EU Civil Service Tribunal: temporary judges

2011/0902(COD) - 25/10/2012 - Final act

PURPOSE: to lay down the rules governing the appointment of temporary Judges to the European Union Civil Service Tribunal, their rights and duties, the conditions under which they may perform their duties and the circumstances in which they would cease to perform those duties.

LEGISLATIVE ACT: Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council relating to temporary Judges of the European Union Civil Service Tribunal

CONTENT: following agreement at first reading, the European Parliament and Council adopted this Regulation laying down the rules governing the appointment of temporary judges to the EU Civil Service Tribunal. This Regulation is linked to the draft amendments to the Statute of the Court and Annex I thereto. Its main points are as follows:

- on a proposal from the President of the Court of Justice, the Council of the European Union shall draw up a **list of three persons to be temporary Judges**. Temporary Judges shall be chosen from among former Members of the Court of Justice of the European Union who are able to place themselves at the disposal of the Civil Service Tribunal. Temporary Judges shall be appointed for a period of four years and may be reappointed;

- the Civil Service Tribunal may decide to avail itself of the assistance of a temporary Judge if it determines that a Judge is or will be prevented, on medical grounds, from participating in judicial business and that **the situation will be or is likely to be of at least three months' duration,** and if it takes the view that that Judge is nevertheless not suffering from disablement deemed to be total. In this case, the President of the Tribunal shall call upon a temporary Judge to undertake judicial duties;

- where a Judge will foreseeably be prevented from acting and the Civil Service Tribunal takes a prospective decision, the temporary Judge may not take up his duties or participate in the disposal of cases **until the Judge whom he is to replace is actually prevented from acting;**

- temporary Judges who are called upon to take up their duties shall exercise the prerogatives of a Judge solely in the context of dealing with cases to which they are assigned. This implies that temporary Judges would be able to perform only strictly judicial duties and would not be entitled to participate in the administration of the Civil Service Tribunal or in the election of the President of the Tribunal or Presidents of Chambers;

- with regard to **emoluments,** the Regulation provides that temporary Judges shall receive remuneration of an amount equal to 1/30th of the basic monthly salary allocated to Judges under Article 21c(2) of Regulation No 422/67/EEC and No 5/67/Euratom for each day. Temporary Judges would also be entitled to reimbursement of their travel and hotel expenses, as well as to payment of a daily subsistence allowance, in respect of journeys to Luxembourg in the course of their duties. The amount by which the remuneration together with the pension provided for in Article 8 of Regulation No 422/67/EEC and No 5/67/Euratom exceeds the remuneration, before deduction of taxes, which the temporary Judge was receiving as a member of the Court of Justice of the European Union shall be deducted from that pension. Temporary Judges shall not be entitled, in that capacity, to a transitional allowance or pension under Articles 7 and 8 of Regulation No 422/67/EEC, No 5/67/Euratom;

- lastly, the Regulation sets out the circumstances under which the duties of temporary judges will cease. This will take place on his death or resignation, or by decision to deprive him of his office as provided by the Statute. The duties of a temporary Judge shall also end when the Judge whom he has replaced is no longer prevented from acting. However, **the temporary Judge shall continue to perform his duties until the cases assigned to him have been disposed of.**

ENTRY INTO FORCE: 01/11/2012.