Court of Justice, statute: the quorum and the number of judges following the 2004 enlargement (amend. art. 16, 17)

2003/0823(CNS) - 27/11/2003 - Legislative proposal

PURPOSE : to amend the Protocol on the statute of the Court of Justice. PROPOSED ACT : Council Decision. CONTENT : with reference to the second paragraph of Article 245 of the EC Treaty and the second paragraph of Article 160 of the EAEC Treaty, the Court requests the Council to amend the Protocol on the Statute of the Court of Justice. The proposed amendments are designed with a view to the forthcoming enlargement, to make various adjustments to Articles 16 and 17 of the Protocol made necessary by the increase in the number of Judges as a result of the accession of the new Member States. More specifically, the amendments are follows : - according to the fourth paragraph of Article 17 of the Statute of the Court of Justice, decisions of the full Court are valid only if 11 Judges are sitting. The quorum fixed by this provision must be adjusted to the increased number of Judges (15 to 25) comprising the full Court. It is proposed that that quorum should be fixed at 15. - according to the second paragraph of Article 16 of the Statute the Grand Chamber, which sits when, in particular, a Member State or an institution of the Communities party to the proceedings so requests, consists of 11 Judges. With the increase in the number of Judges as a result of enlargement, it is proposed to raise the number of Judges forming the Grand Chamber to 13. It is proposed that the current quorum of 9 Judges for the Grand Chamber should be maintained.