VIII. OBSERVATIONS MADE IN CONNECTION WITH EARLIER DISCHARGES OR REPORTS OF THE COURT OF AUDITORS

The charter of the authorising officer's duties provides that the authorising officer by delegation is to include, in his annual activity report, remarks concerning the follow up to observations expressed by the Court of Auditors and/or the Discharge Authority.

A. Observations made by the Court of Auditors

It is important to note that the Court of Auditors indicated, in paragraph 9.7 of its last Annual Report on the implementation of the budget concerning the financial year 2019, that no specific problem concerning the Court was detected.

The results of the 2019 controls thus confirm, as they have since 2010, the absence of observations from the Court of Auditors.

B. Observations made by the discharge authority

As this activity report is being drawn up, the procedure of obtaining discharge in respect of the implementation of the 2019 budget for the Court has not yet been formally concluded. However, it is at a relatively advanced stage, since the discharge report, amended and voted at the meeting of the Committee on Budgetary Control of 1 March 2021, will be submitted for plenary vote in Parliament at the end of April.

At this stage, the draft resolution voted by the Committee on Budgetary Control refers, first of all, to the findings of the Court of Auditors for the financial year 2019, underlining that no significant weaknesses had been identified as regards the audited topics by the Court of Auditors, namely, human resources and procurement, and that the management of its administrative expenditure is free from material error and that the control systems in place are effective (paragraphs 1 and 2).

The draft resolution also sets out a great number of positive points concerning the functioning and activities of the Court's Services. These are, in particular, sound financial management and the very high rate of budget implementation in 2019 (98.7%) and of occupation of posts (97%) (points 4 and 7); the establishment of an equal opportunities and diversity cell within the Directorate for Human Resources and the Administration of Personnel, as well as the results in terms of equal opportunities with an increase in the number of women in management posts (41% of middle management and 40% of senior management) (points 8 and 22); actions taken by the Court to prevent and address cases of burnout, such as the hiring of a psychologist, training for staff and efforts made to ensure that workload is distributed proportionally among teams with a view to reducing cases of burnout and to increasing efficiency (point 11); the fact that anti-harassment rules and procedures are published on the Court's internet site (point 18); the fact that, following the first case involving the application of new rules pertaining to whistle-blowers adopted in 2019, it was demonstrated that those rules are fit for purpose (point 19); the organisation of training courses concerning Rules of Good Conduct and the programme for initial obligatory training, which includes sessions dedicated to physical security, data protection and information security (points 20 and 60); the fact that the complaints to the European Ombudsman were closed without any instance of maladministration being found, as well as the Court's cooperation with the European Anti-Fraud Office (OLAF) (points 21 and 37); the entry into service of the 5th extension of the Court, which allowed the Institution to leave the last rented building, as well as changes in office design in order to provide appropriate solutions for the Services and their staff (point 29).

The Report also welcomes: the fact that the Court has equipped itself with crisis structures in order to ensure the continuity of its activities, the usefulness and proper functioning of which have been demonstrated throughout the public health crisis in 2020 (point 31); the continuous improvement of the environmental performance of the Court with a favourable trend for the majority of indicators monitored (point 32); the increase in the number of visits to the website of the Institution (point 33); the publication, as of November 2019, of requests for preliminary rulings by national courts, internal research notes and national judicial decisions on the website of the Judicial Network of the European Union (points 34 and 36); the development of cooperation with national judges, 2824 of whom were hosted by the Court in 2019 for visits and seminars (point 35); the change in the structure of the annual activity report by the authorising officer with a clearer and more comprehensible presentation of information, the publication in that report of the Service Level Agreements (SLA) concluded with other EU institutions and the participation of the Court in interinstitutional groups and networks in various areas (points 38, 39 and 56); the pursuance by the Court, in 2019, of work aimed at creating an Integrated Case Management System, which will replace the majority of the applications currently used by both courts (point 41); the efforts made to improve the Institution's IT security and the launch, in 2019, of major awareness-raising initiatives in that field (point 42); the adaptation of the Court's website following recommendations by the European Data Protection Supervisor, and in the light of the judgment of 1 October 2019, *Planet49* (C-673/17, [EU:C:2019:801](#)), and the fact that a section dedicated to ethics was added to the website (points 45 and 60); the increase in the use of the e-Curia application for exchanges with the parties to the cases and its considerable impact in the reduction in postal costs (points 47, 48 and 49); the drafting, in 2019, of a guide for the evaluation of the functioning of the internal control system (point 58); the fact that the internal auditor regularly controls the measures taken in response to recommendations made in the audits carried out in previous years (point 60); the increase in the rate of outsourcing of translations, which went from 31.2% in 2015 to 40.6% in 2019 (point 61) and, finally, the attention given by the Court to the recommendations expressed by the Parliament in its discharge resolutions (point 40).

With regard to other observations/recommendations relating to the Services' activities, the Court considers them with the greatest attention, as always. Regarding the overestimation of the commitments for certain budget lines (point 6), the Court will give greater attention to refining expenditure forecasting for those lines in future. In terms of recruitment, the Court will continue its efforts to ensure that it is carried out on as wide a geographical basis as possible, particularly with regard to management posts and will evaluate the possibilities through the equal opportunities and diversity cell, to strengthen the application of the principle of equal opportunities in recruitment, training, career development and working conditions, keeping the Parliament informed of the activities of that cell (points 9, 10 and 22). The Court will continue to take measures to promote well-being in order to limit, as far as possible, cases of burnout among its staff (point 11), review the issue of traineeships (point 13), keep the Parliament informed of improvements made regarding the efficiency of administrative procedures (point 16), will continue its work with respect to the implementation of rules regarding 'revolving doors' and other individual obligations (conflicts of interest, external activities, etc.) for members of staff (points 23 and 26), provide the Parliament with more detailed information on the activities of its 'Innovation Lab' (point 44), will seek to ensure greater use of digital tools and continue its work for the introduction of an Integrated Case Management System (point 48).

Regarding the activity of the Courts (Court of Justice and General Court), the Court welcomes the positive comments regarding the very high productivity of the Institution with a total of 1739 cases disposed of in 2019 and a reduction in the average duration of procedures before both Courts, where the number of cases brought before it increased significantly in 2019 (points 51 and 57), as well as regarding the completion of the third phase of reform of the judicial architecture of the European Union in 2019, with the arrival in the General Court of seven additional judges, supported by significant structural changes in that court, particularly the creation of chambers specialised in intellectual property and the European civil service, greater involvement of the President and Vice-President in judicial work and modernisation of the statistical monitoring systems for the performance of chambers (points 14 and 50). The Parliament also welcomes the Court's decision to live-stream the delivery of Grand Chamber judgments (point 34),

the strengthening of the internal legal framework for data protection in order to establish independent control authorities responsible for monitoring the processing of personal data by the Court of Justice and the General Court when acting in the course of their judicial functions (point 43) and the introduction of the mechanism provided for in Article 58a of the Statute whereby the Court determines whether an appeal should be allowed to proceed to the Court of Justice on 1 May 2019 (point 51).

The Court will continue to focus on the way in which it reports on its judicial activities based on key performance indicators (point 55).

Regarding the points concerning the Members of the Courts (points 17, 24, 25, 27 and 28), the Court takes note of the requests made therein and will examine the issue of the publication of the Curriculum Vitae of the Members and will supplement the examination of the question of the declaration of financial interests. With regard to the request for more detailed information on external activities carried out by its Members, the Court is continuing the necessary technical work in order to supplement the information published on its website.

In general, the Court is committed to implementing the recommendations of the Discharge Authority as quickly as possible and confirms both its openness and its determination to improve constantly the efficiency of the management of all its activities.



REPORT ON STAFF POLICY

1. Introduction

This document outlines the policy of the Court of Justice of the European Union ('the Court' or 'the Institution') for the management of posts and external personnel, along with gender balance. That policy aims, in particular, to make optimal use of the posts and appropriations made available by the budgetary authority, while seeking to develop employee skills and maintain good working conditions.

2. Staffing situation

At the end of the financial year, **2 235** persons, that is officials and members of the temporary staff and members of the contract staff, were employed by the Court.

The distribution of staff by type under the Staff Regulations and by function group may be presented as follows:

DISTRIBUTION OF STAFF BY TYPE UNDER THE STAFF REGULATIONS		% of the Institution's staff
Officials	1 356	61%
Temporary staff	707	31%
Contract staff	172	8%
TOTAL	2 235	100%

DISTRIBUTION OF STAFF BY FUNCTION GROUP

		% of the Institution's staff
AD	1 261	56%
AST	738	33%
AST/SC	64	3%
AC	172	8%
Total	2 235	100%

The average age of the Institution's staff was **46 years**, distributed as follows by age bracket:

21-29	4%
30-39	18%
40-49	43%
50-59	28%
60-67	7%

The average age of 46 years is slightly lower than the average age of staff in other institutions, which has exceeded 48 years, according to the data provided by the European Commission for 2020.

3. Recruitment and occupation of posts

3.1 Permanent posts

The Court has set itself a twofold objective in terms of occupation of posts: first, ensuring as high a rate of occupation of posts as possible in the light of the heavy workload borne by the Institution and, second, filling permanent posts with staff who are officials, as far as possible.

The efforts made have led to a very high rate of occupation of posts in all Services (approximately 97% on 31.12.2020), notwithstanding certain difficulties which have a direct impact on recruitment procedures, such as the low level of the basic salaries for the starting grades and more limited career development opportunities in Luxembourg due to the lesser number of institutions located there.

In 2020, following a short-lived slowdown in administrative procedures due to the public health crisis and lockdown, recruitment continued at a high level. A large number of extensions to contracts of members of the temporary and contract staff contributed significantly to the continuous operation of the Institution.

The Human Resources and Personnel Administration Directorate ('DRHAP') responded swiftly to the challenges arising from the unprecedented remote working conditions and made appropriate resources available to the Services of the Institution to fill vacant posts through virtual selection procedures and a digital workflow for the approval by the competent authorities of proposals for recruitment and extension of contracts of members of the temporary and contract staff of the Institution.

3.2 Posts in the Members' chambers

The number of posts made available by the budgetary authority for the staffing of chambers of Members of the Institution, as members of the temporary staff pursuant to Article 2(c) of the Conditions of Employment of Other Servants of the European Union ('the CEOS') or as seconded officials under Article 37(a) of the Staff Regulations of Officials ('the Staff Regulations'), stands at 524. As at 31 December 2020, those posts were filled by 426 temporary agents and 98 seconded officials. The rate of occupation of posts in the chambers remains close to 100%.

3.3 Temporary staff in the Court's Services

3.3.1 Members of the temporary staff

As pointed out above, the Court's policy is to fill the permanent posts available in the establishment plan with officials. However, a derogation from that rule is necessary in the following two cases: (a) where an official is seconded in the interests of the service, the official's post in that case being retained for his reinstatement, and (b) where the procedure for filling a post has not led to applications from qualified officials and there are no suitable successful candidate lists from a competition. The number of temporary staff members occupying permanent posts engaged under Article 2(b) of the CEOS at the end of the financial year was 243, 28 of whom were engaged to replace officials on secondment.

Thirty-eight members of the temporary staff under Article 2(a) of the CEOS were engaged to replace officials temporarily.

3.3.2 Contract staff

Contract staff in active employment at the Court come within the scope of Article 3a or 3b of the CEOS.

As regards the first category of staff (contract staff), these persons are entrusted with manual or administrative support service tasks. At the end of the financial year, 83 members of the contract staff were in service at the Court in order to carry out those types of task, that is approximately 4% of the Institution's staff.

As regards staff in the second category (contract staff for auxiliary tasks), these persons are recruited to replace officials or members of the temporary staff who are temporarily absent (for example, on maternity leave or long-term sick leave) or, exceptionally, to tackle specific peaks in workload. In addition, contract staff in function group II are engaged in the Visits unit as part-time visit guides and other members of the contract staff in function group III are engaged to carry out proofreading tasks in the Directorate General for Multilingualism (using appropriations specifically allocated by the budgetary authority for that purpose). At the end of the financial year, 89 contract staff for auxiliary tasks were in service at the Court, representing approximately 4% of the Institution's staff.

4. Equal opportunities and diversity

The Court continuously seeks to ensure that the working environment is free from all forms of discrimination and that there is a balanced gender distribution among the staff.

At the end of the financial year, the Institution's staff were distributed by gender as followed:

DISTRIBUTION OF STAFF BY FUNCTION GROUP AND GENDER		% of the Institution's staff
WOMEN		
AD	685	61%
AST	572	
AST/SC	41	
AC	61	
TOTAL WOMEN	1 359	
MEN		
AD	576	39%
AST	166	
AST/SC	23	
AC	111	
TOTAL MEN	876	
GRAND TOTAL	2 235	100%

These statistics show that the measures introduced in the area of equal opportunities in order to make it easier to reconcile professional and family commitments have contributed to the occupation of posts by women, and in particular, that 54% of the employees in the AD function group are women.

More particularly with regard to management posts, the occupancy rate by women at the end of the financial year on 31 December 2020 was 40% for senior management and 41% for middle management, as shown in the table annexed to this report illustrating the distribution of management posts by nationality and by gender. The increase in women's occupancy rate of management posts (41% compared with 39% in 2019 and 37.5% in 2018) is growing steadily, notwithstanding the lower number of the Court's administrative entities.

The 'Equal Opportunities and Diversity' cell within the Human Resources and Personnel Administration Directorate, which was set up in order to develop and implement a policy in that field, has paid particular attention to integrating the principles of equal opportunities, diversity and inclusion into the various human resources management procedures (recruitment, training, career development, working conditions) and to raising awareness of these aspects among managers.

Both the structure of the Court's staff and the specific policy of equal opportunities which is being pursued point to a future improvement of those statistics. In 2020, the Court's administration extended a programme for the development of managerial and management skills, through distance learning, which was launched in 2016 by the Registrar of the Court of Justice, aimed in particular at encouraging women to apply for management posts.

The representatives from the 'Equal Opportunities and Diversity' cell mentioned above have actively participated in the various interinstitutional consultations with a view to greater harmonisation of the policies of the institutions in that area and in discussions held in the Interinstitutional Equal Opportunities Joint Committee (Intercopec). Together with the European Commission, they also coordinated the LuXX EU women's network, which is the only network for women working in all the EU institutions located in Luxembourg.

5. Geographical balance

The Court's staff is made up of officials and other staff from all Member States of the European Union.

Recruitment is always carried out on the basis of the merit of candidates, the Staff Regulations stipulating in that regard, in Article 7(1), that vacancies are filled 'solely in the interest of the service and without regard to nationality'.

The Court works closely with EPSO with a view to making, together with the other institutions, recommendations for possible changes and improvements to the selection and recruitment of personnel, including ensuring balanced representation of the nationalities of the Member States among its staff.

The geographical distribution of staff at the end of the year is set out in the table annexed to this report.

6. Career management

6.1 Horizontal mobility

The Court consistently encourages horizontal mobility within the Institution, by favouring the options of filling posts by transfer within the Institution. The care taken in the drawing up of vacancy notices and the advice provided by the DRHAP to recruiting Services aim to facilitate appropriate career choices.

6.2 Vertical mobility

In accordance with the internal decisions on promotions which implement the provisions of the Staff Regulations in that regard, laying down, in particular, rates of promotion, it was possible to promote 309 officials in the 2020 promotion exercise having regard to both the merits observed and the budgetary resources allocated to that end by the budgetary authority, in compliance with the rates mentioned above.

In addition, in the context of the certification exercise under Article 45a of the Staff Regulations, three officials from the Court were selected to participate in the training programme organised remotely by the European School of Administration in 2020. That procedure generates great interest among employees in the AST function group and contributes to better skills management within the Court. Of a total of 31 people selected since 2005 to participate in such a programme, 22 have already been appointed as administrators.

6.3 Interinstitutional mobility

Staff have moved between the Court and the other EU institutions in the context of transfer procedures. Transfers to the Court enrich the Institution's staff through the arrival of employees mastering working methods and management tools implemented in the other institutions, which are valuable elements for broadening the skills of staff members and for the useful sharing of best practice.

Departures from the Court to the other institutions are due, to a certain extent, to the fact that a percentage of its staff aspires to a career in a large institution or to another place of employment, in particular, in order to take advantage of opportunities for more in-depth development in a specific field of competence offered by other – larger – institutions. This mobility also contributes to the enrichment of the range of skills of the other institutions' officials, particularly in the field of law.

In a total of 97 recruitment procedures open to the officials of other institutions, organised and completed during 2020, 1 official was transferred to the Court, while 18 officials from the Court were transferred to other institutions. The public health crisis probably explains the significant decrease in the number of transfers to and from the Court in 2020 in comparison with previous years.

6.4 Redeployment

In assessing the Institution's efforts as regards redeployment and efficiency gains, it should be borne in mind, in contrast with the situation prevailing in the other institutions, that the substantive elaboration of the decisions at the heart of the Institution's activity, namely the judgments, orders and opinions, is carried out in the Members' chambers. The Registries and the Services do not participate directly in that elaboration; they only provide procedural support (Registries), analysis (legal research), linguistic support (translation, interpretation), for the purposes of dissemination (publication in the ECR, press releases), and, in its broadest sense, administrative support.

That situation, where the staff of the chambers account for more than a quarter of total staff, limits the possibilities for redeployment.

As regards the chambers, their structure has developed over the years, as needs have evolved. The budgetary authority has recognised the relevance of those needs by providing the necessary budgetary posts. The staffing of the Cabinets cannot be modified without infringing the rule of equal treatment between the Members of the Court of Justice or the General Court, or depriving them of the resources needed to perform their role.

As regards the Registry and the Services, their tasks are linked with the exclusive activity of the Institution, that is to say, judicial activity, and cannot undergo any fundamental change. In contrast with the situation in certain other institutions, there is no need for a large-scale redeployment of staff from one Service to another to take account of the need, for example, to fulfil new tasks or implement new policies.

The Registries and the Services are constantly working to identify ways in which to upgrade or transform posts in order to provide the resources and the level of skills necessary to cope with the significant workload and, thus, to carry out their work.

One example of a successful allocation of resources in 2020 relates to officials and other staff of a Service whose workload decreased significantly due to the nature of the mission of that Service and the fact that it was impossible to carry out the work remotely during the public health crisis. Their involvement in the activities of other Services of the Court, which, conversely had to cope with an increase in workload, contributed to efficient management of the resources of the Institution, along with valuable sharing of knowledge and the development of skills and versatility.

7. Management of the administrative consequences of the United Kingdom's withdrawal from the European Union on 31 January 2020

As regards the members of staff holding UK nationality only (25 at the time of the United Kingdom's withdrawal from the European Union), the Court adopted, in line with the Commission, the following approach:

- retain the officials on the basis of the derogation provided for in Article 28(a) of the Staff Regulations;
- examine the situation of members of the temporary and contract staff with a view, for the authority authorised to conclude employment contracts, to deciding on a case by case basis on the application of a derogation to the nationality condition provided for in Article 12(2)(a) and Article 82(3)(a) of the CEOS in the interests of the service.

As regards the use of the English language, given that English remains a language of proceedings and in the absence of the possibility of recruiting lawyer-linguists with UK nationality [unless the exemption provided for in Article 28(a) of the Staff Regulations is granted], the English-language Unit took the necessary measures to respond to the new recruitment context. Actions to present the profession of lawyer-linguist were stepped up, in particular in Ireland.

Where relevant, the possibility of having recourse, in the interests of the service, to a derogation to the nationality condition based on the provisions of the Staff Regulations and the CEOS will have to be examined for the recruitment/hiring of both lawyer-linguists and interpreters.

8. Management of human resources during the public health crisis

The Court was faced with a number of challenges during the public health crisis. On the basis of the advice provided by the Court's crisis cell, a human resources management strategy in the context of the crisis was set, undertaking, within very short time frames, a series of actions, which aimed to:

- safeguard, first and foremost, the health and safety of staff, by following the advice provided by the Institution's medical officers and the national health authorities;
- introduce teleworking arrangements across the Institution, from the beginning of the crisis related to the pandemic, and adjust the relevant rules regularly depending on public health developments;
- monitor the development of the pandemic in a crisis cell with representatives from all of the Services;
- keep the Members, officials and other staff duly and regularly informed of developments in the situation and the measures adopted in the context of the fight against the pandemic;
- advise personnel on how to cope with isolation, by putting in place a structured communication strategy;
- support heads of Service in the area of people management and offer training in the management of remote teams, by adopting a more flexible and caring managerial approach, focused on fostering relationships based on trust, greater autonomy, and the management and evaluation of performance by objectives;
- raise awareness among managers of the importance of continuous communication with the members of their Service, particularly with vulnerable people, parents with school-going or young children and persons living alone with the aim of showing a real interest in the person first, and then in work-related aspects;
- introduce paperless procedures and digital workflows for the transmission of documents and approvals by the competent authorities, particularly in human resources procedures, in order to ensure that work can continue;
- ensure continued training and development activities for staff skills by converting the majority of the courses offered in person to virtual courses and creating a newsletter to keep staff informed of those courses on a regular basis;
- participate actively in interinstitutional meetings in order to keep in line with the decisions and practices of the other institutions and to adopt a common harmonised approach to the management of the public health crisis.

9. Health, safety and well-being at work

The Court is committed to the health and safety of staff. It constantly seeks to strengthen safety measures and carries out sustained communication and raising awareness on matters relating to health, safety and well-being at work.

In 2020, owing to the public health crisis and in order to protect the health of persons present in its buildings, the Court has put in place a wide range of measures aimed at preventing the spread of SARS COV-2 in full compliance with the regulatory requirements of the host country in that regard. In addition to the introduction of widespread teleworking arrangements from the beginning of the public health crisis, a number of health protocols and procedures were drawn up and applied, respectively in cooperation with and under the supervision of the Court's medical officers, beginning with procedures for following up with infected individuals and rules governing access to the Court's buildings.

Staff in the Medical Service have been particularly active, especially in the context of follow-up of infected individuals and individuals who have had close contacts, in the organisation and administration of PCR tests on site in the Medical Service, along with the vaccination campaign against seasonal influenza on an unusually large scale. Based on close monitoring of public health developments and scientific knowledge on SARS-COV-2, the medical officers provided advice to the various bodies of the Institution responsible for the management of the health crisis and drew up advice and recommendations for the Members and staff of the Court, in particular with regard to recommended behaviour and everyday preventive actions.

An amendment to the contract with the testing laboratory was concluded to include the administration of PCR tests to detect SARS-COV-2 in the subject of the contract, while personal protective equipment was purchased to equip persons having to enter the Court's buildings, in particularly in the context of hearings. The Court also participated in an interinstitutional call for tenders for the supply of such equipment.

The Court psychologist provided support to members of staff during the period when teleworking arrangements applied across the Institution, through individual consultations and through a number of videos published on the Institution's intranet site.

Heads of Service were encouraged, particularly in the context of training courses on managing remote teams, to pay particular attention to the members of staff placed under their responsibility and the difficulties they may encounter in relation to the public health crisis and remote working arrangements.

In addition and in spite of its considerable work in relation to the public health crisis, the Medical Service continued to perform most of its routine tasks throughout 2020.

10. Working conditions

Owing to the lockdown and the introduction of widespread remote working arrangements, 2020 was an exceptional year with regard to recourse to different working arrangements available to staff in order to achieve a better work-life balance. A significant decrease in the number of such requests was reported, as illustrated in the table below, on the basis of which a comparison can be made between the data on the number of beneficiaries recorded in 2020 with those in 2019:

Working arrangements	2020	2019
Part-time	282	492
Part-time work on health grounds	58	60
Parental leave	314	442
Family leave	11	42
Flexible working hours	n.a.	938
Regular teleworking	233	353

Flexible working hours were only applied for approximately 2.5 months in 2020 until their suspension through the introduction of widespread teleworking arrangements in mid-March, under which members of staff could enjoy greater flexibility and autonomy in the organisation of their work. Some members of staff agreed specific working hours with their line managers with a view to achieving a better balance between work and family responsibilities.

Regarding the use of the time made available by members of staff working part-time, the Court uses the corresponding remuneration appropriations in order to recruit temporary staff. Similarly, except when the parental or family leave is for a short period, those going on family or parental leave are replaced by recruiting temporary staff.

11. IT optimisation in human resources management

The public health context in relation to the pandemic and widespread teleworking arrangements contributed significantly to speeding up initiatives for the introduction of paperless processes and approval workflows by the competent authorities, for recruitment proposals from the DRHAP and decisions on the rights of the Institution's staff under the Staff Regulations.

In particular, by organising selection procedures using IT resources, by providing virtual induction for new officials and other staff, and by extending contracts in respect of members of the temporary and contract staff in the same manner, the Court's administration succeeded in providing the Members' chambers, Registries and Services with the human resources needed to carry out their work.

Staff reports and promotions of officials were successfully organised in a secure IT environment, while the certification process was run in optimal conditions through training courses and examinations organised remotely by the European School of Administration.

Simultaneously, work continued in relation to the acquisition of new modules in the SYSPER personnel management application, managed by the European Commission. The enrichment of that application by the acquisition of those modules contributes to a major rationalisation of the management of the various applications and more effective interaction with the users concerned.

More specifically, in 2020, the Court: (i) acquired the Reporting module, which will be put into service in 2021 with a view to drawing up reliable and exhaustive statistics automatically extracted from Sysper; (ii) introduced automatic generation for a wide range of certificates and decisions based on the type of documents dealt with by the operational units; (iii) made progress on the project for the digitalisation of personal files and (iv) commenced analysis of the Ethics module for the automated management of requests from members of staff for permission to engage in an outside activity and publications declarations.

12. Training and development of skills

The training and continuous development of skills of the Court's staff play an essential role for the proper performance of the Institution's mission.

In difficult circumstances related to the public health crisis and widespread recourse to teleworking arrangements, the Court has made every effort to ensure continuity in staff learning and development processes. The majority of in person training courses have therefore been converted to online courses through the use of various videoconferencing tools.

To that end, close collaboration, both internally and externally, with the other institutions was necessary in order to identify innovative training solutions, develop new training courses and thus ensure continued access to training through various training tools and platforms.

In addition, a training course for managers entitled 'Managing remote and in-office teams', focused on specific themes relevant to teleworking, has been developed.

Furthermore, upon the request of the Registrar, a 'Training Observatory' was established with a view to raising awareness of the various training actions and initiatives taken by the Services of the Court in that field. The Observatory allows its members, representing all the Services of the Court, together with the Staff Committee, to keep themselves informed and participate actively by sharing the good practices and projects developed within each Service in the field of professional training, with a view to identifying new training activities or optimal synergies facilitating the streamlining of resources and work in that area.

Finally, the Court organised six training courses entitled 'Rules of Good Conduct', in which 70 members of staff took part.

13. Communication and social dialogue

The social dialogue between the administration and staff representatives has a tangible, direct effect on the implementation of staff policy and the application of the Staff Regulations and internal rules. That dialogue takes place in particular in the context of the different joint committees of the Institution as well as through consultations with the Staff Committee and representative or recognised trade unions.

The Court's administration maintains regular contact with the Court's Staff Committee through frequent bilateral meetings, in particular, in order to identify possibilities for collaboration on issues of key interest to staff.

Three examples of fruitful collaboration in 2020 between the Staff Committee and union representatives are worth presenting below:

- a. the organisation of a survey by the DRHAP, in collaboration with the Staff Committee aimed at gaining insight into the perception among staff of the management of the public health crisis, of their views on generalised teleworking arrangements, their feedback on any difficulties and constraints experienced in achieving work-life balance, and on the positive aspects reported during this crisis period which it would be worthwhile for the Institution to examine maintaining in the future;
- b. support for staff throughout the 2020 end-of-year festivities with the organisation of communication and entertainment activities, with the aim, first, of providing relief from the loneliness and isolation experienced by some members of staff due to the health restrictions put in place by the authorities of the Member States and, secondly, to revive the team spirit, social cohesion and feeling of belonging in the Institution;
- c. organisation of a consultation procedure with union representatives, in the presence of representatives of the Staff Committee, on the issue of the cost of crossborder public transport season tickets in the context of free public transport in the Grand Duchy of Luxembourg, a procedure which resulted in the introduction of a subsidy scheme by the Court to cover in part the cost of purchasing such tickets, as a measure to encourage the use of public transport and reduce the carbon footprint of the Court.

As of 31 December 2020

BREAKDOWN OF STAFF BY SEX (permanent and temporary posts)																		
Sex	Category	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Grand Total
F	AD					32	10	91	39	90	132	119	111	28	30	3		685
	AST	32	10	109	71	107	88	75	36	35	3	6						572
	AST/SC		33	7	1													41
F Total		32	43	116	72	139	98	166	75	125	135	125	111	28	30	3		1298
M	AD					6	6	70	31	65	81	103	106	31	64	11	2	576
	AST	5	3	47	22	29	26	20	5	8		1						166
	AST/SC	1	17	4	1													23
M Total		6	20	51	23	35	32	90	36	73	81	104	106	31	64	11	2	765
Grand Total		38	63	167	95	174	130	256	111	198	216	229	217	59	94	14	2	2063

As of 31 December 2020

BREAKDOWN OF STAFF BY NATIONALITY AND BY FUNCTION GROUP (permanent/temporary posts and contract staff)								
Nationality	AD	AST	AST/SC	FGI	FGII	FGIII	GFIV	Grand Total
Germany	78	36	1	3	2	2	1	123
Other	2							2
Austria	16	2						18
Belgium	100	69	5	7	4	3	1	189
Bulgaria	34	18	1		2		1	56
Cyprus	2	1						3
Croatia	30	10	2		1	1		44
Denmark	30	12	1	1		1		45
Spain	76	39	5	1	2	4		127
Estonia	31	13	3			1		48
Finland	29	15				2		46
France	207	222	19	36	8	9	4	505
Greece	50	36	2	5	1	1	1	96
Hungary	37	20	2			3	1	63
Ireland	18	10	1			3		32
Italy	93	47	3	11	2	2		158
Latvia	33	13	1			1		48
Lithuania	34	18	1	1		1		55
Luxembourg	9	12	1	5		1		28
Malta	23	10	1			1		35
Netherlands	19	6			1	1		27
Poland	50	23	4	2		2	1	82
Portugal	38	31	2	8	1	5		85
Romania	48	21	2	1		2	1	75
United Kingdom	39	6		1		1		47
Slovakia	33	15	2			1		51
Slovenia	32	12	1		1	1	1	48
Sweden	36	10	2			1		49
Czech Republic	34	11	2	1		2		50
Grand Total	1261	738	64	83	26	62	12	2236

As of 31 December 2020

SENIOR AND MIDDLE MANAGEMENT

Sex	Nationality	Director-General	Director	Deputy Head of Unit	Head of Unit	Grand Total
F	Belgium				3	3
	Croatia				1	1
	Denmark				1	1
	Spain		2		3	5
	Estonia				1	1
	Finland		1			1
	France			1	3	4
	Hungary				2	2
	Ireland				1	1
	Italy		1		1	2
	Latvia				1	1
	Lithuania				1	1
	Romana		1		1	2
	United Kingdom		1		1	2
	Slovenia				1	1
	Sweden				1	1
F Total			6	1	22	29
M	Germany		1		1	2
	Belgium	1	2		7	10
	Bulgaria				1	1
	Denmark				1	1
	Spain		1		1	2
	Estonia		1			1
	Finland				1	1
	France			1	3	4
	Greece		1		2	3
	Ireland		1			1
	Italy	1			3	4
	Latvia				1	1
	Lithuania				1	1
	Malta				1	1
	Netherlands				2	2
	Poland				1	1
	Portugal				3	3
	United Kingdom				1	1
	Slovakia				1	1
	Czech Republic				1	1
M Total		2	7	1	32	42
Grand Total		2	13	2	54	71

As of 31 December 2020

BREAKDOWN OF STAFF BY NATIONALITY	
Member State	% of staff in service
Germany	6%
Austria	1%
Belgium	8%
Bulgaria	3%
Cyprus	1%
Croatia	2%
Denmark	2%
Spain	6%
Estonia	2%
Finland	2%
France	23%
Greece	4%
Hungary	3%
Ireland	1%
Italy	7%
Latvia	2%
Lithuania	2%
Luxembourg	1%
Malta	1%
Netherlands	1%
Poland	4%
Portugal	4%
Czech Republic	2%
Romania	3%
United Kingdom	3%
Slovakia	2%
Slovenia	2%
Sweden	2%

REPORT ON BUDGETARY AND FINANCIAL MANAGEMENT FOR THE FINANCIAL YEAR 2020

1. Introduction

This report provides an overview of the implementation of the budget relating to the year 2020 and, in accordance with Article 249 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, provides *'summary information on the transfers of appropriations among the various budget items'*.

In that context, chapter 2 of the present report gives an overview of the implementation of the 2020 budget and of transfers carried out, and chapter 3 examines in more detail the trends in budget lines of the Court's budget by chapter. Lastly, the annexes, by means of tables with figures, provide detailed information, in aggregate form and by service, concerning budget implementation in 2020.

1.1 – The impact of the covid-19 health crisis

The year 2020 was marked by the impact of the Covid-19 health crisis that significantly influenced all of the Institution's activity, both jurisdictional and administrative. Consequently, as the following paragraphs will show in more detail, budget consumption in several of the Court's budget lines has been impacted by the crisis. For certain lines, net result is a reduction in the use of appropriations, while for others the health crisis has required additional expenditure that, in certain cases, has necessitated transfers of appropriations.

The public health crisis has imposed certain additional costs, in particular for the purchase of IT equipment and services due to the generalised use of homeworking for staff, and for the purchase of disinfection and personal protective equipment for Members and staff of the Court that are called into the buildings, for the representatives of parties, and for visitors. However, it has also led to savings on several budget lines, in particular on those relating to translation and freelance interpretation, professional training, missions, cleaning and security and surveillance of the buildings, furniture and to protocol-related activities. In addition to this there has been the effect of the economic crisis caused by the pandemic, which has had the result that the salary adjustment applicable in July 2020 to the salaries of Members and staff is limited to 0.7% instead of the 2.5% rate that had been used, in accordance with the Commission's indications during the preparation of the 2020 budget estimates.

In terms of figures, the additional expenditure caused by the pandemic can be estimated at EUR 3 million, and the savings at EUR 8.5 million (of which 2.5 million is owing to the reduction of the salary adjustment to 0.7%). The net amount of the savings can therefore be estimated at EUR 5.5 million.

Among the extra expenditure, it seems appropriate in particular to bear in mind the expenditure that relates to the upgrading of IT equipment in order to enable efficient remote working (EUR 1.7 million) and the expenditure that relates to the purchase of personal protective and disinfection equipment (EUR 0.7 million).

Among the estimated savings, the most significant are those that relate to the reduced use of freelance interpreters and translators (EUR 0.8 million), to the lower number of organised trainings (EUR 0.6 million), to a very significant decrease in the number of missions carried out (EUR 0.4 million), to a reduction in security and surveillance services (EUR 1.9 million), to a reduced use of office supplies and printers (EUR 0.3 million) and to the cancellation of a large number of seminars, visits and receptions (0.3 million).

The net savings thus realised made it possible, as is stated in detail in Chapter 2.2.4., to finance, as part of the end of year mopping-up transfer, an advance payment under a lease-purchase contract in the area of buildings, with the aim of reducing the Institution's future financial burden.

2. Overview of budgetary implementation in 2020

2.1 - Revenue

The estimated revenue of the Court for the financial year 2020 was EUR 57 543 000.

As shown in **table 1** below, the established entitlements for the financial year 2020 were EUR 56 568 852 and are 1.69% lower than estimated.

**Table 1 –
Estimated revenue and established entitlements**

(in euros)

TITLE	ESTIMATED REVENUE 2020	ESTABLISHED ENTITLEMENTS 2020	% of total
4 — Revenue accruing from persons working with the Institutions and other Community bodies	57,543,000.00	56,083,581.38	99.14
5 — Revenue accruing from the administration of the institution	0.00	485,270.27	0.86
9 — Miscellaneous revenue	0.00	0.00	0.00
TOTAL	57,543,000.00	56,568,851.65	100.00
%	100.00%	98.31%	

It should be noted that revenue from established entitlements under Title 4 (primarily the deductions made from the salaries of Members and staff for taxes and social security contributions) represent 99% of the overall revenue, while the revenue under the other titles only represent 1% of the overall revenue.

Annexes 1 and 2 provide additional information with figures on the whole revenue stream (revenue-entitlements carried over, revenue-established entitlements and revenue-entitlements collected).

As regards the revenue from entitlements carried over from the previous financial year, **table 2** below shows that the revenue under Title 5 represents the total revenue from the entitlements carried over registered in 2020.

Table 2 — Revenue from entitlements carried over

(in euros)

TITLE	CARRIED OVER 2019 TO 2020	REVENUE FROM ENTITLEMENTS CARRIED OVER	% of total
4 — Revenue accruing from persons working with the Institutions and other Community bodies	0.00	0.00	0.00
5 — Revenue accruing from the administration of the institution	96,192.30	78,314.24	100.00
9 — Miscellaneous revenue	0.00	0.00	0.00
TOTAL	96,192.30	78,314.24	100.00
%	100.00%	81.41%	

2.2 - EXPENDITURE

2.2.1 – Appropriations for the financial year

The expenditure appropriations entered in the Court's budget for the financial year 2020 amounted to 436 637 500.

As shown in **table 3** below, the implementation of the budget for the financial year 2020 amounts to EUR 432 086 272 and reflects an increased rate of use of the final appropriations of 99%, which is slightly higher than in 2019 (98.7%).

As examined in more detail in Chapter 3, the implementation of the 2020 budget is very considerable both for Title 1 (98.9% compared with 98.4% in 2019) and for Title 2 (99.3% compared with 99.6% in 2019).

In general, as in previous years, it should be noted that almost 75% of the appropriations used by the Court in 2020 are dedicated to the expenditure of Members and staff (expenditure under Title 1), with almost all of the remaining balance relating to expenditure on infrastructure (Title 2), in particular in the areas of buildings and IT.

Table 3 —
Commitment of appropriations in the financial year

(in euros)

TITLE	APPROPRIATIONS FOR THE FINANCIAL YEAR 2020	COMMITMENTS FOR THE FINANCIAL YEAR 2020	% of total
1 — Persons working with the institution	326,638,500.00	322,913,170.61	74.73
2 — Buildings, furniture, equipment and miscellaneous operating expenditure	109,940,000.00	109,153,664.50	25.26
3 — Expenditure resulting from special functions carried out by the institution	59,000.00	19,436.50	0.01
10 — Other expenditure	0.00	0.00	0.00
TOTAL	436,637,500.00	432,086,271.61	100.00
%	100.00%	98.96%	

Annexes 3, 4a and 4b provide detailed additional information with figures on the use of appropriations in the financial year 2020 (as compared with 2019, details of implementation by budget line and by service).

2.2.2. – Appropriations carried over

Table 4 below shows that of the appropriations carried over from 2019 to 2020, of which the total amounts to EUR 24 553 736, a large proportion was used (84.78% in 2020 compared with 87.21% in 2019).

**Table 4 —
Use of appropriations carried over**

(in euros)

TITLE	APPROPRIATIONS CARRIED OVER 2019 TO 2020	PAYMENTS OUT OF APPROPRIATIONS CARRIED OVER	CANCELLATIONS
1 — Persons working with the institution	7,102,334.92	5,069,794.70	2,032,540.22
2 — Buildings, furniture, equipment and miscellaneous operating expenditure	17,443,140.98	15,742,924.54	1,700,216.44
3 — Expenditure resulting from special functions carried out by the institution	8,259.69	4,239.59	4,020.10
10 — Other expenditure	0.00	0.00	0.00
TOTAL	24,553,735.59	20,816,958.83	3,736,776.76
%	100.00%	84.78%	15.22%

Annex 4a provides additional detailed information with figures on the use of appropriations carried over from 2019 to 2020.

2.2.3. – Appropriations corresponding to assigned revenue

In accordance with Article 21 of the Financial Regulation, certain revenue may be assigned to the financing of specific items of expenditure. Such assigned revenue represents, therefore, additional appropriations that may be used by the Institution.

Table 5a below shows details, by title, of the sums of assigned revenue established and collected during the financial year.

Table 5a — Use of assigned revenue

(in euros)

TITLE	ASSIGNED REVENUE 2020	PAYMENTS 2020	ASSIGNED REVENUE CARRIED OVER 2020 TO 2021
1 — Persons working with the institution	11,588.95	0.00	11,588.95
2 — Buildings, furniture, equipment and miscellaneous operating expenditure	499,383.06	823.39	498,559.67
3 — Expenditure resulting from special functions carried out by the institution	11,251.31	0.00	11,251.31
10 — Other expenditure	0.00	0.00	0.00
TOTAL	522,223.32	823.39	521,399.93

Table 5b below shows details, by title, of the sums of assigned revenue carried over from one financial year to another.

Table 5b — Use of assigned revenue carried over

(in euros)

TITLE	ASSIGNED REVENUE CARRIED OVER 2019 TO 2020	PAYMENTS 2020	CANCELLATION OF ASSIGNED REVENUE FOR 2019 NOT ELIGIBLE FOR CARRYING OVER	ASSIGNED REVENUE CARRIED OVER 2020 TO 2021
1 — Persons working with the institution	65,940.13	50,090.30	15,849.83	0.00
2 — Buildings, furniture, equipment and miscellaneous operating expenditure	827,425.63	121,874.84	622,916.55	82,634.24
3 — Expenditure resulting from special functions carried out by the institution	7,500.00	7,500.00	0.00	0.00
10 — Other expenditure	0.00	0.00	0.00	0.00
TOTAL	900,865.76	179,465.14	638,766.38	82,634.24

Table 5c below shows details, by title, of the sums of assigned revenue committed but not paid and carried over from one financial year to another.

Table 5c — Use of assigned revenue committed but not paid and carried over

(in euros)

TITLE	ASSIGNED REVENUE COMMITTED BUT NOT PAID IN 2019 AND CARRIED OVER IN 2020	PAYMENTS 2020	CANCELLATION OF ASSIGNED REVENUE
1 — Persons working with the institution	0.00	0.00	0.00
2 — Buildings, furniture, equipment and miscellaneous operating expenditure	23,816.79	22,542.06	1,274.73
3 — Expenditure resulting from special functions carried out by the institution	0.00	0.00	0.00
10 — Other expenditure	0.00	0.00	0.00
TOTAL	23,816.79	22,542.06	1,274.73

The assigned revenue appropriations established during the financial year 2020 amounted to EUR 522 223 of which around 70% are made up of revenue accruing from:

- the sale of electrical energy produced by the photovoltaic cell panels (EUR 158 803);
- reimbursement by the Commission and Luxembourg State of excess advance payments (EUR 107 120);
- the application of penalties on service providers (EUR 100 067).

Annex 5 provides additional detailed information with figures on the use of assigned revenue.

2.2.4. TRANSFERS OF APPROPRIATIONS

In the course of the financial year 2020, as shown in Table 6, the Court made 14 budget transfers pursuant to Article 29 of the Financial Regulation 2018/1046, representing a total of EUR 20.4 million, or 4.7% of the final appropriations. The effects of the various transfers at the level of each budget item can be seen in Annex 4a.

In part (EUR 18.3 million, which is approximately 78% of the total amount of the transfers made in 2020), those transfers of appropriations were the subject of notification to the budgetary authority in accordance with the Financial Regulation.

The largest increase in appropriations concerns a transfer to budget line 2001 'Lease-purchase', amounting to EUR 13.8 million, intended to finance an advance payment under a lease-purchase contract relating to buildings, with the aim of reducing the financial burden in relation to future charges concerning the Project for the 5th extension to the buildings of the Court. That transfer could be financed by the budgetary surpluses accruing from Chapters 12, 14, 16, 20, 21, 23, 25 and 27.

Next, with respect to the remaining EUR 4.5 million, the transfers submitted to the budgetary authority have made it possible, first, to increase item 1654 'Early Childhood Centre' by EUR 105 000, in order to deal with the increase in expenditure in 2020 relating to the Court's contribution to the Early Childhood Centre (ECC) managed by the European Commission, and item 1650 'Medical Service' by EUR 50 000, in the context of the crisis owing to the pandemic, in order to enable the purchase of health protection equipment for Members and staff of the Court, representatives of parties and for visitors. Second, EUR 4.34 million made it possible to increase Article 210 'Equipment, operating costs and services related to data-processing and telecommunications', in order to finance budget deficits that have emerged in certain activities, programmes and projects, in particular as a result of the health crisis and the generalised use of homeworking.

**Table 6 —
Transfers of appropriations**

			(in euros)
TYPE OF TRANSFER	NUMBER OF TRANSFERS IN 2020	TOTAL AMOUNT TRANSFERRED	
Title to title	2	4,340,000	
Chapter to chapter	2	155,000	
Article to article	0	0	
Item to item	9	2,132,083	
Mixed (mopping-up transfers)	1	13,755,000	
TOTAL	14	20,382,083	

3. Implementation of the 2020 budget by chapter

3.1 - TITLE 1– Persons working with the institution

As shown in **Table 7** below, the final budget funding of Title 1 for the financial year 2020 comes to EUR 326 638 500. This funding represents almost 75% of the Court's total budget. Those appropriations were committed to the extent of EUR 322 913 171, which represents a rate of implementation of 98.86% (98.42% in 2019).

**Table 7 —
Use of appropriations in the financial year**

(en euros)

TITRE 1	APPROPRIATIONS IN THE FINANCIAL YEAR 2020	COMMITMENTS IN THE FINANCIAL YEAR 2020	% implementation
10 — Members of the institution	34,681,000.00	33,598,219.45	96.88
12 — Officials and temporary staff	260,319,000.00	259,139,547.03	99.55
14 — Other staff and external service providers	25,224,500.00	24 587 548.05	97.47
16 — Other expenditure related to persons working with the Institution	6,414,000.00	5,587,856.08	87.12
TOTAL	326,638,500.00	322,913,170.61	98.86

3.1.1 Chapter 10 — Members of the Institution

The final appropriations in this chapter, amounting to EUR 34 681 000, were committed to the extent of EUR 33 598 219, which represents a rate of implementation of 96.88% in 2020 (91.98% in 2019).

It has to be pointed out that a significant budget surplus became available in this chapter in order to increase other budget lines in need in chapters 16 and 21 of the Court's budget. That surplus was due, in particular, on one hand, to the delay appointing new Members of the two courts, and on the other hand, to the Commission's updating, as a result of the crisis, of the adjustment rate for the emoluments of Members and staff on 1 July 2020 that was ultimately lower than the one initially used during the drafting of the 2020 budget (+ 0.7% compared with + 2.5%).

Part of the surpluses in that chapter (EUR 2.2 million) were used to increase item 1654 'Early Childhood Centre' and item 1650 'Medical service' in order to enable the purchase of health protection equipment. Lastly, the balance also made it possible to increase article 210 'Equipment, operating costs and services related to data-processing and telecommunications' (see Section 2.2.4).

3.1.2 Chapter 12 — Officials and temporary staff

The final appropriations in this chapter, amounting to EUR 260 319 000, were committed to the extent of EUR 259 139 547 in 2020, which represents the same rate of implementation as that in 2019 (99.6%).

Generally, it is to be borne in mind that Chapter 12 represents the largest volume of appropriations in the Court's budget (some 60% of the total budget). Accordingly, the surplus established during the financial year 2020 remains limited, having regard both to the total amount of those appropriations and to the difficulties of establishing budget estimates nearly 12 months in advance, using numerous parameters that are necessarily only estimates (rate of salary increases, tempo of recruitment or turnover, rate of standard abatement etc.).

The budget surplus in this chapter can be explained, in particular, by the following circumstances.

First, the Commission's updating of the adjustment rate of emoluments of Members and staff on 1 July 2020, that was ultimately lower than the one initially used during the drafting of the 2020 budgets, accounts by itself for more than 2 million of that surplus.

Moreover, it must also be noted that, in the context of the reform of the judicial structure of the European Union which included the doubling of the number of judges of the General Court by Member State, two cabinets of that court have still not been formed in 2020, due to the lack of nomination of judges by the Member States, which represents another source of savings on that budget line and that, in 3 other cabinets, the positions of judges have remained vacant for most of 2020, which meant that there was less staff turnover in those cabinets and as a result, savings in terms of installation allowances (for incoming staff) and resettlement allowances (for outgoing staff).

It is important to note that the rate of occupation of posts in 2020 was at a very high level (around 97% on average). Those good results are the fruit of a very active recruitment policy on the part of all the Court's services, allowing the number of vacant posts to be kept as low as possible, in spite of the constraints inherent in the normal, inevitable turnover of staff, and the greater difficulties of recruiting staff in Luxembourg. The low proportion of vacant posts is also a very good indicator of the heavy workload borne by the services of the Court.

In that regard, the Court always turns to good account the analysis of the disparities in implementation found in the appropriations of Chapter 12, in order to continue to refine its methodology for estimating remuneration and pensions and thereby endeavour to improve as much as possible its performance in the implementing of appropriations.

Part of the budget surplus in this chapter, to the extent of EUR 10.4 million, was used to finance the end-of-year mopping-up transfer (see Section 2.2.4). Another part, to the extent of EUR 200 000, was used to complete the increase of article 210 'Equipment, operating costs and services related to data-processing and telecommunications'.

3.1.3 Chapter 14 — Other staff and external services

The final appropriations in this chapter, amounting to EUR 25 224 500, were committed to the extent of EUR 24 587 548, which represents a rate of implementation of 97.47% (97.71% in 2019).

The final appropriations in Chapter 14 are mainly concentrated in two budget items.

First, approximately one third of the appropriations in this chapter are allocated to Item 1400 'Other staff'. The rate of implementation of the final appropriations for this item in 2020 is 99.58% (94.32% in 2019).

Surpluses for this item and for item 1404 'In-service training and staff exchanges' that amounted to a total of EUR 370 000, were used to finance the end-of-year mopping-up transfer (see Section 2.2.4). The source of those surpluses is essentially due to less recruitment than initially foreseen of contract staff and seconded national experts owing in particular to the pandemic, and due to a lower salary adjustment on 1 July 2020, more limited than initially foreseen at the time the 2020 budget was drafted, which explains another part of the budget surplus established in Chapter 14.

Second, approximately two thirds of total appropriations in this chapter are allocated to Item 1406 'External services in the linguistic field', in order to cover the services of freelance interpreters and translators. The rate of implementation of the final appropriations for this item 1406 in 2020 is 97% (99.4% in 2019). The decrease in the rate of implementation of appropriations for that line is explained by the decrease in services needed to be outsourced due to the pandemic. The surpluses for that item were used to increase article 210 relating to IT expenditure, in deficit in particular due to the pandemic (see Section 2.2.4).

3.1.4 Chapter 16 — Other expenditure related to persons working with the Institution

The final appropriations in this chapter, amounting to EUR 6 414 000, were committed to the extent of EUR 5 587 856, which represents a rate of implementation of 87.12% as against 97.45% in 2019.

Two items in this chapter represent 75% of the final appropriations. These are Item 1612 'Further training', and Item 1654 'Early childhood centre,' where the rate of implementation was 71.81% (as against 97.98% in 2019).

As regards Item 1612 'Further training', the lower rate of implementation of appropriations is explained by the significant number of training activities that could not take place due to the pandemic and the establishment of a generalised homeworking regime for staff. An amount of EUR 170 000 accruing from this item could be used to finance the end-of-year mopping-up transfer (see Section 2.2.4).

As for Item 1654 'Early Childhood Centre', the rate of implementation was almost 100% in 2020, just as in 2019. During 2020, that item had to be increased from Chapter 10 to the extent of EUR 155 000, in order to deal with the expected increase in expenditure in 2020 relating to the Court's contribution to the Early Childhood Centre.

An increase in Item 1650 'Medical service' to the amount of EUR 100 000 also proved to be necessary in order to enable the purchase of health protection equipment.

3.2 TITLE 2 — Buildings, furniture, equipment and miscellaneous operating expenditure

As shown in **Table 8** below, the final budget funding of Title 2 for the financial year 2020 comes to EUR 109 940 000. That amount represents almost 25% of the Court's total budget in 2020. Those appropriations were committed to the extent of EUR 109 153 664.50, which represents a rate of implementation of 99.3% 2020 (99.6% in 2019).

Table 8 — Use of appropriations in the financial year

(in euros)

TITRE 2	APPROPRIATIONS IN THE FINANCIAL YEAR 2020	COMMITMENTS IN THE FINANCIAL YEAR 2020	% implementation
20 — Buildings and associated costs	76,685,000.00	76,564,697.29	99.84
21 — Data processing, equipment and furniture: purchase, hire and maintenance	30,114,000.00	29,824,439.76	99.04
23 — Current administrative expenditure	894,000.00	762,023.69	85.24
25 — Meetings and conferences	245,000.00	148,192.08	60.49
27 — Information: Acquisition, archiving, production and distribution	2,002,000.00	1,854,311.68	92.62
TOTAL	109,940,000.00	109,153,664.50	99.28

3.2.1 Chapter 20 — Buildings and associated costs

The final appropriations in this chapter, amounting to EUR 76 685 000, were committed to the extent of EUR 76 564 697 in 2020, which represents a very high rate of implementation of 99.84% (99.69% in 2019).

Those appropriations are intended to cover the cost of renting, purchasing and running the various buildings occupied by the Court.

The final appropriations in Articles 200 'Buildings' and 202 'Costs relating to buildings' represent 75.69% (EUR 58 040 000) and 24.31% (EUR 18 645 000) respectively of the total appropriations in this chapter.

The appropriations in Article 200 'Buildings' mainly fund expenditure on lease-purchase.

The expenditure in Item 2001 'Lease-purchase' amounted to EUR 54 781 083 (100% implementation as in 2019) and corresponds in the main to the charges payable under the contracts concluded with the Luxembourg authorities for the purchase, renovation and construction of the various buildings of the Court, the prepayment under the lease-purchase contract for the project for the 5th extension of the Court's buildings, and a partial advance payment on one of the loans agreed for the financing of that project. That budget item benefited from the end-of-year mopping-up transfer to the amount of EUR 13.8 million (see Section 2.2.4).

As regards expenditure in Article 202 'Buildings-related costs', this amounts to EUR 18 524 876 and corresponds, for the most part, to the expenditure on cleaning and maintenance, energy consumption and security/surveillance required for the proper functioning of the Court's buildings. The rate of implementation established for that article in 2020 is 99.4% (99.2% in 2019).

The appropriations for item 2022 'Cleaning and maintenance', which covers cleaning activities and expenditure that relates to the general maintenance of the buildings occupied by the Court, amounted to EUR 9 797 000 in 2020, and were implemented at 99.71% (compared with 99.19% in 2019). During the year, a budget surplus of EUR 190 000 could be established, in particular due to the generalised use of homeworking as a result of the pandemic, which had the consequence of reducing running cleaning services and made it possible to finance a part of the end-of-year mopping-up transfer (see Section 2.2.4).

Item 2024, 'Energy consumption', was implemented at 98.7% compared with 96.75% in 2019. During the year, a budget surplus of EUR 700 000 could be established, in particular due to the action plans aimed at making savings and by the use of more efficient systems, as well as by the generalised use of homeworking, which had the result that there was less energy consumption compared with the initial estimate, therefore making it possible to finance another part of the end-of-year mopping-up transfer (see Section 2.2.4).

As regards Item 2026 'Security and surveillance', the final appropriations, to the extent of EUR 5 949 000, were used up at 99.4%, as against 99.9% in 2019. A surplus also became available in that item, which is explained in particular by the generalised use of homeworking due to the pandemic and by the resulting reduction in security and surveillance services. Therefore, that budget surplus could be used to finance a part of the transfer to article 210 'Equipment, operating costs and services related to data-processing and telecommunications' to the amount of EUR 440 000, and a part of the end-of-year mopping-up transfer to the amount of EUR 720 000.

Lastly, a surplus of EUR 300 000, accruing from budget lines 2028 'Insurance' and 2029 'Other expenditure relating to buildings', also made it possible to finance a part of the end-of-year mopping-up transfer (see Section 2.2.4). In that regard, the surplus from Item 2028 is explained by a lower premium to be paid by the 2020 budget compared with the forecasts made in October in the context of the new inter-institutional fire insurance contract that had led the Court to increasing the line through an internal transfer. As regards Item 2029, the budget surplus is the result of lower attendance at the Court's buildings due to the pandemic, and of the use of a compactor that makes it possible to reduce the number of collections of waste by approximately 40%.

3.2.2 Chapter 21 — Data processing, equipment and moveable property

The final appropriations in this chapter, amounting to EUR 30 114 000, were committed to the extent of EUR 29 824 440, which represents a rate of implementation of 99.04% (as against 99.8% in 2019).

The appropriations in Chapter 21 are for the most part (92.87%) intended for expenditure on IT (Article 210), the balance being allocated to expenditure on furniture (Article 212), technical equipment and installations (Article 214) and vehicles (Article 216).

As regards Article 210 'Equipment, operating costs and services related to data-processing and telecommunications', the rate of implementation was almost 100%, as in 2019.

It is important to stress how vital this expenditure is to the proper working of all the Court's activities. At the same time as pursuing major developments linked to digital working in respect of the flow of documents (including the continuing improvement of the e-Curia application and of the electronic publication of the European Court Reports and the development of a new integrated case management system), the development or improvement of the applications specific to the various activities of the Court have been continued in order to increase the efficiency and productivity of the courts and support services. Several measures were also undertaken in order to facilitate the functioning of the Institution in the context of

generalised homeworking imposed by the pandemic (capacity building in terms of videoconferencing and IT support, the introduction of an electronic signature system.) An increase to the extent of EUR 4.34 million to Article 210 was carried out in 2020 accruing from Chapters 10, 14 and 20 in order to finance the budget deficits that emerged, in particular due to the pandemic.

As regards the other three articles in Chapter 21, their rate of implementation in 2020 developed as follows: 70.85% as against 99.5% in 2019 for Article 212 'Furniture', 74.6% as against 92.5% in 2019 for Article 214 'Technical equipment and installations' and 99.5% as against 99.9% in 2019 for Article 216 'Vehicles'.

The under-implementation of appropriations in Article 212 is explained by the generalised use of homeworking for the Institution's staff due to the pandemic, which had the result that there was less demand for furniture.

As regards Article 214, 'Technical equipment and installations', the surplus available is the result, in particular, of a reduction in printing expenses and in maintenance costs for photocopiers due to the entry into force of a new a cheaper maintenance contract and due to the absence of most of staff on the premises as a result of the pandemic. An amount of EUR 90 000 could be used to finance the end-of-year mopping-up transfer (see Section 2.2.4).

As regards Article 216, an amount of EUR 135 000 was also used to finance the end-of-year mopping up transfer (see Section 2.2.4). That budget surplus is explained by the fact that expenditure related to the use of Members' official cars, which depends in particular on kilometres driven, was lower than the forecasts due to the pandemic and by the fact that a certain number of Members' posts in the two courts remained unoccupied in 2020.

3.2.3 Chapter 23 — Current administrative expenditure

The final appropriations in this chapter, amounting to EUR 894 000, were committed to the extent of EUR 762 024, which represents a rate of implementation of 85.24% (95.15% in 2019).

It may usefully be noted that:

- expenditure in Article 230 'Stationery, office supplies and various consumables' amounted to EUR 372 805 in 2020 (implementation rate of 97.8%), A budget surplus of EUR 230 000 in that budget line was used as part of the end-of-year mopping-up transfer (see Section 2.2.4). That surplus is explained by the decrease in consumption of paper, office supplies and ink cartridges following the pandemic;
- expenditure in Article 231 'Financial charges' amounted to EUR 6 117 in 2020 (rate of implementation of 51% in 2020 as against 40% in 2019). The fact that the assumption that negative interest would have to be incurred on the Institution's current account was not borne out explains the surplus in that article;
- as regards expenditure in Article 232 'Legal expenses and damages', no legal expenses were borne by the Court in 2020;
- expenditure in Article 236 'Postal charges' amounted to EUR 70 000 (rate of implementation of 100% as against 93.7% in 2019). In that regard, the policy of digitalisation of flows of documents that are inherent in the judicial activity continues to limit expenses covered by that line. The budget surplus of EUR 60 000 that became available in that article following the accelerated digitalisation of mail due to the pandemic, was used in the end-of-year mopping-up transfer (see Section 2.2.4);

- expenditure in Article 238 'Other administrative expenditure' amounted to EUR 313 102 in 2020 (rate of implementation of 78.08% in 2020 as against 96.08% in 2019). The under-implementation in this budget item is explained by the fact that the absence of staff due to the pandemic has significantly limited certain expenses covered by that article, in particular expenses for internal meetings, moves and expenses for the transport of mail between institutions.

3.2.4 Chapter 25 — Meetings and conferences

The final appropriations in this chapter, amounting to EUR 245 000, were committed to the extent of EUR 148 192. The rate of implementation of the final appropriations for this item in 2020 is thus 60.49%, as against 99.08% in 2019.

A budget surplus of EUR 280 000 in that chapter was made available as part the end-of-year mopping-up transfer (see Section 2.2.4). The surplus established is the result of the cancellation of a number of significant ceremonial and other events, in particular the Meeting of Judges, due to the pandemic.

3.2.5 Chapter 27 — Information: acquisition, archiving, production and distribution

The final appropriations in this chapter, amounting to EUR 2 002 000, were committed to the extent of EUR 1 854 312 in 2020, which represents a rate of implementation of 92.62% in 2020, as against 97.59% in 2019. The appropriations in this chapter are shared between two articles:

- expenditure in Article 272 'Documentation, library and archiving expenditure', which amounted in 2020 to EUR 1 523 246 (rate of implementation in 2020 of 97.04% as against 96.67% in 2019). A budget surplus of EUR 85 000 in that budget line was used as part of the end-of-year mopping-up transfer (see Section 2.2.4). That surplus is explained, in particular, by the difficulties encountered in outsourcing the analysis of legal citations of decisions;
- expenditure in Article 274 'Production and distribution of information' amounted to EUR 319 101 in 2020, showing an implementation rate of 75.98% in 2020 (99.5% in 2019). A budget surplus of EUR 55 000 in that article also contributed to the end-of-year mopping-up transfer (see Section 2.2.4). The surplus in question is explained, in particular, by the cancellation of sending paper copies of the 'Year in review' due to the pandemic.

3.3 - TITLE 3 –Expenditure resulting from special functions carried out by the institution

Chapter 37 — Special expenditure relating to certain institutions and bodies

The final budget funding in Title 3 consists solely of the appropriations in Chapter 37 for Item 3710 ‘Court expenses’. For the financial year 2020, those appropriations amounted to EUR 59 000, as in 2019, and were committed to the extent of EUR 19 436.50, which represents a rate of implementation of 32.94% (30.03% in 2019).

That is expenditure, for which the Institution is liable, relating to legal aid granted to litigants, covering lawyers’ fees and other expenses, the forecasting of which proves difficult.

ANNEX 1

COMPARISON BY CHAPTER OF THE IMPLEMENTATION OF REVENUE IN 2020 AND 2019

(in euros)

Chapters/Articles	HEADING	ESTABLISHED ENTITLEMENTS 2020	ESTABLISHED ENTITLEMENT 2019	DIFFERENCE	DIFF.%
400	Proceeds from taxation on the salaries, wages and allowances of Members of the institution, officials and other servants	29.967.374,92	28.819.109,65	1.148.265,27	3,98%
404	Proceeds from the special levy on the salaries of Members of the institution, officials and other servants in active employment	5.325.000,34	5.104.646,15	220.354,19	4,32%
40	Miscellaneous taxes and deductions	35.292.375,26	33.923.755,80	1.368.619,46	4,03%
410	Staff contributions to the pension scheme	20.767.843,38	20.070.891,07	696.952,31	3,47%
411	Transfer or repayment of pension rights by staff	0,00	0,00	0,00	NA
412	Contributions to the pension scheme by officials and temporary staff on leave on personal grounds	23.362,74	16.770,70	6.592,04	39,31%
41	Contribution to the pension scheme	20.791.206,12	20.087.661,77	703.544,35	3,50%
TITLE 4		56.083.581,38	54.011.417,57	2.072.163,81	3,84%
500	Proceeds from the sale of movable property - Assigned revenue	139.939,92	127.470,92	12.469,00	9,78%
502	Proceeds from the sale of publications, printed works and films - Assigned revenue	0,00	0,00	0,00	NA
50	Proceeds from the sale of movable and immovable property	139.939,92	127.470,92	12.469,00	9,78%
520	Revenue from investments or loans granted, bank and other interest on the institution's accounts	0,00	0,00	0,00	NA
52	Revenue from investments or loans granted, bank and other interest	0,00	0,00	0,00	NA
550	Revenue from the proceeds of services or work carried out for other institutions or bodies - Assigned revenue	0,00	0,00	0,00	NA
55	Revenue from the proceeds of services supplied or work carried out	0,00	0,00	0,00	NA
570	Revenue from the repayment of sums paid though not due - Assigned revenue	218.091,64	831.740,46	-613.648,82	-73,78%
573	Other contributions and refunds connected with the administrative operation of the institution - Assigned revenue	126.857,37	214.662,00	-87.804,63	-40,90%
57	Other contributions and refunds connected with the administrative operation of the institution	344.949,01	1.046.402,46	-701.453,45	-67,03%
581	Revenue from insurance payments received - Assigned revenue	381,34	12.514,69	-12.133,35	-96,95%
58	Miscellaneous compensation	381,34	12.514,69	-12.133,35	-96,95%
TITLE 5		485.270,27	1.186.388,07	-701.117,80	-59,10%
900	Miscellaneous revenue	0,00	0,00	0,00	NA
90	Miscellaneous revenue	0,00	0,00	0,00	NA
TITLE 9		0,00	0,00	0,00	NA
GENERAL TOTAL		56.568.851,65	55.197.805,64	1.371.046,01	2,48%

REVENUE SITUATION IN 2020 — ESTABLISHED ENTITLEMENTS AND ENTITLEMENTS CARRIED OVER

Budget lines	Heading	Initial budget	Established entitlements 2020	Revenue recovered	Still to be recovered
4000	Proceeds from taxation on the salaries, wages and allowances of Members of the institution, officials and other servants	31 490 000,00	29 907 374,92	29 907 374,92	0,00
4040	Proceeds from the special levy on the salaries of Members of the institution, officials and other servants in active employment	5 521 000,00	5 325 000,34	5 325 000,34	0,00
	<i>total Chapter 40</i>	<i>37 011 000,00</i>	<i>35 292 375,26</i>	<i>35 292 375,26</i>	<i>0,00</i>
4100	Contributions du personnel au financement du régime des pensions	20 532 000,00	20 707 843,38	20 707 843,31	0,00
4110	Transfer or repayment of pension rights by staff	0,00	0,00	0,00	0,00
412	Contributions to the pension scheme by officials and temporary staff on leave on personal grounds	0,00	23 362,74	23 362,74	0,00
	<i>total Chapter 41</i>	<i>20 532 000,00</i>	<i>20 791 206,12</i>	<i>20 791 206,12</i>	<i>0,00</i>
	Title 4	57 543 000,00	56 083 581,38	56 083 581,38	0,00
5000	Proceeds from the sale of vehicles — Assigned revenue	0,00	0,00	0,00	0,00
5001	Proceeds from the sale of other movable property — Assigned revenue	0,00	139 939,92	139 939,92	0,00
5020	Proceeds from the sale of publications, printed works and films — Assigned revenue	0,00	0,00	0,00	0,00
	<i>total Chapter 50</i>	<i>0,00</i>	<i>139 939,92</i>	<i>139 939,92</i>	<i>0,00</i>
5200	Revenue from investments or loans granted, bank and other interest on the institution's accounts	0,00	0,00	0,00	0,00
	<i>total Chapter 52</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
5500	Proceeds from the supply of services and works for other institutions or bodies — Assigned revenue	0,00	0,00	0,00	0,00
	<i>total Chapter 55</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
5700	Revenue from the repayment of sums paid though not due — Assigned revenue	0,00	214 051,64	214 437,61	3 654,04
5730	Other contributions and refunds connected with the administrative operation of the institution — Assigned revenue	0,00	126 857,37	89 150,22	37 707,15
	<i>total Chapter 57</i>	<i>0,00</i>	<i>344 948,01</i>	<i>303 587,82</i>	<i>41 361,19</i>
5810	Revenue from insurance payments received — Assigned revenue	0,00	381,34	381,34	0,00
	<i>total Chapter 58</i>	<i>0,00</i>	<i>381,34</i>	<i>381,34</i>	<i>0,00</i>
	Title 5	0,00	485 270,27	443 909,08	41 361,19
9000	Miscellaneous revenue	0,00	0,00	0,00	0,00
	<i>total Chapter 90</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
	Title 9	0,00	0,00	0,00	0,00
	Total	57 543 000,00	56 508 851,65	56 527 490,46	41 361,19

Budget lines	Heading	Carried Over 2019 to 2020	Variations during 2020	Total carried over 2019 to 2020	Revenue from commitments carried over	Still to be recovered
4110	Transfer or repayment of pension rights by staff	0,00	0,00	0,00	0,00	0,00
	<i>total Chapter 41</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
	Title 4	0,00	0,00	0,00	0,00	0,00
5001	Proceeds from the sale of other movable property — Assigned revenue	18 862,97	0,00	18 862,97	18 862,97	0,00
5020	Proceeds from the sale of publications, printed works and films — Assigned revenue	2 060,00	0,00	2 060,00	65,00	1 995,00
	<i>total Chapter 50</i>	<i>20 922,97</i>	<i>0,00</i>	<i>20 922,97</i>	<i>18 927,97</i>	<i>1 995,00</i>
5200	Revenue from investments or loans granted, bank and other interest on the institution's accounts	0,00	0,00	0,00	0,00	0,00
	<i>total Chapter 52</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
5500	Proceeds from the supply of services and works for other institutions or bodies — Assigned revenue	0,00	0,00	0,00	0,00	0,00
	<i>total Chapter 55</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
5700	Revenue from the repayment of sums paid though not due — Assigned revenue	6 206,74	0,00	6 206,74	0,00	6 206,74
5730	Other contributions and refunds connected with the administrative operation of the institution — Assigned revenue	69 062,55	0,00	69 062,55	59 385,27	9 676,32
	<i>total Chapter 57</i>	<i>75 269,33</i>	<i>0,00</i>	<i>75 269,33</i>	<i>59 385,27</i>	<i>15 881,06</i>
5810	Revenue from insurance payments received — Assigned revenue	0,00	0,00	0,00	0,00	0,00
	<i>total Chapter 58</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>	<i>0,00</i>
	Title 5	96 192,30	0,00	96 192,30	78 314,24	17 878,06
	Total	96 192,30	0,00	96 192,30	78 314,24	17 878,06

ANNEX 3

COMPARISON BY CHAPTER OF THE IMPLEMENTATION OF APPROPRIATIONS IN 2020 AND 2019

(In euros)

Chapters	HEADING	COMMITMENTS 2020	COMMITMENTS 2019	DIFFERENCE	DIFF.%
10	Members of the institution	33.598.219,45	33.975.839,08	-377.619,63	-1,11%
12	Officials and temporary staff	259.139.547,03	251.127.553,48	8.011.993,55	3,19%
14	Other staff and external services	24.587.548,05	25.304.595,85	-717.047,80	-2,83%
16	Other expenditure relating to persons working with the institution	5.587.856,08	6.183.768,59	-595.912,51	-9,64%
	TITLE 1	322.913.170,61	316.591.757,00	6.321.413,61	2,00%
20	Buildings and associated costs	76.564.697,29	74.754.981,14	1.809.716,15	2,42%
21	Data processing, equipment and movable property: purchase, hire and servicing	29.824.439,76	27.803.258,09	2.021.181,67	7,27%
23	Current administrative expenditure	762.023,69	1.884.855,83	-1.122.832,14	-59,57%
25	Meetings and conferences	148.192,08	517.182,85	-368.990,77	-71,35%
27	Information: Acquisition, archiving, production and distribution	1.854.311,68	2.330.504,02	-476.192,34	-20,43%
	TITLE 2	109.153.664,50	107.290.781,93	1.862.882,57	1,74%
37	Expenditure relating to certain institutions and bodies	19.436,50	17.716,20	1.720,30	9,71%
	TITLE 3	19.436,50	17.716,20	1.720,30	9,71%
	GENERAL TOTAL	432.086.271,61	423.900.255,13	8.186.016,48	1,93%

DETAILED IMPLEMENTATION OF APPROPRIATIONS IN 2020 (APPROPRIATIONS FOR THE FINANCIAL YEAR AND APPROPRIATIONS AUTOMATICALLY CARRIED OVER FROM THE PRECEDING YEAR)

Budget lines	Index 1 (appropriations in the financial year)										Index 4 (appropriations automatically carried over from preceding year)			
	Initial Budget (1)	Transfers (2)	Final appropriations in the financial year (3) = (1) + (2)	Commitments (4)	Payments (5)	Commitments available (6) = (4) - (5)	Appropriations cancelled (7) = (3) - (4)	Appropriations over Year N-1 (8)	Payments out of appropriations carried over (9)	Appropriations cancelled (10) = (8) - (9)				
1000 Remuneration and allowances	32,215,000.00	-1,715,000.00	30,500,000.00	30,475,451.50	30,475,451.50	0.00	24,548.30	0.00	0.00	0.00				
1002 Rights connected with entering the service, transfer, and leaving the service	490,000.00	-140,000.00	350,000.00	330,000.00	299,807.70	50,192.30	0.00	285,200.12	0.00	285,200.12				
103 Temporary allowances	3,349,000.00	-300,000.00	3,049,000.00	2,381,335.62	2,381,335.62	0.00	667,664.38	0.00	0.00	0.00				
103 Pensions	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
104 Missions	260,000.00	0.00	260,000.00	150,000.00	10,569.36	139,430.64	130,000.00	265,410.47	77,226.72	187,683.75				
106 Training	502,000.00	0.00	502,000.00	241,432.33	110,233.56	131,198.77	260,567.67	103,801.29	38,876.55	66,925.24				
109 Provisional appropriation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Chapter 10 Members of the institution	36,836,000.00	-2,155,000.00	34,681,000.00	33,596,219.46	33,277,437.74	320,761.71	1,062,760.66	656,412.38	116,603.27	539,809.11				
1200 Remuneration and other rights	267,887,000.00	-10,470,000.00	257,417,000.00	256,314,882.15	256,314,882.15	0.00	1,052,117.85	0.00	0.00	0.00				
1202 Paid overtime	732,000.00	0.00	732,000.00	635,890.26	635,890.26	0.00	78,109.74	0.00	0.00	0.00				
1204 Rights connected with entering the service, transfer and leaving the service	2,090,000.00	-100,000.00	1,990,000.00	1,983,800.70	1,396,088.71	387,711.99	6,199.30	265,852.01	19,655.99	246,196.02				
122 Allowances on embarkation of service	250,000.00	0.00	250,000.00	186,973.92	186,973.92	0.00	43,026.08	0.00	0.00	0.00				
129 Provisional appropriation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Chapter 12 Officials and temporary staff	270,889,000.00	-10,570,000.00	260,319,000.00	259,139,547.83	258,751,835.84	367,711.99	1,179,452.97	265,852.01	19,655.99	246,196.02				
1400 Other experts	8,265,000.00	-230,000.00	8,035,000.00	8,021,346.72	8,021,346.72	0.00	33,653.28	0.00	0.00	0.00				
1404 In-service training and staff exchange	1,472,000.00	-140,000.00	1,332,000.00	1,332,000.00	1,012,314.67	319,685.33	0.00	568,391.82	0.00	568,391.82				
1405 Other external services	254,000.00	0.00	254,000.00	96,503.77	44,707.61	35,796.16	135,496.28	32,317.03	33,160.16	9,156.87				
1406 External services in the Republic field	17,303,500.00	-1,700,000.00	15,603,500.00	15,135,697.56	11,488,706.17	3,646,991.39	467,802.44	3,777,215.37	3,664,266.44	112,948.93				
149 Provisional appropriation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
Chapter 14 Other staff and external services	27,294,500.00	-2,070,000.00	25,224,500.00	24,587,548.05	20,567,075.17	4,020,472.88	636,951.96	4,377,924.27	3,687,426.60	690,497.67				
1600 Miscellaneous expenditure for staff recruitment	170,000.00	0.00	170,000.00	68,379.25	38,572.41	29,806.94	101,620.65	26,468.94	6,184.40	20,284.54				
1612 Further training	1,745,500.00	-170,000.00	1,575,500.00	1,131,306.09	323,431.16	807,874.93	444,193.91	821,243.94	733,243.63	88,100.31				
162 Missions	478,500.00	0.00	478,500.00	245,500.00	62,136.69	180,363.31	235,000.00	225,601.96	34,494.83	191,107.13				
1630 Social welfare expenditure	20,000.00	0.00	20,000.00	20,000.00	14,202.05	6,797.95	0.00	2,017.01	0.00	2,017.01				
1632 Social contacts between members of staff and other welfare expenditure	337,000.00	0.00	337,000.00	333,629.20	323,769.73	9,859.47	3,370.80	12,803.43	3,678.67	9,124.76				
1650 Medical service	187,000.00	100,000.00	287,000.00	252,719.23	202,896.26	28,822.97	24,280.27	26,340.07	9,844.02	16,496.05				
1652 Restaurants and canteens	192,000.00	-50,000.00	142,000.00	139,568.99	13,925.48	125,643.51	2,431.01	36,936.12	33,897.16	3,048.96				
1654 Early childhood centre	3,141,000.00	105,000.00	3,246,000.00	3,240,733.22	2,882,266.64	402,466.58	5,246.78	515,581.19	347,071.35	168,509.84				
1655 PMO expenditure	113,000.00	0.00	113,000.00	113,000.00	0.00	113,000.00	0.00	118,000.00	74,513.18	43,486.82				
1656 Type-II European Schools	45,000.00	0.00	45,000.00	45,000.00	45,000.00	0.00	0.00	19,033.60	3,171.60	15,862.00				
Chapter 16 Other expenditure relating to persons working with the institution	6,429,000.00	-15,000.00	6,414,000.00	5,587,856.08	3,883,200.42	1,704,655.66	826,143.92	1,802,146.76	1,246,108.84	556,037.42				
Title 1 Persons working with the institution	341,448,500.00	-14,810,000.00	326,638,500.00	327,913,170.61	316,479,548.37	6,433,622.24	3,725,329.39	7,102,334.92	5,069,794.70	2,632,540.22				

Budget lines	Index 1 (appropriations in the financial year)										Index 4 (appropriations automatically carried over from preceding year)								
	Initial Budget	Transfers	Final appropriations in the financial year	Commitments	Payments	Commitments available	Appropriations cancelled	Appropriations automatically carried over Year N-1	Payments out of appropriations carried over	Appropriations cancelled	(1) = (1)+(2)	(4)	(5)	(6) = (4)-(5)	(7) = (3)-(4)	(8)	(9)	(10) = (8)-(9)	
2000 Rent	120,000.00	-4,220.82	115,779.18	115,779.18	115,779.14	0.04	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	
2001 Lease purchases	40,076,000.00	14,705,083.46	54,781,083.46	54,781,083.46	52,806,902.26	1,974,181.20	0.00	30,749.48	30,438.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	310.69	
2002 Acquisition of immovable property	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2005 Construction of buildings	2,427,000.00	-566,000.00	1,861,000.00	1,860,880.80	327,073.63	1,533,807.17	119.20	338,348.31	348,749.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,828.77	
2006 Studies, architectural assistance in connection with building work etc	1,662,000.00	-379,863.64	1,282,136.36	1,282,078.12	812,432.38	469,645.74	59.24	578,093.24	442,116.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	135,907.13	
2022 Cleaning and maintenance	9,887,000.00	-190,000.00	9,797,000.00	9,788,702.11	7,097,607.51	2,691,094.59	28,297.89	2,080,261.46	1,539,241.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	541,019.64	
2024 Construction of energy	2,392,000.00	-700,000.00	1,692,000.00	1,692,000.00	2,166,536.41	368,372.86	28,463.39	433,825.65	301,130.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	132,692.49	
2025 Security and surveillance of buildings	7,746,000.00	-1,797,000.00	5,949,000.00	5,911,937.00	4,646,410.14	1,265,526.86	37,042.30	811,434.25	791,718.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,716.70	
2028 Insurance	142,000.00	387,000.00	529,000.00	506,619.20	101,008.00	405,616.70	20,380.30	5,014.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,014.65	
2029 Other expenditure on buildings	225,000.00	-50,000.00	175,000.00	171,059.81	101,441.27	69,618.04	3,940.19	33,229.00	29,711.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,287.42	
Chapter 20 Buildings and associated costs	65,280,000.00	11,405,000.00	76,685,000.00	76,564,697.29	67,806,835.73	8,757,861.56	120,302.71	4,333,356.65	3,483,106.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	850,250.50
2100 Purchase, servicing and maintenance of equipment and software	10,060,000.00	2,344,000.00	12,404,000.00	12,402,088.24	6,466,544.48	5,935,543.76	1,911.76	4,871,044.19	4,803,928.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67,116.02
2102 External services for operation, creation and servicing of software and systems	13,266,000.00	1,955,000.00	15,221,000.00	15,217,474.05	4,640,211.56	10,577,262.49	3,525.95	6,537,267.37	5,965,355.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	391,912.47
2105 Telecommunications	300,000.00	41,000.00	341,000.00	340,206.30	263,530.95	104,855.35	793.20	40,806.91	29,746.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,060.18
2112 Printers	814,500.00	0.00	814,500.00	577,113.08	352,894.28	224,308.30	232,386.90	338,026.18	354,013.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,683.11
2114 Technical equipment and installations	245,000.00	-90,000.00	155,000.00	128,649.26	17,117.08	101,532.32	40,330.14	297,886.43	239,432.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38,453.52
216 Vehicles	1,209,500.00	-153,000.00	1,056,500.00	1,058,908.23	1,109,247.26	39,660.97	3,591.77	87,010.95	26,156.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,854.41
Chapter 21 Data processing, equipment and movable property, purchase, hire and servicing	25,999,000.00	4,118,000.00	30,114,000.00	29,824,489.76	12,821,276.11	17,002,163.65	289,560.24	12,012,091.83	11,438,677.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	573,464.76
230 Stationery, office supplies and various consumables	611,000.00	-290,000.00	321,000.00	322,804.23	20,148.29	81,326.54	8,195.27	61,497.29	37,413.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,084.01
231 Financial charges	12,000.00	0.00	12,000.00	6,117.00	4,093.16	5,883.00	0.00	1,713.27	1,444.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	268.60
232 Lease expenses and damages	30,000.00	0.00	30,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
233 Postal charges	150,000.00	-60,000.00	90,000.00	70,000.00	30,731.53	19,288.67	0.00	24,102.87	16,840.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,281.80
238 Other administrative operating expenditure	401,000.00	0.00	401,000.00	315,101.96	251,625.62	61,476.34	87,898.04	63,819.83	23,686.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	39,163.50
Chapter 23 Current administrative expenditure	1,184,000.00	-290,000.00	894,000.00	762,823.69	597,898.26	164,125.39	131,976.31	150,132.46	99,354.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50,776.00
232 Entertainment and representation expenses	145,000.00	-80,000.00	65,000.00	51,825.68	23,498.88	26,326.80	13,174.32	70,688.64	62,983.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,705.81
234 Meetings, congresses and conferences	380,000.00	-200,000.00	180,000.00	96,366.40	12,945.10	83,421.30	83,693.60	180,791.81	92,339.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	88,252.20
236 Expenditure on formation and on participation in public events	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
237 Legal, formation service	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chapter 25 Meetings and conferences	525,000.00	-280,000.00	245,000.00	148,192.08	38,443.98	109,748.10	96,807.92	251,486.45	155,572.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95,985.11
270 Limited consultations, studies and surveys	1,667,000.00	-85,000.00	1,582,000.00	1,535,210.85	1,006,920.81	528,290.04	46,789.15	568,615.01	441,883.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126,751.40
272 Documentation, library and archiving expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2740 Official Journal	200,000.00	-55,000.00	145,000.00	174,800.00	171,800.00	3,000.00	60,200.00	48,787.50	47,479.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,307.61
2741 General publications	385,000.00	0.00	385,000.00	144,300.83	68,729.17	73,581.76	40,699.17	78,677.08	76,971.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,203.76
2742 Other formation expenditure	2,142,000.00	-140,000.00	2,002,000.00	1,854,311.68	1,247,439.88	606,871.80	149,688.32	696,079.59	566,314.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	129,765.07
Chapter 27 Information, acquisition, archiving, production and distribution	95,130,000.00	14,810,000.00	109,940,000.00	109,153,664.50	82,511,894.00	26,641,770.50	786,335.50	17,443,140.28	15,742,924.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,700,216.44
3700 Court expenses	59,000.00	0.00	59,000.00	19,436.50	17,614.65	1,821.85	39,363.30	8,259.69	4,239.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,020.10
3711 Arbitration Committee, provided for in Article 18 of the EABC Treaty	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chapter 37 Expenditure relating to certain institutions and bodies	59,000.00	0.00	59,000.00	19,436.50	17,614.65	1,821.85	39,363.30	8,259.69	4,239.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,020.10
Title 3 Expenditure resulting from special functions carried out by the institution	59,000.00	0.00	59,000.00	19,436.50	17,614.65	1,821.85	39,363.30	8,259.69	4,239.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,020.10
100 Provisional appropriations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
101 Contingencies etc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Title 10 Other expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	436,637,500.00	0.00	436,637,500.00	432,066,271.61	399,009,057.02	33,077,214.59	4,551,228.39	24,553,735.59	20,816,958.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,736,776.76

ANNEX 4b

IMPLEMENTATION OF COMMITMENT APPROPRIATIONS BY SERVICE

SERVICES	FINAL APPROPRIATIONS IN THE FINANCIAL YEAR	COMMITMENTS
Directorate-General for Administration		
Chapter 10	34.401.000,00	33.448.219,45
Chapter 12	260.319.000,00	259.139.547,03
Chapter 14	9.621.000,00	9.451.850,49
Chapter 16	6.265.400,00	5.524.256,08
Chapter 20	76.685.000,00	76.564.697,29
Chapter 21	2.146.500,00	1.864.671,17
Chapter 23	835.500,00	737.532,93
Chapter 25	15.000,00	3.918,00
Total	390.288.400,00	386.734.692,44
Directorate-General for Information		
Chapter 21	27.966.000,00	27.959.768,59
Chapter 23	21.500,00	21.464,00
Chapter 27	1.997.000,00	1.852.961,68
Total	29.984.500,00	29.834.194,27
Directorate-General for Multilingualism		
Chapter 14	15.533.500,00	15.102.749,56
Total	15.533.500,00	15.102.749,56
Protocol and Visits Directorate		
Chapter 21	1.500,00	0,00
Chapter 23	7.000,00	3.026,76
Chapter 25	230.000,00	144.274,08
Total	238.500,00	147.300,84
Research and Documentation Directorate		
Chapter 14	70.000,00	32.948,00
Chapter 27	5.000,00	1.350,00
Total	75.000,00	34.298,00
Other Services		
Chapter 10	280.000,00	150.000,00
Chapter 16	148.600,00	63.600,00
Chapter 23	30.000,00	0,00
Chapter 37	59.000,00	19.436,50
Total	517.600,00	233.036,50
General Total	436.637.500,00	432.086.271,61

Commitment Item	USE OF ASSIGNED REVENUE IN THE FINANCIAL YEAR Index 11					USE OF ASSIGNED REVENUE IN THE PRECEDING FINANCIAL YEAR Index 14					USE OF COMMITMENTS OF ASSIGNED REVENUE CARRIED OVER FROM THE PRECEDING FINANCIAL YEAR Index 45		
	Assigned Revenue	Commitments	Payments	Commitments available	Payments available	Assigned revenue	Commitments	Payments	Assigned revenue carried over	Assigned revenue cancelled	Assigned revenue	Payments	Assigned revenue cancelled
2100 Purchase, servicing and maintenance equipment and software	97,067,25	0,00	0,00	97,067,25	0,00	555,43	314,00	314,00	0,00	259,43	2,074,79	2,074,79	0,00
2102 External services for operation, creation and servicing of software and systems	3,699,78	0,00	0,00	3,699,78	0,00	9,600,00	4,174,71	1,176,81	2,996,90	5,425,29	9,481,54	9,481,54	0,00
2103 Telecommunications	3,452,56	0,00	0,00	3,452,56	0,00	7,843,89	13,72	16,80	2,12	7,629,17	934,42	350,00	684,42
212 Furniture	0,00	0,00	0,00	0,00	0,00	1,190,00	1,190,00	906,00	284,00	0,00	0,00	0,00	0,00
214 Technical equipment and installations	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
218 Vehicles	178,242,51	0,00	0,00	122,242,51	0,00	85,455,23	85,455,23	85,455,23	0,00	0,00	0,00	0,00	0,00
21D Sale processing, equipment and movable property, furniture, fire and servicing	231,437,06	0,00	0,00	231,437,06	0,00	104,440,55	41,146,06	87,665,64	3,265,00	33,265,69	17,509,95	11,085,55	624,40
230 Laboratory, office supplies and various consumables	85,00	0,00	0,00	85,00	0,00	342,48	342,29	337,28	5,01	0,20	0,00	0,00	0,00
232 Legal expenses and damages	0,00	0,00	0,00	0,00	0,00	611,586,63	4,305,00	4,305,00	0,00	607,291,63	0,00	0,00	0,00
236 Private charges	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
238 Other administrative operating expenditure	0,00	0,00	0,00	0,00	0,00	6,920,64	6,920,64	6,920,64	0,00	0,00	0,00	0,00	0,00
25-Cumulative administrative expenditure	66,00	0,00	0,00	66,00	0,00	610,659,16	11,567,90	11,567,92	5,01	607,291,63	0,00	0,00	0,00
254 Meetings, congresses and conferences	158,41	158,41	0,00	0,00	-158,41	21,85	0,00	0,00	0,00	21,85	0,00	0,00	0,00
256 Expenditure on information and participation in public events	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
25 Meetings and conferences	158,41	158,41	0,00	0,00	-158,41	-21,85	0,00	0,00	0,00	-21,85	0,00	0,00	0,00
272 Documentation, library and archival expenditure	4,003,74	823,39	823,39	3,180,35	0,00	5,005,08	4,287,17	1,701,64	2,585,23	717,89	30,00	0,00	70,00
2740 Other Journal	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
2741 General publications	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
2742 Other administrative expenditure	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
27 Information acquisition, archiving, production and distribution	4,003,74	823,39	823,39	3,180,35	0,00	5,005,08	4,287,17	1,701,64	2,585,23	717,89	70,00	0,00	70,00
2 Buildings, furniture, equipment and miscellaneous operating expenditure	499,380,00	97,267,28	97,267,28	402,092,70	90,403,91	97,435,87	204,509,08	611,634,64	87,634,24	623,226,40	23,919,79	22,967,06	1,214,73
3710 Court expenses	11,251,31	0,00	0,00	11,251,31	0,00	7,500,00	7,500,00	7,500,00	0,00	0,00	0,00	0,00	0,00
37 Expenditure relating to certain institutions and bodies	11,251,31	0,00	0,00	11,251,31	0,00	7,500,00	7,500,00	7,500,00	0,00	0,00	0,00	0,00	0,00
3 Expenditure resulting from social functions carried out by the institution	11,251,31	0,00	0,00	11,251,31	0,00	7,500,00	7,500,00	7,500,00	0,00	0,00	0,00	0,00	0,00
Total	622,229,32	97,267,28	623,39	424,936,96	90,403,91	900,086,76	262,099,38	179,466,14	82,634,24	637,175,29	23,919,79	22,542,06	1,274,73

Report on negotiated procedures

Article 74(10) of the Financial Regulation sets out the obligation for each institution to send a report on negotiated procedures to the budgetary authority. The authorising officers by delegation must, for each financial year, record contracts concluded by negotiated procedures.

During the financial year 2020, 5 contracts concluded by negotiated procedure for an amount over €60 000 were recorded, for a total amount of €913 694.¹

The proportion of contracts concluded by negotiated procedure in comparison with the total number of contracts concluded was 7.0% (as against 6.1% in 2019 and 6.8% in 2018). If the calculations are done based on the value of the contracts (instead of the number of contracts), the proportion of negotiated procedures is only 2.4% (as against 3.7% in 2019 and 3.2% in 2018).

Three of the negotiated procedures concerned related to the Directorate for Buildings and Security and their subject matter was waste management, heating and water consumption respectively.

The other two negotiated procedures related to the Directorate for the Library and their subject matter was the purchase of certain digital products.

The reasons put forward by the authorising officers responsible for having recourse to negotiated procedure are those set out in Section 11.1(b) of Annex I to the Financial Regulation and rely on:

- the existence of a single supplier capable of responding to the specific requirements of a given contract for technical reasons;
- the existence of a single supplier in a case of legal monopoly.

¹ | The inter-institutional procedures for which the Court is not the leading institution are not taken into account in those figures.

Report on compliance with and suspension of the time-limits for making payments to creditors of the institution

Article 116¹ of the Financial Regulation sets the time limits for the payment of expenditure operations.

Subparagraph 5 of that article specifies the circumstances in which creditors in receipt of a late payment are entitled to receive default interest charged to the line from which the principal was paid. That article also establishes, in subparagraph 6, the obligation for each institution to submit to the budgetary authority a report on compliance with and suspension of the time-limits for paying its creditors.²

The Court's administration gives particular attention to proper compliance with those regulatory provisions relating to payment deadlines and ensures that this compliance is closely monitored and followed up.

To this end, the SAP integrated financial and budgetary management system (developed on an inter-institutional basis by the Council, the Court of Auditors and the Court) has specific features that make the following possible:

- real time visualisation by the authorising departments of the tracking of invoices and corresponding payments throughout the internal chain of verification approval;
- the production of specific follow-up or warning reports that integrate the management of suspension of time-limits for payment and the automatic calculation of default interest to be paid on any invoices paid late.

1] Article 116(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1) : «[...]on the expiry of the time limits laid down in paragraph 1, the creditor shall be entitled to interest in accordance with the following conditions: (a) the interest rates shall be those referred to in Article 99(2); (b) | the interest shall be payable for the period elapsing from the calendar day following expiry of the time limit for payment laid down in paragraph 1 up to the day of payment. However, in the event that the interest calculated in accordance with the first subparagraph is lower than or equal to EUR 200, it shall be paid to the creditor only on a request submitted within two months of receiving late payment.».

2] Article 116(6) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1) : «Each Union institution shall submit to the European Parliament and Council a report on the compliance with and the suspension of the time limits laid down in paragraphs 1 to 4 of this Article. The report of the Commission shall be annexed to the summary of the annual activity reports referred to in Article 74(9).».

Generally, all of the means described above allow the payment deadlines to be brought under proper control, with an average time limit over the last five years of slightly less than 31 days, as the table below shows:

Financial Years	Invoices		Average payment time (days)
	Number	Amount (in €)	
2016	11 245	55 745 198	33.73
2017	11 573	57 235 733	31.08
2018	12 297	57 264 621	31.71
2019	12 636	63 917 891	32.45
2020	11 228	56 241 940	25.53

The average payment time in 2020 was reduced by 7 days in comparison with 2019. That reduction is mainly due to the significant reduction in the payment time of invoices relating to external translation, which by itself represents 74% of the volume of invoices paid, going from 34.2 days on average in 2019 to 25.4 in 2020; that payment time is far lower than the contractual payment time of 60 days that is in force for those services, taking into account the necessary quality controls.

The very reasonable level of the average time for payment is also due to the fact that, since mid-2019, the accounting officer makes payment of invoices on receipt of authorisation by the responsible authorising officer, which is very much to the advantage of suppliers since, in accordance with the provisions of Article 116(1), several invoices contractually have a payment time of 60 or 90 days (technical services or actions which are particularly complex to evaluate or subject to the approval of a report or a certificate).

In 2020, there was no case of payment of mandatory default interest (case where the amount of default interest exceeds the threshold of EUR 200 defined in Article 116(5)) recorded.

REPORT TO THE BUDGETARY AUTHORITY UPDATED 2021-2025 BUILDINGS INVESTMENT PLAN

ACTION CONCERNING THE ENVIRONMENT AND INTERINSTITUTIONAL COOPERATION

INTRODUCTION

The Court of Justice of the European Union ('the Court' or 'the Institution') has drawn up this annual property report in accordance with the provisions of Article 266 of the Financial Regulation applicable to the general budget of the European Union, which provides that:

'Each Union institution shall provide the European Parliament and the Council, by 1 June each year, with a working document on its building policy, which shall incorporate the following information:

- (a) for each building, the expenditure and surface area covered by the appropriations of the corresponding budget lines. The expenditure shall include the costs of the fitting-out of buildings but not the other charges;*
- (b) the expected evolution of the global programming of surface area and locations for the coming years with a description of the building projects in planning phase which are already identified;*
- (c) the final terms and costs, as well as relevant information regarding project implementation of new building projects previously submitted to the European Parliament and the Council under the procedure established in paragraphs (4) and (5) and not included in the preceding year's working documents.'*

The present report updates and complements ¹ the reports drawn up by the Court since April 2009 on the same subject for the period 2021-2025.

1| The annexes with figures appended to the present report comply, in so far as possible, with the format adopted in the context of the discussions which took place within the specialised inter-institutional buildings group (the GICIL for the institutions established in Luxembourg).

The financial information provided for the period covered is primarily concerned with buildings occupied under the lease-purchase regime (also referred to below as 'lease purchase'), as the Court has not occupied any building under an operating lease since October 2019, with the exception of a Data Center.

I. PRELIMINARY REMARKS

First, the buildings policy pursued by the Institution will be traced, followed by a broad outline of the history of its buildings complex, and finally the specific features of its requirements.

1. The Institution's buildings policy

The Institution's buildings policy has two main objectives:

- first, after an initial policy of renting premises, the Court's aim, since the final establishment of its seat in Luxembourg decided at the Edinburgh European Council in 1992 is to become the owner of the buildings which it occupies, following the example of other institutions and in line with the recommendations of the Special Report of the Court of Auditors which has again highlighted in its Special Report No 34/2018.² that ownership of the buildings offers certain advantages to the institutions, in particular reduced long-term costs, as well as stability of costs and better budgetary planning in the medium term;
- second, the Court's aim is to have premises adapted to the specificity of its jurisdictional needs and to reunite all its departments on a single site, in order to optimise the performance of its tasks.

2. Changes in the Court real property situation and future outlook

The Court, established in Luxembourg since 1952, has occupied the court building ('Palais') constructed and provided to it by the Luxembourg authorities on the Kirchberg plateau since 1972.

As that building became too small from 1979, it was decided to add annexes to it, (Erasmus, Thomas Moore, and 'C' buildings) constructed between 1986 and 1993 by the State of Luxembourg and which led, by applying the policy of purchase mentioned above, to the conclusion of a lease-purchase contract in 1994 (in that regard, see Chapter III).

In 1998, the Palais, rented from the Luxembourg State, had to be vacated because of asbestos. The authorities of the Grand Duchy offered a replacement building, the T building. Since the latter, unlike the annexes, lacked courtrooms, the Members of the Court and their cabinets were installed in the annexes and the translation service moved into the T building.

2| European Court of Auditors' Special Report No 34/2018 titled 'Management of office accommodation in the EU institutions: Some good management practices but also various weaknesses'

In the context of a more long-term buildings policy, the Court had in the meantime developed a project for the renovation and extension of the Palais based on its estimated requirements as foreseeable at the time. In July 2001, the Court signed a framework contract with the Luxembourg authorities for the realisation of that project (see Chapter II).

However, pending delivery of the new space and faced with the urgent need for buildings in connection with the 2004 accessions, the Court was obliged to take the decision to rent for the time being other buildings: the Tbis building for the translation service and the Geos building, for administrative services, with which, after creation of the Civil Service Tribunal at the end of 2005, it was necessary to rent additional space in another building (Allegro), also several kilometres from the Palais.

The renovation of the Palais and the 4th extension of the Court's buildings (Chapter II) has been operational since 2008, which has made it possible to reunite the greater part of the Court's staff in the buildings complex of the Court.

Beginning in early 2011, the Erasmus, Thomas More and 'C' annexes underwent extensive renovation and compliance work, which was finished for the start of the new judicial term in September 2013 (see Chapter IV). That operation made it possible to give up some of the offices that were rented (the Allegro and Geos buildings).

The reassessment of its buildings requirements in the medium term (2015-2023), based on the changes reasonably foreseeable given the information currently available (further accessions, changes in the structure of the Institution, general growth in the number of cases brought and outlook for the evolution of the staffing of services in the light of the budgetary situation), has led the Court to estimate that the capacity of the main site needs to be increased by approximately 30 000 m² of office space.

The Court informed the budgetary authority in July 2011 of the proposed construction of a 5th extension of the Court's buildings (Chapter V), which, beginning in 2016, was completed on 15 July 2019 with the entry into service of the 3rd tower.

Changes in the European Union's security situation have ultimately led the Institution to draw up a plan to upgrade its security system that was approved by the budgetary authority in December 2018 (Chapter VI).

A plan of the Court's buildings complex and a sketch of the proposed security perimeter of the Court's site can be found in **Annex 1**.

3. Specific features of the Court's buildings requirements

In addition to standard office accommodation, the Court's specific requirements are determined by its jurisdictional activity, and even regular ceremonial or official events such as, for example, the swearing-in as provided for by the Treaties.

A significant portion of the Court's buildings complex is thus occupied by the courtrooms that must be of sufficient number to meet the requirements of all the chambers of the courts. At the beginning of 2021, with the completion of the fitting-out work for a new court room in the central gallery connecting the different parts of the complex, the Court has a total of 12 court rooms (see Chapter V for more details).

Common and open spaces, such as the 'salles des pas perdus' and the reception area for the parties, their lawyers and the public, are also provided close to the courtrooms.

The areas allocated to the courtrooms and the other common spaces are accounted for in the 'non-office spaces' in the table of spaces and appropriations by budget heading and building set out in **Annex 2**.

II. THE RENOVATION OF THE PALAIS AND THE 4TH EXTENSION OF THE COURT'S BUILDINGS

As indicated in Chapter I, the renovation of the Palais and the 4th extension to the Court's buildings was necessary to cope with the enlargements of 2004 and 2007.

It was no longer simply a matter of fitting out the existing complex but of rethinking the whole of the complex in order to have a Palais capable of responding to the increase in the number of judges and advocate generals following the enlargements, while coherently separating the public spaces dedicated to judicial activity from the office areas of the Members and the services.

The plans, which were drawn up with the help of Dominique Perrault Architecture, thus led to the construction of a two-storey building, connecting the old Palais and capable of hosting up to forty Members' cabinets, to the renovation of the Palais, restructured and dedicated solely to court rooms, and to two annexed towers, all connected by a central gallery serving the common areas and linking the different parts of the site between them, while ensuring the architectural and functional unity of the complex.

As regards a large-scale building project, the Court was particularly attentive to respecting the budgetary principles of economy and efficiency in directing its construction operations, as is confirmed by the Court of Auditors. In its Special Report of the Court of Auditors (No 2/2007) concerning the expenditure of the Community institutions on building, the Court of Auditors notes the good practice implemented in that project, in particular the strengthening of competition through open tenders in order to best limit the overall cost of the project, and the intervention of the European Investment Bank with a financial package on more attractive terms than financing by public or private banks.

The Court has ultimately aimed to closely monitor the costs of the project at all stages of its progress, in particular by employing the assistance of a technical and financial consultancy firm. Those measures thus enabled the containing of the forecast final cost of the project in the budget (indexed) which was originally set.

The renovated and extended buildings were completed on schedule during the second half of 2008 and opened on 4 December 2008.

1. Financing

The project was pre-financed by the State of Luxembourg through a framework contract concluded with the Court on 16 July 2001, with the sum invested having to be repaid by the Court under the terms of a lease-sale agreement, signed on 13 June 2007, which defines the sale price as including the price of final construction (see section 1.3. below), the financing costs (including interim interest) and the costs incurred by the Luxembourg State in fulfilling its obligations as landlord during the period of lease-purchase.

The sale price is to be determined by an independent expert (the firm of auditors KPMG) appointed, after an invitation to tender, by mutual agreement of the Luxembourg State and the Court. Calculation of the final breakdown is to be based on a cost integration procedure to be determined by common agreement.

Repayment is spread over a period extending to 2026, with the option of making advance payments (see section 1.2. below). Responsibility for financing the project lies with the property company Justicia 2026, which concludes long-term loans with the financial institutions offering the best terms (see section 1.1. below).

1.1. Loans for the financing of the project – Taking up of loan funds

After the initial costs, principally for studies, which were pre-financed by the Luxembourg State, the property company has taken charge of paying invoices by using short term credit facilities granted by the Banque et Caisse d'Épargne de l'État Luxembourgeois (BCEE) and the European Investment Bank (EIB).

As the work has advanced, those short term credit facilities have been converted into long term loans, through a mechanism of the 'taking up of loan funds'. The interest rates and also the type of rate (fixed, adjustable, variable, capped variable, package of various formulas) are to be determined when the loans are taken up, following a study of predicted market trends made in liaison with the Commission's DG ECFIN. In fact, variations in the amount of the charge can be caused by the level of the fixed rates when the loan funds are taken up and, as the case may be, by the movement of interest rates as regards that proportion of the financing obtained at variable rates. Since the Court ultimately assumes repayment of those operations conducted by the property company through the lease-sale agreement, the Court has paid particular attention to those operations.

Loan funds amounting to EUR 309 397 648 have been taken up on seven occasions between 2008 and 2017. In that context, the Court's competent authorising officer sought the advice of the Institution's Budget and Financial Affairs Directorate, the banks concerned (EIB and BCEE) and DG ECFIN (European Commission), a neutral intermediary in relation to those two banks.

1.2. Prepayments

To date, the prepayments made with the agreement of the two arms of the budgetary authority since 2007, amounting in total to EUR 57.3 million, have made it possible to reduce significantly the budget impact of the lease-purchase payments to be made until 2026. Those prepayments allowed for savings on financing charges, estimated at around EUR 20 million over the whole period, the annual amount of which (EUR 22.34 million in 2020) would otherwise be 18% higher.

1.3. Cost of final construction

The cost of construction of the new buildings amounted to EUR 355.3 million (exclusive of VAT and pre-financing financial charges), which was in line with the budget forecast. That amount must be read subject to the financial impact of any legal proceedings pertaining to that construction.

2. Renovation expenses and major maintenance

The costs covered by this section fall into three categories: first, the improvement of equipment and installations; second, the maintenance and repair of technical installations; lastly, the maintenance and repair of what are called architectural features.

As of 2020, renovation needs have begun to grow, as is normal for works of this nature after a period of 7 to 12 years since they were brought into service. Certain equipment and installations must therefore be replaced or updated. Thus, in 2020, the catering service's cooling system, which had become obsolete and for which maintenance could no longer be guaranteed due to the phase-out prohibition on the liquid refrigerants contained in it, had to be brought into line with the legislation. The acceptance of the works took place at the end of November 2020, with reservations having to be addressed before January 2021. The total amount of the works was EUR 467 000.

It should also be noted that at the end of the year 2020 the migration project from the Centralised Technical Management (CTM) system of the Palais, the annexed buildings and the 4th extension buildings to new, more efficient, operating software that will make it possible to have a single system for the Court's entire buildings complex. That project, which should be completed in 2022 and is estimated at EUR 700 000 uses the framework contracts in force and therefore did not require the launching of tenders.

Other than those renovations, maintenance costs must be borne. The management, ongoing servicing and operation of technical installations, together with major works of maintenance are to be carried out under a contract concluded with a private firm, following a public procurement procedure with the State of Luxembourg. That contract came into effect in April 2018 for a period of six years and three months, and as regards major works of maintenance, it provides for the creation of a reserve fund, into which is to be made an annual payment, which is currently close to EUR 670 000.

Since 2016, several framework contracts have been concluded for both architectural maintenance and the installation of additional technical equipment.

An amount of EUR 1 033 000 is allocated in the budget for the financial year 2022, to the architectural maintenance (post 2022) of the 4th extension buildings, but also the Erasmus, Thomas More and 'C' buildings, not including one-off maintenance operations.

With the objective of obtaining an architectural maintenance contract for a fixed sum to cover all its buildings, the Court launched an open tender procedure that was published on 2 October 2020. Taking account of the number of interested companies, the Court hopes to be able to conclude the contract in spring 2021.

Moreover, a sum of EUR 870 000 is also allocated in the 2022 Financial Year for the installation of additional technical equipment and for the fitting-out of premises for the whole of the Court's buildings complex, not including one-off operations.

It should also be noted that since the waterproofing of the ceiling in the Palais showed recurring defects that simple reparation would not be able to fix, its complete replacement has been entered into the Institution's budget for an overall amount of around EUR 1 700 000, distributed over the financial years 2022 and 2023.

In a similar vein, twelve years after those buildings were brought into use, the metallic structure in the Palais and the Anneau must be repainted. It is an extremely complex construction site that includes putting scaffolding in place on raised structures as well as protections against splashes of paint. The operations can only be carried out, moreover, under favourable weather conditions. The total amount of the works is estimated at EUR 2 100 000, over a period of 6 years (EUR 350 000 for 2022).

III. ACQUISITION OF ANNEX BUILDINGS (ERASMUS, THOMAS MORE AND 'C')

Under the lease-purchase contract relating to those annexes, concluded with the State of Luxembourg in 1994, the sale price includes the price of construction, the financing costs and the costs incurred by the Luxembourg State in fulfilling its obligations as landlord during the period of lease-purchase.

As with the 4th extension buildings, the sale price is determined by an independent expert (KPMG) appointed, after an invitation to tender, by the Luxembourg State and the Court on the basis of a method for calculating present-day values to be determined by mutual agreement, on the basis of the rates of interest on the loan funds taken up for the financing of the project.

According to the report by the independent expert appointed under the lease-purchase contract, the balance of the sale price of the Annex buildings on 31 December 2020 was EUR 1.03 million.

On 25 March 2010, the Luxembourg State and the Court wished to bring the date of expiry of the lease-purchase contract relating to the annex buildings into line with that relating to the new Palais mentioned in Chapter II above (no later than 31 December 2026) and to bring the entire buildings complex within a single legal framework. The payments due under that lease-purchase contract have therefore been rescheduled. The amount to be paid is EUR 150 000 per annum.

IV. RENOVATION AND UPGRADING OF ANNEX BUILDINGS (ERASMUS, THOMAS MORE AND 'C')

Taking into account the age of the annex buildings (constructed between 1986 and 1993) and the evolution of the standards applicable in relation to construction, safety and security, work to renovate and to bring those buildings into compliance were carried out from the end of 2011 until June 2013, in accordance with the planned budget and timetable. That work consisted of:

- bringing security installations (access control) and safety installations (fire, etc...) into compliance;
- modernisation of roofing (green roofing), facades and technical installations (energy savings, sustainable development, etc.);
- setting up 'Multimedia' facilities in the court rooms and conference rooms, as in the court rooms of the renovated original Palais;
- adaptation of partitioning for the installation of the General Court;
- appropriate general renovation (carpeting, painting, general fitting out).

The methods of monitoring, financing and repayment implemented were the same as those chosen for renovation of the Palais and the 4th extension of the Court's buildings (cf. Chapter II).

1. Financing

On the basis of the final cost of the renovation works (EUR 80.9 million including pre-financing interest) and the chosen financial arrangements (extending instalments to 2026) as indicated above, the annual lease-purchase payment amounts to EUR 5 million (2020).

The annual amount of that payment takes into account, first, prepayments made in agreement with the two arms of the budgetary authority since 2011 (EUR 24.3 million), which made it possible to reduce significantly the budget impact of the lease-purchase payments and, secondly, various operations to take up funds carried out between 2012 and 2017 (EUR 56.8 million).

2. Renovation expenses and major maintenance

Since the project was completed in June 2013, there is no renovation of the structure or of the fitting-out planned for the period 2021-2025 for that type of standard gauge building.

Major maintenance of technical installations, on the other hand, will be incorporated in the contract referred to in the fourth paragraph of Chapter II.2.

In the context of the third phase of structural reform of the General Court, completed in September 2019, the main courtroom for the General Court's deliberations on the top floor of Annex C was reorganised in order to bring its capacity to a maximum of 61 people.

V. THE 5TH EXTENSION OF THE COURT'S BUILDINGS

With a capacity of approximately 30 000 m² of office space for a total surface of approximately 50 000m², that flagship project, which is intended to allow the reuniting of all the Institution's departments on a single site, is focused on a 3rd tower intended for services, in particular linguistic services. Equipped with a multifunctional and pleasant space at the top and with a large base containing annex areas such as meeting rooms, a data center, a new printing room and a health center, it makes it possible to extend the existing gallery into an urban network specially redesigned in order to serve the building.

That new extension, which marks the completion of the architectural complex of the Court, is part of the urbanistic redevelopment of the Kirchberg plateau area assigned to the European institutions. It also allows the Court to cease renting the last buildings that still accommodate its staff (the T and Tbis buildings located in close proximity to the Institution's buildings).

As stated above in Chapter I.2, both arms of the budgetary authority have issued favourable opinions with respect to this project.

Following the good practices adopted for the implementation of the building projects described in II and IV, under a framework contract signed on 21 February 2013 with the Court and the Kirchberg development and urbanisation Fund, the Luxembourg State has taken on the role of developer for the construction of the 5th extension of the buildings of the Court.

The contracts required for project management (architect, engineers and experts) were finalised during the summer of 2013, and the detailed pilot study was completed on 31 January 2015. In accordance with the provisional timetable, the construction work began in spring 2016 in order to be completed by the

end of the first half of 2019. At the beginning of 2021, despite delays caused by restrictive measures linked to the health crisis, particularly in the spring (closure of construction sites) then in the autumn of 2020, most of the reservations relating to the construction of the 3rd tower had been addressed and the final technical adjustments are ongoing, such as the finalisation of the centralised management tools for technical installations, the optimisation of technical installations and other more specific issues.

The provision, prior to the end of the first half of 2019, of office accommodation created in the 3rd tower allowed the Institution to complete the third and final stage of structural reform of the General Court which began in 2016 by installing the cabinets of the eight additional judges arriving in September 2019 in the spaces thus vacated in the buildings annexed to the Palais.

Besides the 3rd tower mentioned above, the project also involved: the extension of the staff car park, the enlargement of the restaurant in the Thomas More building by some 200 extra places, the fitting-out of a new courtroom in place of the old printing room and the cafeteria of the gallery, a secure archive room in place of the old health center, and reception rooms for groups of visitors on the first level of the gallery.

Finally, in accordance with the urbanistic study mentioned above, a new road serving the 3rd tower directly was opened to traffic at the end of 2020. This will make it possible, after the fitting-out of the new secure entrance pavilion provided for in the context of the plan to upgrade the security system of Institution's infrastructure (see Chapter VI above), to create a new entrance intended for vehicles and pedestrians, particularly visitors, while preserving a reserved area in the natural perimeter of Court's buildings complex which, without a medium-term plan for a new extension, must accommodate a garden open to the public based on the theme of multilingualism (see IX.1.3 above).

Financing

The updated maximum budget for the realisation of the 5th extension amounts to EUR 148 588 236 on 31/12/2020 (excluding VAT – construction cost index for the month of April 2020).

The annual payment will be calculated on the basis of the sale price at the time of taking delivery of the buildings, with final payment by 31 December 2036 at the latest.

At the end of 2020, advance payments amounting to EUR 57 130 500 were made and, between 2016 and 2019, EUR 65 505 400 was consolidated.

VI. UPGRADING OF THE SECURITY SYSTEM FOR THE INSTITUTION'S BUILDINGS INFRASTRUCTURE

In order to take into account the European Union's security situation, the budgetary authority approved, in December 2018, a project for upgrading the Institution's security system, which consisted of:

- a) a security perimeter surrounding the Court's buildings complex, which involves, depending on the location, metal bars, glass walls, anti-intruder hedges and gabion walls, sometimes by a combination of those elements, the construction of three reception and control pavilions at the entrance to the Erasmus buildings, the 3rd tower ('Tower C') on the newly opened street, finally in proximity to the entrance to the Thomas More building, as well as the six autonomous external security booths;
- b) the reinforcement of access points to the complex, to enable vehicles or people to be checked before entering the buildings;
- c) the improvement of monitoring inside the buildings with the aid of an integrated management system for the security equipment;
- d) moving the existing bike parking outside the security perimeter.

The budget for the project is fixed at EUR 29.1 million (index for October 2017) excluding VAT, including the reservations. That amount will be increased from the amount resulting from the six-monthly construction cost index: on 31 December 2020, that updated amount was EUR 31 253 523. The total cost of the work to be repaid to the State will be determined by an independent expert, the fees and expenses of which will be borne directly and in equal parts by the State and the Court.

Due to a delay in the negotiation and then in the finalisation of the framework contract that constitutes the legal basis for co-operation between the State and the Court for carrying out the work and the lease-purchase of certain structures erected in the context of the project, which could not be signed until October 2020, the work should not begin until spring 2021 and last until the end of 2022.

For that project, the Luxembourg State is taking on the role of developer and pre-financing the project, with the Court guaranteeing the repayment by means of a direct loan.

Since the new offers received in the context of the procedures for the award of public works contracts have confirmed the cost of the authorised work exceeds EUR 3 million, the Court has decided, in agreement with the developer, to adapt the list of requirements sent to the Luxembourgish authorities on 14 February 2017 in order to limit the scope of the project to the reinforcement of the outer shell referred to in a) below, to carry out on its own current operating budget and under the project management of its services the work referred to in b) and d) below, and to abandon carrying out other work initially included in the plan.

VII. RENTED BUILDINGS

With the completion of the various construction projects described in this report (cf. Chapters II, IV, and V), the Court was able to bring all of its staff together on its site, in particular the staff that had still been accommodated, while waiting for completion of the 5th extension, in the T and Tbis buildings, located in close proximity to the Court's buildings complex.

It will be noted that bringing the renovated annex buildings into service during the second half of 2013 (cf. Chapter IV) and then the 3rd tower from 15 July 2019 has already allowed the court to vacate, over time, the Allegro (end of September 2013) and then the Geos buildings (beginning of February 2014).

VIII. PERFORMANCE INDICATORS

Management of the Court's building projects takes into account three key indicators: 1) keeping within the budget allocated to the project following an estimate of that project's costs, 2) compliance with the time-limits for completion of work and delivery of the buildings, and 3) compliance of the first two indicators with the list of requirements, the detailed pilot study and the quality requirements laid down in advance.

Approved by the Court of Auditors as good practice in its special report No 2/2007, the combined use by the Court of internal and external expertise in the renovation of the Palais and in the 4th extension of the Court's buildings complex was continued in the context of the 5th extension.

That allowed the Court of Auditors to reiterate, in its special report No 34/2018, its positive assessment and to find that the three major construction projects undertaken by the Court in close collaboration with the Luxembourgish authorities were completed within the expected time frame and with no cost overruns.

1. Compliance with the budget and costs

In each project implemented, the Court aims to respect the budget, subject to any increase imposed by law.

In the context of the renovation of the Palais and its annex buildings and during the 4th extension to the buildings complex (Chapters II and IV), that objective has been attained. Although the final accounts are not entirely completed, the Court has reasonable assurances on which to conclude that the budgetary framework is respected.

As regards the 5th extension (Chapter V) and as the Court of Auditors concluded, the allocated budget is currently being respected.

As regards the final large scale building project underway, namely the upgrading of the Institution's security system (Chapter VI), the Court's services have endeavoured, in partnership with those of the Luxembourg state tasked with the project management, to rework the various tender specifications and to relaunch new public procurement procedures with a view to substantially reducing the cost of the works.

2. Compliance with the time limits

The buildings covered in Chapter II (renovation of the Palais and 4th extension of the Court's buildings) were inaugurated on 4 December 2008 in accordance with the planned timetable. On that date, the complex was operational, with only minor works of finishing and works to address reservations still to be completed.

As regards the project covered in Chapter IV (renovation of annex buildings and bringing them into compliance), robust monitoring of the work ensured that the planned schedule was observed, and that those buildings were moved into for the start of the new judicial term in September 2013.

The same conclusion applies to the construction project described in Chapter V. Therefore, after the beginning of major carcass work in autumn 2016, construction work on the 3rd tower, on the extension to the staff car park and on the extension to the restaurant of the Thomas More building unfolded as planned to allow the car park to be brought into service from 29 January 2018, for the enlarged restaurant to be brought into service from 28 January 2019, and for the occupation of that tower from 15 July 2019.

As regards the upgrading of the Institution's security system (Chapter VI), the beginning of work, that had initially been planned for spring 2020, had to be delayed until spring 2021 due to a series of difficulties beyond the control of the Court, namely, in addition to the public health crisis owing to Covid-19 and the adaptation of the list of requirements state in February 2020, the delay encountered in finalising the framework contract governing the cooperation between the State and the Court for completion of the works and the lease-purchase of certain structures erected in the context of the project. The late signature of the contract, which could not be done until October 2020, resulted in the demobilisation of the project management and the necessity to renegotiate with the companies already awarded contracts as to the details of their involvement. As stated above, the construction work should begin in spring 2021 in order to be completed by the end of the first half of 2022.

3. Quality

Very stringent acceptance procedures, followed by a phase of lifting the reservations formulated during those procedures, have been put in place in such a way that the requirements of the tendering specifications are scrupulously respected. The reservations that remain and that have not been settled amicably are subject to amendment work at the cost of the party who is at fault, after technical or, as a last resort, judicial appraisals, if required.

As regards the project for the 5th extension of the Palais (3rd tower), in addition to the monitoring procedures established for the earlier projects, the application of the BREEAM³ standard provided for will require compliance with very demanding qualitative criteria (see the following chapter). In practice, it relates to a method of evaluating the environmental performance of the building on the basis of a series of criteria and design and construction standards going beyond those required by the legislation. The BREEAM certification deals with both the environmental aspects and the socio-cultural aspects of the building and is focused in particular on the overall, local and internal impact of the building during its life cycle. It covers areas as diverse as the management of the project, the health and well-being of its occupants, energy, water treatment, and even technological innovation.

3| The BRE Environmental Assessment Method (BREEAM) is the oldest and most widely used environmental assessment method in the world for buildings. It was established by the British organisation, the 'Building Research Establishment (BRE)'.

IX. ACTION CONCERNING THE ENVIRONMENT

1. Ecological design and construction

The buildings policy of the Court is informed by the need to respect environmental standards.

In the project for construction of the new buildings covered in Chapter II, the general architecture and the predominantly glass facades make it possible to take optimal advantage of natural light and savings on lighting.

Photovoltaic cells were installed in areas of roofing measuring 2 958 m², representing an electricity production capacity of 356 761 kWh in 2019. In 2020, that surface was increased by an extra 70 m² of solar panels installed on the roof of the 3rd tower.

The sequential operation in particular of ventilation and air conditioning systems, the systemic recovery of heat in the buildings complex and the existence of a computerised system for control of lighting also permit energy savings to be made.

The Court's buildings are connected to the urban cogeneration heating network. Since 2017, most of the heat is produced from biomass and more specifically from wood pellets in order to minimize the CO₂ emissions of that energy source.

The monitoring of water consumption in the sanitary installations is further improved thanks to the installation of new low flow aerators (2 litres/minute) and faucets that have movement detection and are self-supplying. A large number of toilet areas are supplied exclusively with cold water, thereby creating significant energy savings.

A reservoir of water for fire extinction has been placed at the waste water discharge, which allows for an analysis of the fire extinction water to be carried out before any pumping to the public network. Hydrocarbon separators and grease separators make it possible to treat the water in the car parks, as well as those coming from the restaurant area.

As with the project for renovation of the Erasmus, Thomas More and 'C' buildings, the Court has set very high environmental targets regarding the 5th extension project. The building has been designed to meet energy certification class 'AAA', corresponding to the performance of a passive building (heating requirements and primary energy consumption/CO₂ emissions reduced by 55% and 45% as compared to reference standards). The new building has, prior to its completion, obtained a pre-certification 'excellent' under the BRE AAM environmental certification standard.

Consequently, that certification makes it necessary to rationalise the energy demand and to resort to renewable energy by implementing advanced technology, such as, in particular:

- an extremely effective insulation of the building surfaces;
- maximising natural lighting (while allowing modulation of solar heat gains by means of solar protection);
- triple glazing;
- increasing the thermal comfort of users by taking advantage of the inertia of the building structure;
- highly efficient recovery of heat/humidity by means of air treatment units;

- recovery of heat generated in the Data Centre;
- prioritised cold production by free cooling and use of high efficiency cooling equipment;
- solar panels;
- recovery of rainwater.

With regard to management of its waste, the Court is implementing a plan for selective treatment in partnership with the Ministry of the Environment and an approved body, the 'SuperDreckskëscht'.® The construction waste from the Court's building projects is also the subject of a specific treatment plan fixed by that body. It should be borne in mind that in 2004 the Court was the first Community institution to obtain the Superdreckskëscht® fir Betriber label for its exemplary management of waste and that, in 2012, the Court decided to participate in the organic waste sorting and bio-methanisation system set up in Luxembourg to produce biogas that can be reinjected into the gas network to supply domestic boilers.

In December 2020, the Court, along with other EU institutions based in Luxembourg, concluded an agreement with the operator of the bike sharing system offered by the City of Luxembourg, the company Jean-Claude Decaux Luxembourg, in order to provide a free subscription to that service for staff that request it. That initiative contributes to achieving the objective of reducing carbon emissions linked to commuting, which make up 15% of the Court's current carbon footprint and aims, by increasing the number of users of the service, to contribute to the improvement of the City of Luxembourg's network of bike sharing stations that are in close proximity to the institutions concerned.

The Court's administration has finally taken advantage of the low attendance at its buildings since the beginning of the public health crisis owing to Covid-19 in March 2020 to identify the locations inside the buildings where water fountains could be installed uniformly and in a way that respects the architecture and to commence the process of ordering those fountains. It was also decided to replace single-use plastic containers (bottles, cups) with glass bottles.

2. Environmental management

The Court's environmental advisor continues to focus on the updating of the documentation required by the Eco-Management and Audit Scheme, called 'EMAS'. That scheme aims to improve the Court's environmental performance by reconciling the three objectives 'ecology, economy, efficiency' In November 2019, following a comprehensive environmental audit, the Court thus had its EMAS registration renewed by the Luxembourgish Ministry of the Environment, Climate and Sustainable Development until 30 November 2022.

As a complement to the EMAS scheme, the Court has established, since 2010, a diagnosis of the greenhouse gas emissions generated by its activities, which is updated annually.

The year 2020, which was marked from 16 March onwards by health restrictions imposed by the authorities in order to combat the Covid-19 pandemic and by generalised working from home, gave rise to exceptional environmental performances in terms of the consumption of water, energy, carbon emissions and waste production due to the exceptionally reduced occupation of the Institution's buildings. Even without taking into account the exceptional performances in 2020 due to the health context, the evolution of emissions in tonnes of CO₂ equivalent between 2010 and 2019 shows a significant decrease of 33%, with those emissions going from 32 747 tonnes of CO₂ equivalent in 2010 to 21 937 tonnes of CO₂ equivalent in 2019. Among the factors that have contributed in particular to that positive development, examples include:

- the implementation of a contract for the supply of 'green' energy in January 2011;
- taking better account of the data relating to staff commuting by conducting more representative surveys (as of 2011);
- the decrease in work-related travel;
- a better estimate of the data relating to the quantities of waste generated;
- the establishment of an energy saving policy within the Court.
- the change in the energy mix of the heating network with biomass generation that emits less.

Notwithstanding that positive development, in the medium term, in the Court's carbon footprint, the increase of 1.1% in the Institution's emissions observed between 2017 and 2018 continued in 2019, which marks a 4.8% increase in comparison to 2018, and that is despite a decrease in most sources of emissions. That increase is also explained by a strong increase in emissions linked to the following two sources:

- travel by groups of visitors received by the Protocol and Visits Directorate, in particular those coming from remote areas;
- the loss of liquid refrigerants due to the obsolescence of certain air-conditioning installations which regularly show leaks that are difficult to locate. That issue should nonetheless be mitigated with the update of the catering service's cooling system that was carried out in 2020 (see Chapter 2(2)).

Finally, an energy management system according to the ISO 50 001 standard has also been put in place thereby contributing to a more rational use of energy.

X. OTHER PROJECTS; GARDEN OF MULTILINGUALISM

The demolition of the European Commission's old Jean Monnet building, which was completed at the end of 2019, has made it possible to free up, within the natural perimeter of the Court's buildings complex and on its eastern side, an area of land of around 1.2 hectares, which is now comprised of the Court's forecourt and the new street serving the 3rd tower (Tower C).

Belonging to the Kirchberg Plateau development and urbanisation Fund (FUAK), that area of land was initially intended to be a land reserve capable of accommodating a future extension to the Institution's buildings. Without any new building plans for the Court in the medium term and especially with the desire of the management of FUAK to preserve the ownership of the land, the Court and FUAK have agreed to develop that land into a temporary garden celebrating multilingualism and designed in such a way that it can be adjusted with the Court's premises and can host cultural events. For that purpose, the Fund organised a call for applicants for landscape architects 'with a view to developing a landscape concept for a garden of multilingualism located on the Kirchberg Plateau' which was published on 20 May 2020.

The governance of that project will be ensured by two committees on which the Court will participate, namely a monitoring committee supported by a technical committee. The architect that designed the 4th and 5th extensions to the Court, the firm Dominique Perrault Architecture, is also associated with the work of those committees as an expert tasked with ensuring the integration of the garden in the site, and more generally, in an urban context. The aforementioned committees will be responsible for analysing the applicants, for selecting the successful candidate, and for ensuring that the objectives defined are respected.

The analysis of the offers received in response to the call for applicants published in May 2020 allowed the administrative council of FUAK to select a successful candidate in July 2020: the association of landscape study firms Michel Desvigne and Espace et Paysages.

After the first consultation meetings organised in September and October 2020, the landscape study firms presented, in December 2020, a preliminary design that took into account the observations of FUAK and of the Court.

According to the schedule drawn up, the first development work should begin in 2022, once the landscape study, the various tender specifications, the submission procedures and finally the award of contracts and the placing of orders have been completed.

The future Garden of Multilingualism should be opened to the public at the latest by the first major horticulture exhibition in Luxembourg (LUGA 2023), planned from May to October 2023 in the Luxembourgish capital.

FUAK is assuming the role of developer and financing the project, for which the budget is limited to a maximum of EUR 2 500 000. Once the garden is completed, the Court will assume responsibility for its maintenance and its management, under a supply agreement that defines the legal status of the land as well as the allocation of costs and responsibilities.

XI. INTERINSTITUTIONAL COOPERATION

In general, inter-institutional cooperation has remained very active in Luxembourg, predominantly on issues posed by the public health crisis owing to Covid-19 and the impact of that crisis on the management of buildings.

As part of the formulation of an emergency plan defining the forms of action by the Luxembourg national authorities to assist the European institutions, agreements have been concluded with the EIB, the purpose of which is to permit, on a reciprocal basis, the use by the staff of one institution which is affected by a disastrous event of the premises of other institutions.

The working group on buildings coordination in Luxembourg (GICIL) continues to work on the harmonisation of activities among the institutions established in Luxembourg. The methodology for calculating the surface area of buildings developed by the ad hoc working group and approved at the end of 2019 has become the measuring code applicable to the buildings and institutions of the European Union. The work to implement that common standard, with regard to its adoption for the presentation of data contained in the annual reports of the institutions, is carried out within a new working group.

The GICIL favours the exchange of good practices in the area of buildings management. It also calls for inter-institutional cooperation in the area of gas and electricity supply, as well as technical assistance services in the area of building that generate economies of scale.

The Court also continues to participate in calls for inter-institutional calls for tender organised by the Parliament and Commission with a view to putting new framework contracts in place in relation to insurance. Taking into account the difficulties encountered on the market and the unsuccessful nature of the tenders, new cover for fire and related risks had to be put in place for a period of one year, with a new call for tenders to be organised in 2021. The Institution's insurance for civil liability for operations and other contracts also had to be renewed exceptionally for one year, since the inter-institutional tender launched by the Commission was not able to acquire a satisfactory offer for a new inter-institutional framework contract. Discussions with the leading institutions must be initiated in order to succeed in concluding new framework contracts between now and the end of 2021.

In order to continue and further the sharing of best practices aimed at reducing CO₂ emissions and putting in place financial synergies, the Court's environmental advisor participates in the work of several inter-institutional environmental committees, namely:

- ECONET: an inter-institutional committee made up of EMAS coordinators from various European institutions in Luxembourg;
- GIME (Inter-institutional Environmental Management Coordination Group): an inter-institutional committee composed of EMAS coordinators from several European institutions, whose seats are not only in Luxembourg;
- Inter-institutional working group 'Green Public Procurement': a GIME working group in the green purchasing sector.

Last, on the initiative of the Court, an inter-institutional 'Security' (GIS) group was introduced in 2014, in order to harmonise approaches, to exchange 'best practices' and to cooperate in the event of a specific threat. The Court chairs the group.

XII. RESPONSE TO THE REPORT BY THE COURT OF AUDITORS CONCERNING OFFICE SPACE

The Court, always mindful of following up on the recommendations made by the Court of Auditors in its special report No 34/2018 adopted on 5 December 2018 and titled '*Office accommodation of EU institutions: Some good management practices but also various weaknesses*', has established a plan of action aimed at implementing those recommendations.

The unprecedented restrictive measures due to the public health crisis have, however, had repercussions for the work within the Institution and for the management of buildings, which should be taken into consideration in the discussion launched at the end of 2019.

The generalisation of homeworking from 16 March 2020, the positive results that this new form of organisation has made it possible to attain despite the suddenness with which it had to be put in place, and the support that it has received from staff raise questions as to the measures that could be implemented after the crisis. Those measures include maintaining extended teleworking, obviously where the tasks concerned lend themselves to it.

In that light, the Court has decided to refocus its approach in order to draw conclusions from this experience that was unforeseen and imposed by circumstance, and to choose the most relevant solutions not only in terms of improving efficiency, well-being and balance at work, but also in terms of improving its buildings policy.

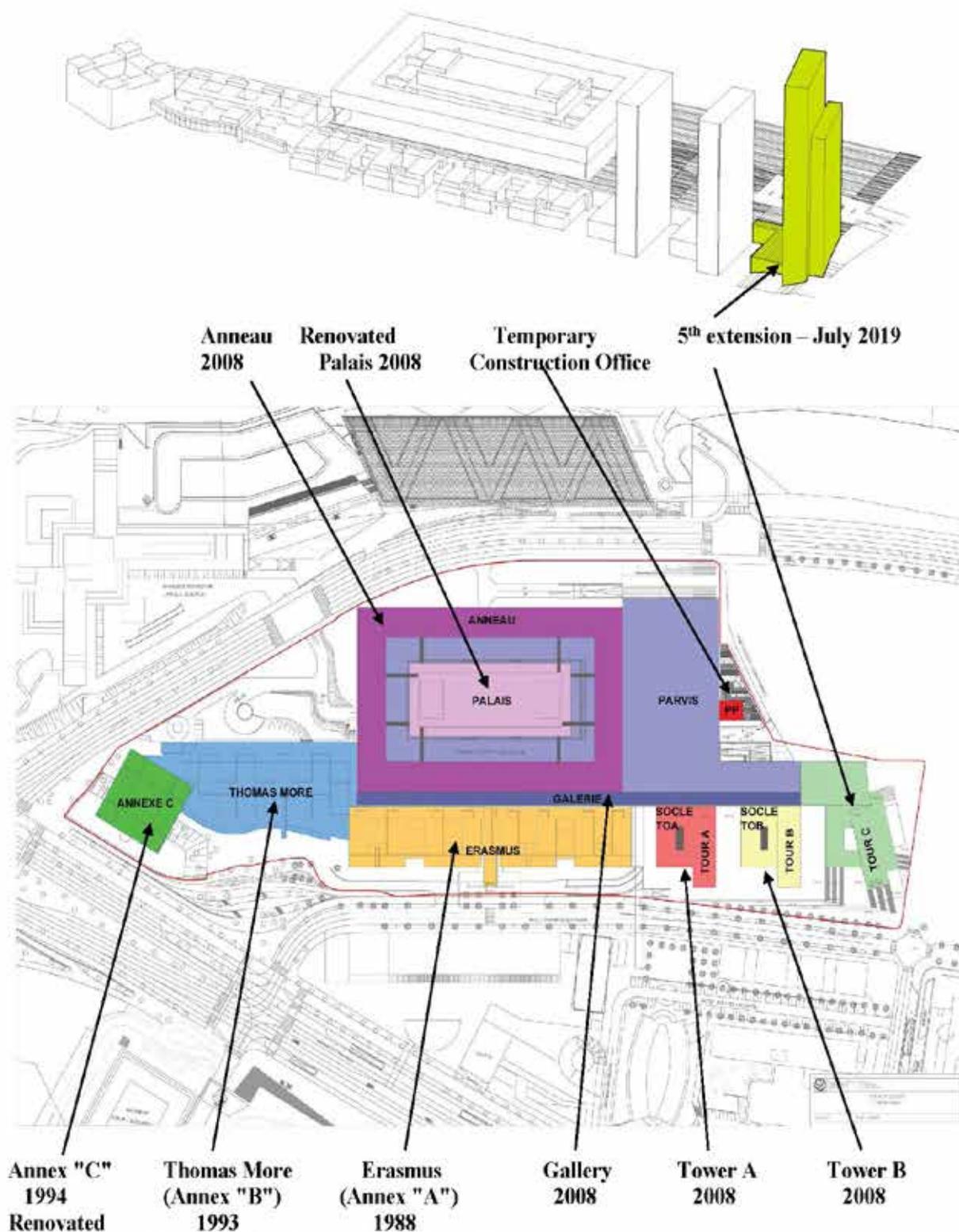
XIII. BUDGET IMPLEMENTATION AND PROVISION

The following table shows, first, the 2020 budget implementation as carried out, including the transfers of appropriations made and, secondly, the 2021 budget as approved by the budgetary authority, as well as the budget request for the year 2022.

BUDGET 2022 - BSD: Security, New Work and Buildings Management Units - Fund Center: INF-BA.*

Item	CI-Description	BUDGET 2022 (after revision of 20.01.2021)	BUDGET 2021 (approved)	BUDGET 2020 (commitments made on 31/12)	Credit transfers executed in 2020	Change 2022/2021	Change 2022/2020
20	Buildings and associated costs						
2000	Rent	€ 130,000.00	€ 130,000.00	€ 115,779.18	€ -4,220.82	0.00%	12.28%
2001	Lease-purchase	€ 35,593,000.00	€ 37,090,000.00	€ 54,781,083.46	€ 14,705,083.46	-4.04%	-35.03%
2007	Fitting-out of premises	€ 3,731,000.00	€ 3,982,000.00	€ 1,860,880.80	€ -566,000.00	-6.30%	100.50%
2008	Studies and technical assistance in connection with building projects	€ 1,607,000.00	€ 1,447,000.00	€ 1,282,078.12	€ -379,862.64	11.06%	25.34%
2022	Cleaning and maintenance	€ 11,289,000.00	€ 10,187,000.00	€ 9,767,136.91	€ -190,000.00	10.82%	15.58%
2024	Energy consumption	€ 2,442,000.00	€ 2,895,000.00	€ 2,166,536.41	€ -700,000.00	-15.65%	12.71%
2026	Security and surveillance of buildings	€ 7,694,000.00	€ 7,800,000.00	€ 5,912,957.70	€ -1,797,000.00	-1.36%	30.12%
2028	Insurance	€ 475,000.00	€ 150,000.00	€ 506,619.70	€ 387,000.00	216.67%	-6.24%
2029	Other expenditure relating to buildings	€ 205,000.00	€ 262,000.00	€ 171,059.81	€ -50,000.00	-21.76%	19.84%
	Other expenditure relating to buildings	€ 63,166,000.00	€ 63,943,000.00	€ 76,564,132.09	€ 11,405,000.00	-1.22%	-17.50%
23	Current administrative expenditure						
23800	Miscellaneous insurances	€ 28,000.00	€ 20,000.00	€ 17,217.15	€ 0.00	40.00%	62.63%
23803	Removals and associated handling	€ 92,000.00	€ 92,000.00	€ 8,076.40	€ -28,486.97	0.00%	1039.12%
23908	Offsetting of Carbon Emissions - EMAS	€ 30,000.00	€ 53,000.00	€ 28,486.97	€ 28,486.97	-43.40%	5.31%
	BSD TOTALS (INF-BA)	€ 63,316,000.00	€ 64,108,000.00	€ 76,617,912.61	€ 11,405,000.00	-1.24%	-17.36%

**Plan of the buildings complex of the Court of Justice of the European Union
(main site including buildings lease-purchased)**



Sketch of the proposed security perimeter of the site of the Court of Justice of the European Union



ANNEX 2

SPACES AND APPROPRIATIONS BY BUDGET LINE AND BUILDING

BUDGET LINE		BUILDING	ABOVE GROUND SURFACE AREA 2021 (In m ²)	CONTRACT TYPE	BUDGET 2021	BUDGET 2022 (draft)
2000	Rent					
	NON-OFFICE SPACES	Data Center	100	Lease	€ 130.000	€ 130.000
	<i>Subtotal non-office spaces</i>		100		€ 130.000	€ 130.000
LINE 2000 TOTAL			100		€ 130.000	€ 130.000
2001	Lease-purchase					
	OFFICE SPACES	Renovated ABC "Annexes"	23.164	Lease-purchase	€ 1.950.923	€ 1.954.491
		New Palais Complex	49.551	Lease-purchase	€ 10.049.359	€ 9.785.761
		5th extension - in construction	30.400	Lease-purchase	€ 5.052.095	€ 4.299.673
	<i>Subtotal office spaces</i>		103.115		€ 17.052.377	€ 16.039.925
	NON-OFFICE SPACES	Renovated ABC "Annexes"	26.126	Lease-purchase	€ 3.603.446	€ 3.610.036
		New Palais Complex	33.444	Lease-purchase	€ 14.065.777	€ 13.696.827
		5th extension - in construction	12.046	Lease-purchase	€ 2.001.892	€ 1.703.746
		Security upgrade project (CJ10)	n/a	Lease-purchase	€ 366.508	€ 542.467
	<i>Subtotal non-office spaces</i>		71.616		€ 20.037.623	€ 19.553.076
LINE 2001 TOTAL			174.731		€ 37.090.000	€ 35.593.000

Comments

(1) Spaces are calculated according to the common methodology agreed at meetings of the Committee for budgetary and financial questions (CPQBF) on 7/11/2009 and 18/1/2010 :

NON-OFFICE SPACES include specific spaces such as court rooms , meetings rooms, central archives, data center, etc

As a reminder and in line with the adopted methodology, non-office spaces do not includes underground and parking spaces although the annual budget cost indicated also takes the cost of those spaces into account.

ANNEX 3
MULTIANNUAL PROGRAMING (office space)

	2021	2022	2023	2024	2025
Lease-purchase	103.115	103.115	103.115	103.115	103.115
Renovated buildings ABC "Annexes"	23.164	23.164	23.164	23.164	23.164
New Palais buildings complex	49.551	49.551	49.551	49.551	49.551
5th extension	30.400	30.400	30.400	30.400	30.400
TOTAL AVAILABLE (A)	103.115	103.115	103.115	103.115	103.115

REPORT ON WAIVERS OF RECOVERIES GRANTED BY THE INSTITUTION

Article 101 of the Financial Regulation lays down the rules on waivers of recoveries of established debts.

Paragraph 1 of that article indicates that it is for the accounting officer to act on recovery orders for debts duly established by the authorising officer and to record the sums recovered.

In a situation where debtors default on their obligation to pay and it would not be possible to make the recovery by offsetting, as provided for by article 102, paragraphs 2 to 4 specify the conditions under which the authorising officer may waive the recovery of an established debt as well as the criteria to be taken into account, depending on the circumstances, before proceeding with waiver of the recovery.

Paragraph 5¹ obliges each Union institution to send a report to the European Parliament and Council on the waivers granted by it in accordance with paragraphs 2, 3 and 4 of Article 101.

In 2020, there were no waivers granted by the authorising officer on a debt held by a debtor of the Court.

1] Article 101(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1): 'Each Union institution shall send to the European Parliament and to the Council each year a report on the waivers granted by it pursuant to paragraphs 2, 3 and 4 of this Article. Information on waivers below EUR 60 000 shall be provided as a total amount. In the case of the Commission, that report shall be annexed to the summary of the annual activity reports referred to in Article 74(9).'

DECLARATION BY THE AUTHORISING OFFICER BY DELEGATION

I, the undersigned, Alfredo Calot Escobar, Registrar of the Court of Justice, in my capacity as authorising officer by delegation:

declare that the information contained in the activity report for the financial year 2020 reflect the activity of the Institution's services reliably, completely and correctly;

state that I have reasonable assurance that the resources assigned to the activities described in this report have been used for their intended purpose and in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees on the legality and regularity of the underlying transactions. This reasonable assurance is based on my own judgement and on the information at my disposal concerning the operation of the internal control system, such as the results of the ex ante and ex post checks, the comments of the internal auditor and the lessons learned from the reports of the Court of Auditors for the years prior to the year of this declaration.

I also confirm that I am not aware of any fact not set down herein that could be prejudicial to the interests of the Institution.

Luxembourg, 14 April 2021



ALFREDO CALOT ESCOBAR
REGISTRAR

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