Court of Justice of the European Union: statute (amend. Protocol and Annex I)

2011/0901A(COD) - 11/08/2012 - Final act

PURPOSE: to make amendments to the Statute of the Court of Justice.

LEGISLATIVE ACT: Regulation No 741/2012 of the European Parliament and of the Council amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto.

CONTENT: following agreement in first reading between the European Parliament and Council, this Regulation is aimed at improving the efficiency of the work of the three courts composing the Court of Justice and reducing the length of their proceedings. The amendments are as follows:

Increase in the number of judges in the Grand Chamber of the Court of Justice: in order to increase the participation of all the Judges in the decisions of the Grand Chamber of the Court of Justice, there is an increase in the number of Judges who may participate in the Grand Chamber. Articles 16 and 17 of the Statute are amended as to increase to 15 the number of Judges constituting the Grand Chamber and to end the automatic participation of the Presidents of Chambers of five Judges in Grand Chamber cases. Corresponding adjustments are made to the rules relating to the quorum of the Grand Chamber and of the full Court: Decisions of the Grand Chamber are valid only if 11 Judges are sitting, and Decisions of the full Court are valid only if 17 Judges are sitting.

Establishment of the office of Vice-President: the latter will sit, like the President, in every case assigned to the Grand Chamber. In addition to sitting in every Grand Chamber case, the Vice-President will also assist the President of the Court in his duties.

General Court: as a consequence of the progressive expansion of its jurisdiction since its creation, the number of cases before the General Court has been steadily increasing. The number of cases brought before the General Court exceeds the number of cases disposed of each year, resulting in a significant increase in the number of cases pending before that Court and an increase in the duration of proceedings. There is a continuing need to tackle delays arising from he heavy workload of the General Court, and it is, therefore, appropriate to work towards putting in place appropriate measures by the time of the partial renewal of the membership of that Court in 2013. With a view to the partial renewal of the Court of Justice on 7 October 2012 and in accordance with the letter of the President of the Court of Justice of the European Union of 8 May 2012, as a first step, only amendments to the Statute concerning the organisation of the Court of Justice and the General Court are adopted.

Examination of the part of the request on the membership of the General Court submitted by the Court of Justice is reserved for a later stage.

Temporary judges: in order to enable the specialised courts to continue to function satisfactorily in the absence of a Judge who, while not suffering from disablement deemed to be total, is prevented from participating in the disposal of cases for a lengthy period of time, provision is made for the possibility of attaching temporary Judges to those courts.

ENTRY INTO FORCE: 01/09/2012. Certain provisions shall apply from the first occasion when the Judges are partially replaced, as provided for in the first paragraph of Article 9 of Protocol No 3 on the Statute of the Court of Justice of the European Union.