Basic information

2015/0906(COD) COD - Ordinary legislative procedure (ex-codecision procedure)	Procedure completed
Transfer to the General Court of jurisdiction at first instance in disputes between the EU and its servants Repealing Decision 2004/752/EC, Euratom 2003/0280(CNS) Repealing Regulation (EU, Euratom) No 979/2012 2011/0902(COD) **Subject** 8.40.04 Court of Justice, Court of First Instance	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	DELVAUX Mady (S&D)	18/02/2016
	Shadow rapporteur ZWIEFKA Tadeusz (PPE) MARINHO E PINTO António (ALDE) CHRYSOGONOS Kostas (GUE/NGL) HAUTALA Heidi (Verts/ALE) BOUTONNET Marie-Christine (ENF) LEBRETON Gilles (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
AFCO Constitutional Affairs	HÜBNER Danuta Maria (PPE)	03/12/2015

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	VOSS Axel (PPE)	31/03/2016

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3478	2016-06-24

European Commission	Commission DG	Commissioner
	Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
17/11/2015	Legislative proposal published	N8-0110/2015	Summary
26/11/2015	Committee referral announced in Parliament, 1st reading		
21/04/2016	Vote in committee, 1st reading		
21/04/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
02/05/2016	Committee report tabled for plenary, 1st reading	A8-0167/2016	Summary
24/05/2016	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
08/06/2016	Debate in Parliament		
09/06/2016	Decision by Parliament, 1st reading	T8-0278/2016	Summary
09/06/2016	Results of vote in Parliament		
24/06/2016	Act adopted by Council after Parliament's 1st reading		
05/07/2016	End of procedure in Parliament		
06/07/2016	Final act signed		
26/07/2016	Final act published in Official Journal		

Technical information

Procedure reference	2015/0906(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Amendments and repeals	Repealing Decision 2004/752/EC, Euratom 2003/0280(CNS) Repealing Regulation (EU, Euratom) No 979/2012 2011/0902(COD)
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/05123

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE578.532	01/03/2016	
Amendments tabled in committee		PE580.490	31/03/2016	

Committee opinion	AFCO	PE576.977	21/04/2016	
Specific opinion	JURI	PE582.096	21/04/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0167/2016	02/05/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0278/2016	09/06/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00022/2016/LEX	06/07/2016	

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2016)0081	22/02/2016	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CJEC	Legislative proposal	N8-0110/2015	17/11/2015	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2016/1192
OJ L 200 26.07.2016, p. 0137 Summary

Transfer to the General Court of jurisdiction at first instance in disputes between the EU and its servants

2015/0906(COD) - 09/06/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 456 votes to 99, with 61 abstentions, a legislative resolution on the draft regulation of the European Parliament and of the Council on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants.

The European Parliament's position, adopted at first reading following the ordinary legislative procedure, amended the Court of Justice's draft as follows:

- the correct legal basis shall be Article 256(1), the first and second paragraphs of Article 257, and the second paragraph of Article 281 of the Treaty on the Functioning of the European Union (TFEU) and Article 106a(1) of the Treaty establishing the European Atomic Energy Community;
- Council Decision 2004/752/EC, Euratom and Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council shall be repealed and Protocol No 3 shall be amended;
- the increase of 7 Judges of the General Court (40 to 47) as from 1 September 2016 should be accompanied by the transfer to the General Court of jurisdiction at first instance in disputes between the Union and its servants under Article 270 of the Treaty on the Functioning of the European Union (TFEU). This transfer of jurisdiction presupposes, in accordance with Article 256(1) TFEU, the dissolution of the European Union Civil Service Tribunal ("Civil Service Tribunal");
- the General Court should try European Union civil service cases taking into account the specific features of disputes in that field, including by examining the possibilities for amicable settlement at all stages of the procedure;
- appropriate transitional arrangements concerning the transfer to the General Court of European Union civil service cases;
- the Regulation shall enter into force on the first day of the month following that of its publication in the Official Journal of the European Union. It shall apply from 1 September 2016.

Transfer to the General Court of jurisdiction at first instance in disputes between the EU and its servants

2015/0906(COD) - 06/07/2016 - Final act

PURPOSE: transfer to the General Court of the European Union of jurisdiction, at first instance, in disputes between the Union and its servants.

LEGISLATIVE ACT: Regulation (EU, Euratom) 2016/1192 of the European Parliament and of the Council on the transfer to the General Court of jurisdiction at first instance in disputes between the European Union and its servants.

CONTENT: the Regulation **sets the date on which the transfer of jurisdiction to the General Court to rule at first instance on disputes between the Union and its servants** is to take effect as **1 September 2016**.

The General Court should try European Union civil service cases taking into account the specific features of disputes in that field, including by examining the possibilities for amicable settlement at all stages of the procedure.

In order to ensure the efficient conduct of proceedings in the cases pending before the Civil Service Tribunal on the date of transfer, and to lay down the rules applicable to appeals under examination as at that date, or brought subsequently, against decisions of that Tribunal, the Regulation lays down provisions for **appropriate transitional arrangements** concerning the transfer to the General Court of European Union civil service cases.

Council Decision 2004/752/EC, Euratom establishing the European Union Civil Service Tribunal and Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council relating to temporary Judges of the European Union Civil Service Tribunal shall be repealed.

ENTRY INTO FORCE: 1.8.2016.

APPLICATION: from 1.9.2016.

Transfer to the General Court of jurisdiction at first instance in disputes between the EU and its servants

2015/0906(COD) - 02/05/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Mady DELVAUX (S&D, LU) on the draft regulation of the European Parliament and of the Council on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants.

The committee recommended that the European Parliament’s position adopted at first reading following the ordinary legislative procedure should amend the Court of Justice’s draft:

Legal basis: the draft by the Court of Justice refers to the Treaty on European Union, and in particular the second subparagraph of Article 19(2) thereof. However, Members considered that Article 19(2) TEU is not an appropriate legal basis for this regulation, as no change is made to the number of judges at the General Court. They stated that the proper legal basis is to be found in Articles 256(1), 257 and 281 TFEU together with Article 106a of the Euratom Treaty.

Title relating to specialised courts: Members proposed deleting Title Iva. They stated that there was no need to replace Article 62c with a generic reference to specialised courts and to a non-existent annex. They believe that the entire title on specialised courts, which contains only this article, can be repealed. It could, of course, be recreated in the future if and when a specialised court is established, as was the case in 2004.

Annex I: Members considered it preferable to repeal Annex I explicitly in the article concerning modifications to the Protocol.

Transfer to the General Court of jurisdiction at first instance in disputes between the EU and its servants

2015/0906(COD) - 17/11/2015 - Legislative proposal

PURPOSE: transfer to the General Court of the European Union of jurisdiction, at first instance, in disputes between the Union and its servants.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Article 48 of Protocol No 3 on the Statute of the Court of Justice of the European Union, as amended by a Regulation (EU, Euratom) of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice, provides that the General Court, consisting of 40 Judges as from the date of entry into force of the amending Regulation, will consist of **47 Judges as from 1 September 2016**, and of two Judges per Member State as from 1 September 2019.

Increasing by seven the number of Judges of the General Court on 1 September 2016 will also require **jurisdiction at first instance in disputes between the Union and its servants** to be transferred to the General Court, which presupposes, the dissolution of the European Union Civil Service Tribunal (CST).

CONTENT: the draft Regulation of the Parliament and of the Council set out below is based on Article 256(1) TFEU, the first and second paragraphs of Article 257 TFEU, the second paragraph of Article 281 TFEU, and Article 106a(1) EAEC.

The proposed text:

1) repeals Council Decision 2004/752/EC, Euratom establishing the European Union Civil Service Tribunal and, in consequence thereof, Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council relating to temporary Judges of the European Union Civil Service Tribunal;

2) introduces two new Articles into the Statute of the Court seeking to:

- set out that the **General Court shall exercise at first instance jurisdiction in disputes between the Union and its servants**, including disputes between all institutions and all bodies, offices or agencies, on the one hand, and their servants, on the other, in respect of which jurisdiction is conferred on the Court of Justice of the European Union;
- enable the court responsible for civil service disputes to examine, at all stages of the procedure, the possibilities of **amicable settlement of disputes**.

A new Article provides, in general terms, that the provisions relating to the jurisdiction, composition, organisation and procedure of any specialised court established under Article 257 TFEU are to be contained in an Annex to the Statute.

3) governs the procedure for dealing with cases pending before the Civil Service Tribunal ('CST') on 31 August 2016, which are to be transferred, on 1 September 2016, to the General Court. The General Court should continue dealing with those cases as it finds them at that date, the procedural steps taken by the CST in those cases remaining applicable. In the event of a case being transferred to the General Court after the hearing, the oral part of the procedure would be reopened;

4) lays down a transitional regime in respect of appeals under examination when jurisdiction is transferred on 1 September 2016, or brought after that date, against decisions of the CST. The General Court is to continue to have jurisdiction to hear and determine such appeals. Accordingly, Articles 9 to 12 of Annex I to the Statute of the Court must remain applicable to the proceedings concerned. If the General Court sets aside a decision of the CST but considers that the state of the proceedings does not permit a decision, it is to refer the case to a chamber other than that which ruled on the appeal (that is to say, the Appeal Chamber).

Lastly, the proposal **sets the date on which the transfer of jurisdiction** to the General Court to rule at first instance on disputes between the Union and its servants is to take effect **as 1 September 2016**.