Court of First Instance: opportunity to give decisions in cases when constituted by a single Judge

1997/0908(CNS) - 22/07/1998

The Committee has endorsed the legislative proposal to allow the Court of First Instance (CFI) to give decisions when constituted by a single judge. The committee went against the recommendation of the rapporteur, David MARTIN (PES, UK), and adopted an amended version of his report by 8 votes to 2 with 2 abstentions. The report calls on the Court of Justice to submit a report to Parliament and Council assessing the implementation of the decision three years after its entry into force. Under the proposed system, the use of a single judge would be exceptional, limited, optional and not definitive. The prevailing rule for cases brought under EU law is based on a system of three or five judges from different national legal systems, the aim being to ensure that case-law is standardised. The use of a single judge is mainly envisaged for cases of limited importance where an established case-law already exists. These would include staff cases as well as proceedings for annulment in Community trademark cases and non-contractual liability cases. Following the vote, the chairman of the committee observed that his committee and the Commission continued to have reservations about the efficiency of referring cases to a single judge. He shared the view that, in the context of an enlarged Europe, the EU judicial system was in need of a far more thorough overhaul. The legislative proposal, together with draft amendments to the Rules of Procedure of the Court of First Instance, was submitted to the Council by the Court of Justice and not the Commission, pursuant to Article 168a of the EC Treaty.