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

2015/0906(COD) - 02/05/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Mady DELVAUX (S&D, LU) on the draft regulation of the European Parliament and of the Council on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants.

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should amend the Court of Justice's draft:

Legal basis: the draft by the Court of Justice refers to the Treaty on European Union, and in particular the second subparagraph of Article 19(2) thereof. However, Members considered that Article 19(2) TEU is not an appropriate legal basis for this regulation, as no change is made to the number of judges at the General Court. They stated that the proper legal basis is to be found in Articles 256(1), 257 and 281 TFEU together with Article 106a of the Euratom Treaty.

Title relating to specialised courts: Members proposed deleting Title Iva. They stated that there was no need to replace Article 62c with a generic reference to specialised courts and to a non-existent annex. They believe that the entire title on specialised courts, which contains only this article, can be repealed. It could, of course, be recreated in the future if and when a specialised court is established, as was the case in 2004.

Annex I: Members considered it preferable to repeal Annex I explicitly in the article concerning modifications to the Protocol.