

Procedure file

Basic information		
CNS - Consultation procedure Decision	2003/0823(CNS)	Procedure completed
Court of Justice, statute: the quorum and the number of judges following the 2004 enlargement (amend. art. 16, 17)		
Subject 8.40.04 Court of Justice, Court of First Instance		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs and Internal Market		22/01/2004
		PPE-DE GIL-ROBLES GIL-DELGADO José María	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	AFCO Constitutional Affairs	The committee decided not to give an opinion.	

Key events			
27/11/2003	Legislative proposal published	14617/2003	Summary
03/12/2003	Committee referral announced in Parliament		
08/03/2004	Vote in committee		Summary
08/03/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0128/2004	
30/03/2004	Decision by Parliament	T5-0204/2004	Summary
19/04/2004	Act adopted by Council after consultation of Parliament		
19/04/2004	End of procedure in Parliament		
29/04/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0823(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation

Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 245-p2; Euratom Treaty A 160-p2
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/20433

Documentation gateway

Legislative proposal	14617/2003	27/11/2003	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading	A5-0128/2004	08/03/2004	EP	
Document attached to the procedure	SEC(2004)0319	16/03/2004	EC	Summary
Text adopted by Parliament, 1st reading/single reading	T5-0204/2004 OJ C 103 29.04.2004, p. 0031-0155 E	30/03/2004	EP	Summary

Final act

[Decision 2004/404](#)
[OJ L 132 29.04.2004, p. 0001-0001](#) Summary

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

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.?

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

The committee adopted the report by José María GIL-ROBLES GIL-DELGADO (EPP-ED, E) approving the proposal without amendment under the consultation procedure.?

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

COMMISSION OPINION To recall, when the When the Nice Treaty was signed, the exact number of countries acceding and the order in which they would do so had not yet been formally decided upon, so the Treaty merely aligned the quorum for the full Court on the number of Judges making up the Grand Chamber. The Commission is of the opinion that it would be preferable to maintain the balance embodied by Article 16 of the Statute. If it is nevertheless decided to increase the number of Judges in the Grand Chamber, the Commission stresses that this increase should not be linked to the number of Judges making up the Court. The Commission regards the proposal to increase the quorum for the full Court from 11 to 15 Judges as appropriate. The Commission stresses that this quorum should not, under any circumstances, be used as a reference for a future enlargement of the Grand Chamber.?

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

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

PURPOSE : to increase the number of judges in the Grand Chamber of the Court of Justice in order to take account of enlargement of the EU.
LEGISLATIVE ACT : Council Decision 2004/404/EC, Euratom amending Articles 16 and 17 of the Protocol on the Statute of the Court of Justice.
CONTENT : With the enlargement of the EU on 1 May 2004, the number of Judges comprising the Court of Justice will rise from 15 to 25. Therefore, this Decision adjusts the number of Judges forming the Grand Chamber from 11 to 13. Furthermore, it adjusts the quorum required for decisions of the Court sitting in full Court from 11 to 15.
DATE OF EFFECT : 01/05/04.?