

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2011/0902(COD) Procedure completed
EU Civil Service Tribunal: temporary judges Repealed by 2015/0906(COD)	
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			
Council of the European Union	Council configuration	Meeting	Date	
	Employment, Social Policy, Health and Consumer Affairs	3188	04/10/2012	
	General Affairs	3132	05/12/2011	
European Commission	Commission DG	Commissioner		
	Legal Service	BARROSO José Manuel		

Key events			
28/03/2011	Legislative proposal published	01923/2011	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	A7-0184/2012	Summary

04/07/2012	Debate in Parliament		
05/07/2012	Results of vote in Parliament		
05/07/2012	Decision by Parliament, 1st reading	T7-0295/2012	Summary
04/10/2012	Act adopted by Council after Parliament's 1st reading		
25/10/2012	Final act signed		
25/10/2012	End of procedure in Parliament		
31/10/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0902(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by 2015/0906(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 257; Euratom Treaty A 106a-pa
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/05777

Documentation gateway

Legislative proposal		01923/2011	28/03/2011	CJEC	Summary
Document attached to the procedure		COM(2011)0596	30/09/2011	EC	
Committee draft report		PE475.770	29/11/2011	EP	
Amendments tabled in committee		PE478.660	16/01/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0184/2012	05/06/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0295/2012	05/07/2012	EP	Summary
Draft final act		00029/2012/LEX	25/10/2012	CSL	

Final act

[Regulation 2012/979](#)
[OJ L 303 31.10.2012, p. 0083](#) Summary

EU Civil Service Tribunal: temporary judges

PURPOSE: to lay down the rules governing the appointment of temporary Judges to the European Union Civil Service Tribunal, their rights and duties, the conditions under which they may perform their duties and the circumstances in which they would cease to perform those duties.

PROPOSED ACT: Regulation of the European Parliament and of the Council (at the request of the Court of Justice of the EU.)

LEGAL BASIS : Article 257 of the Treaty on the Functioning of the European Union (TFEU) and Article 106(a) of the Treaty establishing the European Atomic Energy Community;

Protocol on the Statute of the Court of Justice of the European Union, and in particular Article 62c thereof and Article 2(2) of Annex I thereto.

BACKGROUND: the Court of Justice submits to the European Union legislature a [proposal for amendments to the Statute of the Court and Annex I thereto](#). This single text incorporates separate proposals in respect of each of the three jurisdictions which comprise the Court of Justice of the European Union. The European Union Civil Service Tribunal comprises seven Judges. Owing to that limited composition, the functioning of the Tribunal can be seriously affected if one of its members, for an extended period of time, is prevented on medical grounds from performing his duties, without however suffering from disablement within the meaning of Article 10 of Council Regulation No 422/67/EEC, No 5/67/Euratom.

In order to ensure that the Civil Service Tribunal is not placed in a situation of difficulty such as to prevent it from carrying out its judicial functions, it is proposed to amend Article 62c of the Statute of the Court by providing, in general terms, for the possibility of attaching temporary Judges to the specialised courts.

In accordance with Article 62c of the Statute, as thus amended, the actual attachment of temporary Judges to the Civil Service Tribunal requires an amendment to Annex I [\[1\]](#) to the Statute.

CONTENT: at the Court of Justice's request, this proposal aims to lay down the rules governing the appointment of temporary Judges of the Tribunal, their rights and obligations, the conditions under which they are to perform their duties and the circumstances in which they will cease to perform those duties. This draft Regulation is linked to the draft amendments to the Statute of the Court and Annex I thereto. Its main points are as follows:

- on a proposal from the President of the Court of Justice, the Council of the European Union shall draw up a list of three persons to be temporary Judges. Temporary Judges shall be chosen from among former Members of the Court of Justice of the European Union who are able to place themselves at the disposal of the Civil Service Tribunal. Temporary Judges shall be appointed for a period of four years and may be reappointed;
- the Civil Service Tribunal may decide to avail itself of the assistance of a temporary Judge if it determines that a Judge is or will be prevented, on medical grounds, from participating in judicial business and that the situation will be or is likely to be of at least three months' duration, and if it takes the view that that Judge is nevertheless not suffering from disablement deemed to be total. In this case, the President of the Tribunal shall call upon a temporary Judge to undertake judicial duties;
- temporary Judges who are called upon to take up their duties shall exercise the prerogatives of a Judge solely in the context of dealing with cases to which they are assigned. This implies that temporary Judges would be able to perform only strictly judicial duties and would not be entitled to participate in the administration of the Civil Service Tribunal or in the election of the President of the Tribunal or Presidents of Chambers;
- with regard to emoluments, the proposal provides that temporary Judges shall receive remuneration of an amount equal to 1/30th of the basic monthly salary allocated to Judges under Article 21c(2) of Regulation No 422/67/EEC and No 5/67/Euratom for each day. Temporary Judges would also be entitled to reimbursement of their travel and hotel expenses, as well as to payment of a daily subsistence allowance, in respect of journeys to Luxembourg in the course of their duties. The amount by which the remuneration together with the pension provided for in Article 8 of Regulation No 422/67/EEC and No 5/67/Euratom exceeds the remuneration, before deduction of taxes, which the temporary Judge was receiving as a member of the Court of Justice of the European Union shall be deducted from that pension;
- lastly, the draft regulation sets out the circumstances under which the duties of temporary judges will cease. This will take place on his death or resignation, or by decision to deprive him of his office as provided by the Statute. The duties of a temporary Judge shall also end when the Judge whom he has replaced is no longer prevented from acting.

EU Civil Service Tribunal: temporary judges

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 relating to temporary judges of the European Union Civil Service Tribunal.

It recommends that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, should be to amend the draft regulation.

The committee commends this proposal of the Court of Justice as a sensible solution to a practical problem which can be very disruptive to the work of the European Civil Service Tribunal. The proposed amendments are purely technical and reproduce those put forward by the Commission in its opinion.

EU Civil Service Tribunal: temporary judges

The European Parliament adopted by 591 votes to 20, with 7 abstentions, a legislative resolution on the draft regulation of the European Parliament and of the Council relating to temporary judges of the European Union Civil Service Tribunal.

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 are purely technical and reproduce those put forward by the Commission in its opinion.

The draft regulation stipulates that on a proposal from the President of the Court of Justice, the Council, acting unanimously, shall draw up a list of three persons appointed as temporary Judges within the meaning of the Statute. That list shall determine the order in which temporary Judges are to be called upon to perform their duties. It is also stipulated that the duties of a temporary Judge shall end when the Judge whom he has replaced is no longer prevented from acting. However, the temporary Judge shall continue to perform his duties until the cases assigned to him have been disposed of.

EU Civil Service Tribunal: temporary judges

PURPOSE: to lay down the rules governing the appointment of temporary Judges to the European Union Civil Service Tribunal, their rights and duties, the conditions under which they may perform their duties and the circumstances in which they would cease to perform those duties.

LEGISLATIVE ACT: 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

CONTENT: following agreement at first reading, the European Parliament and Council adopted this Regulation laying down the rules governing the appointment of temporary judges to the EU Civil Service Tribunal. This Regulation is linked to the draft amendments to the Statute of the Court and Annex I thereto. Its main points are as follows:

- on a proposal from the President of the Court of Justice, the Council of the European Union shall draw up a list of three persons to be temporary Judges. Temporary Judges shall be chosen from among former Members of the Court of Justice of the European Union who are able to place themselves at the disposal of the Civil Service Tribunal. Temporary Judges shall be appointed for a period of four years and may be reappointed;
- the Civil Service Tribunal may decide to avail itself of the assistance of a temporary Judge if it determines that a Judge is or will be prevented, on medical grounds, from participating in judicial business and that the situation will be or is likely to be of at least three months' duration, and if it takes the view that that Judge is nevertheless not suffering from disablement deemed to be total. In this case, the President of the Tribunal shall call upon a temporary Judge to undertake judicial duties;
- where a Judge will foreseeably be prevented from acting and the Civil Service Tribunal takes a prospective decision, the temporary Judge may not take up his duties or participate in the disposal of cases until the Judge whom he is to replace is actually prevented from acting;
- temporary Judges who are called upon to take up their duties shall exercise the prerogatives of a Judge solely in the context of dealing with cases to which they are assigned. This implies that temporary Judges would be able to perform only strictly judicial duties and would not be entitled to participate in the administration of the Civil Service Tribunal or in the election of the President of the Tribunal or Presidents of Chambers;
- with regard to emoluments, the Regulation provides that temporary Judges shall receive remuneration of an amount equal to 1/30th of the basic monthly salary allocated to Judges under Article 21c(2) of Regulation No 422/67/EEC and No 5/67/Euratom for each day. Temporary Judges would also be entitled to reimbursement of their travel and hotel expenses, as well as to payment of a daily subsistence allowance, in respect of journeys to Luxembourg in the course of their duties. The amount by which the remuneration together with the pension provided for in Article 8 of Regulation No 422/67/EEC and No 5/67/Euratom exceeds the remuneration, before deduction of taxes, which the temporary Judge was receiving as a member of the Court of Justice of the European Union shall be deducted from that pension. Temporary Judges shall not be entitled, in that capacity, to a transitional allowance or pension under Articles 7 and 8 of Regulation No 422/67/EEC, No 5/67/Euratom;
- lastly, the Regulation sets out the circumstances under which the duties of temporary judges will cease. This will take place on his death or resignation, or by decision to deprive him of his office as provided by the Statute. The duties of a temporary Judge shall also end when the Judge whom he has replaced is no longer prevented from acting. However, the temporary Judge shall continue to perform his duties until the cases assigned to him have been disposed of.

ENTRY INTO FORCE: 01/11/2012.