Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) 2011/0901A(COD) Regulation	Procedure completed
Court of Justice of the European Union: statute (amend. Protocol and Annex I) Subject 8.40.04 Court of Justice, Court of First Instance	

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		12/04/2011
		ALDE THEIN Alexandra	
		Shadow rapporteur	
		PPE ZWIEFKA Tadeusz	
		S&D MASIP HIDALGO Antonio	
		Verts/ALE LICHTENBERGER Eva	
		ECR ZIOBRO Zbigniew	
		EFD SPERONI Francesco Enrico	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets		28/09/2011
		NI WERTHMANN Angelika	
	AFCO Constitutional Affairs		12/07/2011
		EFD MESSERSCHMIDT Morten	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3132	05/12/2011
European Commission	Commission DG	Commissioner	
	Legal Service	BARROSO José Manuel	

Key events

28/03/2011	Legislative proposal published	02074/2011	Summary
07/04/2011	Committee referral announced in Parliament, 1st reading		

05/12/2011	Debate in Council	3132	
31/05/2012	Vote in committee, 1st reading		
05/06/2012	Committee report tabled for plenary, 1st reading	A7-0185/2012	Summary
04/07/2012	Debate in Parliament		
05/07/2012	Results of vote in Parliament		
05/07/2012	Decision by Parliament, 1st reading	T7-0294/2012	Summary
11/08/2012	Act adopted by Council after Parliament's 1st reading		
11/08/2012	Final act signed		
11/08/2012	End of procedure in Parliament		
23/08/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0901A(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 281-p2; Euratom Treaty A 106a-pa
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/05776

Documentation gateway

Legislative proposal		02074/2011	28/03/2011	CJEC	Summary
Document attached to the procedure		COM(2011)0596	30/09/2011	EC	
Committee draft report		PE475.771	29/11/2011	EP	
Amendments tabled in committee		PE478.661	12/01/2012	EP	
Committee opinion	BUDG	PE475.913	27/01/2012	EP	
Committee opinion	AFCO	PE470.092	05/03/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0185/2012	05/06/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0294/2012	05/07/2012	EP	Summary
Draft final act		00028/2012/LEX	11/08/2012	CSL	

Final act

Regulation 2012/741
OJ L 228 23.08.2012, p. 0001 Summary

Court of Justice of the European Union: statute (amend. Protocol and Annex I)

The Committee on Legal Affairs adopted the report drafted by Alexandra THEIN (ADLE, DE) on the draft regulation of the European Parliament and of the Council amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto.

It recommends that the European Parliaments position adopted at first reading, under the ordinary legislative procedure, should be to amend the draft regulation as follows:

The text underlines that in order to increase the participation of all Judges in the decisions of the Grand Chamber of the Court of Justice, there should be an increase in the number of Judges who may participate in the Grand Chamber, and the automatic participation of all of the Presidents of Chambers of five Judges should cease.

The increasing responsibilities of the Presidents of the Court of Justice and of the General Court require the establishment in each of those courts of an office of Vice-President in order to assist the President in carrying out those responsibilities.

The amended regulation stipulates that the Vice-President shall assist the President in accordance with the conditions laid down in the Rules of Procedure. He shall take the latters place when he is prevented from attending or when the office of President is vacant.

The Grand Chamber shall consist of 15 Judges. It shall be presided over by the President of the Court. The Vice-President of the Court , three Presidents of Chambers of five Judges and other Judges appointed in accordance with the conditions laid down in the Rules of Procedure shall also form part of the Grand Chamber.

Members propose that the European Parliament takes note that, having regard to the partial renewal of the Court of Justice on 7 October 2012 and the urgent need to find a solution guaranteeing a proper functioning of the Civil Service Tribunal, it is necessary for the proposed modifications of the Statute relating to the Court of Justice, to the organisation of the General Court and to the Civil Service Tribunal to be adopted without further delay, as pointed out in the letter of the President of the Court of Justice of the European Union of 8 May 2012.

Parliament should be able to reserve its right to examine the part of the request on the membership of the General Court submitted by the Court at a later stage.

It may also decide to hold a debate in Parliament in the near future on the merits of introducing the possibility of issuing dissenting opinions at the Court of Justice.

Court of Justice of the European Union: statute (amend. Protocol and Annex I)

The European Parliament adopted by 584 votes to 26, with 7 abstentions, a legislative resolution on the draft regulation of the European Parliament and of the Council amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto.

Parliament adopted its position at first reading, under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the draft regulation as follows:

The text underlines that in order to increase the participation of all Judges in the decisions of the Grand Chamber of the Court of Justice, there should be an increase in the number of Judges who may participate in the Grand Chamber, and the automatic participation of all of the Presidents of Chambers of five Judges should cease.

The increasing responsibilities of the Presidents of the Court of Justice and of the General Court require the establishment in each of those courts of an office of Vice-President in order to assist the President in carrying out those responsibilities.

The amended regulation stipulates that the Vice-President shall assist the President in accordance with the conditions laid down in the Rules of Procedure. He shall take the latters place when he is prevented from attending or when the office of President is vacant.

The Grand Chamber shall consist of 15 Judges. It shall be presided over by the President of the Court. The Vice-President of the Court, three Presidents of Chambers of five Judges and other Judges appointed in accordance with the conditions laid down in the Rules of Procedure shall also form part of the Grand Chamber.

Members propose that the European Parliament takes note that, having regard to the partial renewal of the Court of Justice on 7 October 2012 and the urgent need to find a solution guaranteeing a proper functioning of the Civil Service Tribunal, it is necessary for the proposed modifications of the Statute relating to the Court of Justice, to the organisation of the General Court and to the Civil Service Tribunal to be adopted without further delay, as pointed out in the letter of the President of the Court of Justice of the European Union of 8 May 2012.

Parliament should be able to reserve its right to examine the part of the request on the membership of the General Court submitted by the Court at a later stage.

It may also decide to hold a debate in Parliament in the near future on the merits of introducing the possibility of issuing dissenting opinions at the Court of Justice.

Court of Justice of the European Union: statute (amend. Protocol and Annex I)

PURPOSE: to make amendments to the Statute of the Court of Justice.

LEGISLATIVE ACT: Regulation No 741/2012 of the European Parliament and of the Council amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto.

CONTENT: following agreement in first reading between the European Parliament and Council, this Regulation is aimed at improving the

efficiency of the work of the three courts composing the Court of Justice and reducing the length of their proceedings. The amendments are as follows:

Increase in the number of judges in the Grand Chamber of the Court of Justice: in order to increase the participation of all the Judges in the decisions of the Grand Chamber of the Court of Justice, there is an increase in the number of Judges who may participate in the Grand Chamber. Articles 16 and 17 of the Statute are amended as to increase to 15 the number of Judges constituting the Grand Chamber and to end the automatic participation of the Presidents of Chambers of five Judges in Grand Chamber cases. Corresponding adjustments are made to the rules relating to the quorum of the Grand Chamber and of the full Court: Decisions of the Grand Chamber are valid only if 11 Judges are sitting, and Decisions of the full Court are valid only if 17 Judges are sitting.

Establishment of the office of Vice-President: the latter will sit, like the President, in every case assigned to the Grand Chamber. In addition to sitting in every Grand Chamber case, the Vice-President will also assist the President of the Court in his duties.

General Court: as a consequence of the progressive expansion of its jurisdiction since its creation, the number of cases before the General Court has been steadily increasing. The number of cases brought before the General Court exceeds the number of cases disposed of each year, resulting in a significant increase in the number of cases pending before that Court and an increase in the duration of proceedings. There is a continuing need to tackle delays arising from he heavy workload of the General Court, and it is, therefore, appropriate to work towards putting in place appropriate measures by the time of the partial renewal of the membership of that Court in 2013. With a view to the partial renewal of the Court of Justice on 7 October 2012 and in accordance with the letter of the President of the Court of Justice of the European Union of 8 May 2012, as a first step, only amendments to the Statute concerning the organisation of the Court of Justice and the General Court are adopted.

Examination of the part of the request on the membership of the General Court submitted by the Court of Justice is reserved for a later stage.

Temporary judges: in order to enable the specialised courts to continue to function satisfactorily in the absence of a Judge who, while not suffering from disablement deemed to be total, is prevented from participating in the disposal of cases for a lengthy period of time, provision is made for the possibility of attaching temporary Judges to those courts.

ENTRY INTO FORCE: 01/09/2012. Certain provisions shall apply from the first occasion when the Judges are partially replaced, as provided for in the first paragraph of Article 9 of Protocol No 3 on the Statute of the Court of Justice of the European Union.