



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 June 2013**

**10836/13**

**JUR 294  
INST 297  
COUR 45**

**"I" ITEM NOTE**

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from : General Secretariat  
to : Permanent Representatives Committee (Part 2)

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Subject : - Decision of the Representatives of the Governments of the Member States of the European Union appointing a judge at the Court of Justice  
- Decision of the Representatives of the Governments of the Member States of the European Union appointing a judge at the General Court  
= Use of written procedure

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1. Upon accession of the Republic of Croatia, it will be necessary to appoint as from 1 July 2013 one judge to the Court of Justice and one judge to the General Court, pursuant to Article 22 paragraph 1 of the Act of Accession <sup>1</sup>.
2. Article 22 paragraph 1 of the Act of Accession states that: "*The term of office of the Judge of the Court of Justice and the Judge of the General Court appointed from Croatia upon its accession in accordance with the third subparagraph of Article 19(2) of the TEU shall expire, respectively, on 6 October 2015 and 31 August 2013*".

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<sup>1</sup> Act concerning the conditions of accession to the European Union of the Republic of Croatia (OJ L 112, 24.4.2012).

3. On 18 March 2013 the Republic of Croatia communicated the names of its candidates, Mr Siniša RODIN for the Court of Justice and Mrs Vesna TOMLJENović for the General Court.
4. Pursuant to the first paragraph of Article 253 in conjunction with the first paragraph of Article 255 TFEU, Judges and Advocates-General of the Court of Justice, chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence are appointed by common accord of the governments of the Member States, after consultation of a panel set up to give an opinion on candidates' suitability to perform the duties of Judge and Advocate-General of the Court of Justice and the General Court.
5. Pursuant to the second paragraph of Article 254 in conjunction with the first paragraph of Article 255 TFEU, Judges of the General Court, chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial office, are appointed by common accord of the governments of the Member States, after consultation of a panel set up to give an opinion on candidates' suitability to perform the duties of Judge and Advocate-General of the Court of Justice and the General Court.
6. On 3 May 2013, the panel set up under Article 255 TFEU, whose members were appointed by Council Decision 2010/125/EU of 25 February 2010<sup>2</sup>, delivered an opinion on the suitability of each of the two candidates mentioned above in paragraph 3 to perform the duties of Judge of the Court of Justice and of Judge of the General Court. In accordance with the second paragraph of Rule 8 of the operating rules of the panel provided for in Article 255 TFEU, as set out in the Annex to Council Decision 2010/124/EU of 25 February 2010<sup>3</sup>, these opinions were forwarded, in a sealed envelope, to the Representatives of the Governments of the Member States on 13 May 2013.

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<sup>2</sup> OJ L 50, 27.2.2010, p. 20.

<sup>3</sup> OJ L 50, 27.2.2010, p. 18.

7. Coreper is accordingly requested to:

- (a) recommend that the Representatives of the Governments of the Member States adopt the Decisions set out in 10955/13 JUR 301 INST 304 COUR 48 and 10957/13 JUR 302 INST 305 COUR 49 (as edited by the legal/linguistic experts);
- (b) decide to do so by written procedure.

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