

Intergovernmental Conference IGC: revision of the Treaties, the financial interests and the European Prosecutor

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PURPOSE : to present an additional Commission contribution to the Intergovernmental Conference on institutional reform concerning, in particular, the reform of the Community courts. **CONTENT** : the Commission considers that one of the foundations of the European Union is and remains the fact that it is a Community based on the rule of law. Litigants - the citizens of Europe - must be in a position to count on a court system that guarantees the fair, coherent and effective application of Community law. In its Opinion to the Intergovernmental Conference of 26 January 2000 "Adapting the institutions to make a success of enlargement", the Commission announced that it would be preparing a specific contribution on the reform of the judicial system. In order to prepare the ground for this reform, in May 1999 the Commission set up a working party consisting of former Members of the Court and the Court of First Instance and high-level experts with first hand experience of the Community judiciary, whose job it was to find solutions that could be introduced at once in the longer term. The Commission draws on it for many of its proposals in this document. The Court of Justice is an essential institution of the Union: its function is to ensure that the interpretation and the application of Treaty law is observed. In a enlarged Union it will be necessary to safeguard the effectiveness of the Community's judicial system and the consistency of its case-law, factors which are essential if Community law is to be applied uniformly in an increasingly diverse Europe. Enlargement will increase the volume of litigation and therefore the system will have to be reformed. By way of conclusion, the Commission proposes that the Conference: - clarify the role of the Court of Justice and the national courts in order to give the latter more extensive responsibilities in the handling of preliminary rulings; - redistribute jurisdiction between the Court of Justice and the Court of First Instance in relation to direct actions, so as to confine the role of the Court of Justice to questions considered essential to the Community legal order as the Union's supreme court, and give the CFI general jurisdiction in this respect; - adjust the role of the Court of Justice and the CFI in respect of certain special categories of cases; - provide that Judges will be appointed by the Council, acting by a qualified majority, with a system for verifying nominees' legal abilities; - consider the question of reforming the procedures for failure to discharge obligations; - determine the membership of the Court of Justice and the CFI in light of their caseloads.