Transfer to the General Court of jurisdiction at first instance in disputes between the EU and its servants

2015/0906(COD) - 17/11/2015 - Legislative proposal

PURPOSE: transfer to the General Court of the European Union of jurisdiction, at first instance, in disputes between the Union and its servants.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Article 48 of Protocol No 3 on the Statute of the Court of Justice of the European Union, as amended by a Regulation (EU, Euratom) of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice, provides that the General Court, consisting of 40 Judges as from the date of entry into force of the amending Regulation, will consist of **47 Judges as from 1 September 2016**, and of two Judges per Member State as from 1 September 2019.

Increasing by seven the number of Judges of the General Court on 1 September 2016 will also require **jurisdiction at first instance in disputes between the Union and its servants** to be transferred to the General Court, which presupposes, the dissolution of the European Union Civil Service Tribunal (CST).

CONTENT: the draft Regulation of the Parliament and of the Council set out below is based on Article 256(1) TFEU, the first and second paragraphs of Article 257 TFEU, the second paragraph of Article 281 TFEU, and Article 106a(1) EAEC.

The proposed text:

1) repeals Council Decision 2004/752/EC, Euratom establishing the European Union Civil Service Tribunal and, in consequence thereof, 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;

2) introduces two new Articles into the Statute of the Court seeking to:

- set out that the **General Court shall exercise at first instance jurisdiction in disputes between the Union and its servants**, including disputes between all institutions and all bodies, offices or agencies, on the one hand, and their servants, on the other, in respect of which jurisdiction is conferred on the Court of Justice of the European Union;
- enable the court responsible for civil service disputes to examine, at all stages of the procedure, the possibilities of **amicable settlement of disputes**.

A new Article provides, in general terms, that the provisions relating to the jurisdiction, composition, organisation and procedure of any specialised court established under Article 257 TFEU are to be contained in an Annex to the Statute.

3) governs the procedure for dealing with cases pending before the Civil Service Tribunal ('CST') on 31 August 2016, which are to be transferred, on 1 September 2016, to the General Court. The General

Court should continue dealing with those cases as it finds them at that date, the procedural steps taken by the CST in those cases remaining applicable. In the event of a case being transferred to the General Court after the hearing, the oral part of the procedure would be reopened;

4) lays down a transitional regime in respect of appeals under examination when jurisdiction is transferred on 1 September 2016, or brought after that date, against decisions of the CST. The General Court is to continue to have jurisdiction to hear and determine such appeals. Accordingly, Articles 9 to 12 of Annex I to the Statute of the Court must remain applicable to the proceedings concerned. If the General Court sets aside a decision of the CST but considers that the state of the proceedings does not permit a decision, it is to refer the case to a chamber other than that which ruled on the appeal (that is to say, the Appeal Chamber).

Lastly, the proposal **sets the date on which the transfer of jurisdiction** to the General Court to rule at first instance on disputes between the Union and its servants is to take effect **as 1 September 2016**.