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

2011/0901B(COD) - 16/12/2015 - Final act

PURPOSE: to amend Protocol No 3 of the Statute of the Court of Justice of the European Union bearing in mind the progressive expansion of its jurisdiction since its creation.

LEGISLATIVE ACT: Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice of the European Union.

CONTENT: as a consequence of the progressive expansion of its jurisdiction since its creation, the number of cases before the General Court is now constantly increasing, which has causes relating, inter alia, to the increase in the number and variety of legal acts of the institutions, bodies, offices and agencies of the Union, as well as to the volume and complexity of the cases brought before the General Court, particularly in the areas of competition, State aid and intellectual property.

At present, the duration of proceedings does not appear to be acceptable from the point of view of litigants. Suitable measures of an organisational, structural and procedural nature, including, in particular, an increase in the number of Judges, should be taken to address this situation.

Increase in the number of judges: the Regulation amends Protocol No 3 of the Statute of the Court of Justice of the European Union, so that **the number of judges is fixed at 56 at the end of a three-stage process.**

The General Court shall consist of:

- 40 judges as from 25 December 2015;
- 47 judges as from 1 September 2016;
- two judges per Member State as from 1 September 2019.

Partial replacements: in order to ensure **gender balance** within the General Court, the Regulation provides that partial replacements in that 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 with the aim therefore of choosing one woman and one man, provided that the conditions and procedures laid down by the Treaties are respected.

Reports:

- **By 26 December 2020**, the Court of Justice shall draw up a report on the functioning of the General Court. That report shall focus on the efficiency of the General Court, the necessity and effectiveness of the increase to 56 Judges, the use and effectiveness of resources and the further establishment of specialised chambers and/or other structural changes. Where appropriate, the Court of Justice shall make legislative requests to amend its Statute accordingly.
- **By 26 December 2017**, the Court of Justice shall draw up a report on possible changes to the distribution of competence for preliminary rulings under Article 267 TFEU. The report shall be accompanied, where appropriate, by legislative requests.

ENTRY INTO FORCE: 25.12.2015.