Court of Justice of the European Union: number of judges at the General Court (amend. Protocol No 3 on the Statute)

2011/0901B(COD) - 24/06/2015 - Council position

The Council adopted its **position at first reading** with a view to the adoption of a Regulation of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice of the European Union.

To recall, on 28 March 2011, the Court of Justice submitted a legislative initiative1 under the second paragraph of Article 281 TFEU to amend the Protocol on the Statute of the Court of Justice, which included inter alia an increase of the number of judges at the General Court by 12. While the other proposed amendments were adopted on 11 August 2012, it was impossible to find an agreement within the Council as to the increase of the number of judges.

The European Parliament adopted at its plenary session on 15 April 2014 its position at first reading on the Court's proposal, supporting an increase of the number of judges at the General Court by 12.

Taking into account the important increase of the caseload of the General Court since the initial proposal was made, the Court of Justice suggested on 13 October 2014 that the co-legislators amend it so as to **double the number of judges at the General Court in three stages by 2019**, including the integration of the Civil Service Tribunal in the General Court, resulting in a net increase of the number of judges by 21 additional judges.

The Council's position at first reading corresponds in essence to the suggestion of the Court of Justice of 13 October 2014, albeit with reduced costs. It foresees an **increase of the number of judges at the General Court to 56 in three stages** :

- first phase : from September 2015 (or the date of entry into force of the amending Regulation, if posterior to 1 September 2015) : **increase of the number of judges by 12** (40 judges);

- **second phase: from September 2016**: transfer of first instance jurisdiction in Union civil service cases to the General Court and **integration of the 7 posts of judges of the Civil Service Tribunal into the General Court**, on the basis of a future legislative request by the Court of Justice, subject to its adoption by the European Parliament and by the Council (47 judges);

- **third phase: from September 2019**: increase of the number of judges by 9 (2 judges from each Member States, 56 in total).

During phases 1 and 2, each of the additional judges would have three legal secretaries. However, as set out in Recital n° 9 and agreed with the Court of Justice, the third phase should not entail any additional administrative costs (no recruitment of additional legal secretaries and assistants).

The cost of the reform which would result from the Council's position at first reading would amount to **yearly additional costs of EUR 13.5 million** in net figures at cruise speed, to be compared to the initial proposal evaluated at EUR 11.2 million for 12 additional judges which has already been accepted by the European Parliament in its position at first reading.

The Council's position at first reading thus represents an **increase of the overall cost of the reform by 20%** compared to the 2011 proposal, while at the same time the number of new cases per year at the General Court increased by 43%Taking into account also the cost of non-reform, these costs appear to be modest and justified.