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

2011/0901B(COD) - 14/10/2015 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Legal Affairs adopted the recommendation for second reading contained in the report by António MARINHO E PINTO (ADLE, PT) on the Council 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.

The committee recommended that the European Parliament's position adopted at second reading under the ordinary legislative procedure should amend the Council position as follows:

- the number of Judges should be fixed at 56 at the end of a three-stage process, that is to say **two Judges who are each appointed upon a proposal by each of the Member States**;
- the appointment of additional Judges should be **based on their independence, impartiality and expertise**, taking account of their professional and personal suitability and their knowledge of the legal systems of the European Union and of the Member States, and ensuring, furthermore, gender balance in the overall composition of the Court;
- partial replacements in the General Court should be organised in such a way that the governments of Member States gradually begin to **nominate two Judges for the same partial replacement**;
- **19 legal secretaries** should be appointed so that every Judge can have an additional legal secretary (taking into account the nine secretaries appointed in 2014);
- in 2019, prior to the replacement of the General Court confirming the decision to allocate nine additional Judges to it, an **impact study** shall be carried out;
- **by five years after the entry into force of this Regulation**, the Court of Justice shall draw up a report, using an external consultant, for the European Parliament, the Council and the Commission on the functioning of the General Court. In particular, that report shall: (i) focus on the efficiency of the General Court, (ii) the necessity and effectiveness of the increase in the number of its judges to 56, (iii) the use and effectiveness of resources and the further establishment of specialised chambers and/or other structural changes. The Court of Justice shall submit legislative proposals to amend its Statute accordingly;
- **by two years after the entry into force of this Regulation**, the Court of Justice shall draw up a report for Parliament, the Council and the Commission on possible changes to the distribution of competence for preliminary rulings under Article 267 of the Treaty on the Functioning of the European Union. The report shall be accompanied, where appropriate, by legislative proposals.