European Civil Service Tribunal: judicial panel to the Court of First Instance

2003/0280(CNS) - 19/11/2003 - Legislative proposal

PURPOSE : to establish a European civil service tribunal specialising in civil service disputes with a view to remedying the growing hold-ups in the Community courts. LEGISLATIVE ACT : Council Decision. CONTENT : Article 225a of the EC Treaty and Article 140b of the Euratom Treaty empower the Council to create judicial panels to hear and determine at first instance certain classes of action or proceeding brought in specific areas and to lay down the rules on the organisation of the panel and the extent of the jurisdiction conferred upon it. The establishment of a specific judicial panel to exercise jurisdiction at first instance in European civil service disputes, currently within the jurisdiction of the Court of First Instance of the European Communities, would improve the operation of the Community courts system. It answers the call made in Declaration No 16 relating to Article 225a of the EC Treaty, adopted when the Treaty of Nice was signed. The proposed judicial panel shall be attached to the Court of First Instance, that shall for institutional and organisational purposes be an integral part of the Court of Justice an institution with members enjoying a similar status to members of the Court of First Instance. The new judicial panel shall be given a name that distinguishes it in its trial formations from the trial formations of the Court of First Instance. The proposed name for this panel shall be the "European Civil Service Tribunal". To make the court system generally easy to understand, the provisions relating to the judicial panel's jurisdiction, composition, organisation and procedure should be laid down in an Annex to the Statute of the Court of Justice. The number of judges of the judicial panel should match its caseload. Establishing this Tribunal will relieve the Court of First Instance of the caseload in this area, representing a third of its current load. In accordance with Article 225(2) of the EC Treaty, the role of the Court of First Instance here will henceforth be confined to hearing appeals against decisions by the new Tribunal, and the Court of Justice will be involved only in exceptional situations in the procedure for reviewing judgements given by the Court of First Instance. FINANCIAL IMPLICATIONS : - Budget line : a specific budget line is to be inserted in Section IV - Court of Justice; - Impact on human resources : 24 permanent posts with a total allocation of EUR 2,255. Plus, EUR 197.424 for other administrative expenditure. It should be noted that for the first year EUR 692 000 should be added for start-up costs.