

Statute of the Court of Justice: amendment of Protocol No 3

2018/0900(COD) - 07/12/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Tiemo WÖLKEN (S&D, DE) on the draft regulation of the European Parliament and of the Council on amending Protocol No 3 on the Statute of the Court of Justice of the European Union.

The draft amendments to Protocol 3 submitted by the Court of Justice to the European Parliament and the Council concern:

- a transfer to the Court of jurisdiction to adjudicate in actions for annulment lodged by Member States against Commission decisions relating to a failure properly to comply with a judgment delivered by the Court under Article 260(2) and (3) TFEU;
- establishing an initial admission mechanism for certain appeals before the Court of Justice only if they meet certain criteria:

The committee recommended that the European Parliament to adopt its position at first reading under the ordinary legislative procedure subject to the following amendments:

Transfer of responsibility for infringement proceedings: Members would like to clarify that the element of the request made by the Court of Justice on 26 March 2018 concerning the partial transfer of infringement proceedings to the General Court should be examined at a later stage, after the report on the functioning of the Tribunal, in particular on the efficiency of the General Court, its effectiveness and the need to increase the number of judges to 56, has been prepared in December 2020.

The achievement of **gender balance** within the General Court should also be assessed. To achieve this objective, Members suggested organising partial replacements within this Court in such a way that Member State governments gradually begin to nominate two judges for the same partial replacement, with the aim of choosing a woman and a man, in accordance with the conditions and procedures laid down in the Treaties.

Mechanism for the prior admission of appeals: Members supported the introduction, for certain categories of actions, of a procedure whereby the Court of Justice will first determine whether certain actions can be authorised. However, they considered that independent administrative authorities should not be listed individually.

The amended text provides that where the referral to an independent administrative body whose members are not bound by any instructions when taking their decisions is a prerequisite of an action being brought before the General Court, an **appeal** brought against the decision of the General Court shall not proceed unless the Court of Justice first decides that it should be allowed to do so.

Decisions not to allow an appeal to proceed, and the reasons underpinning such decisions, must also be published.