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"A" ITEM NOTE

From: General Secretariat of the Council
To: Council

Subject: Draft Position of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice of the European Union (first reading)

- Adoption
- (a) of the Council's position
- (b) of the statement of the Council's reasons
- = Statements

Statement by Belgium

Belgium attaches great importance to the proper functioning of the courts of the European Union. We fully support the goal of the reform of the Statute of the Court of Justice, which is to find a structural solution to the problem of the backlog of cases before the General Court. Given the importance of the objective pursued, Belgium does not oppose the Council's position. We nevertheless abstain because we consider that it could have been achieved more appropriately by other means. In particular, we consider that it would have been sound management to provide for an objective assessment to be carried out before moving on to the third stage in order to determine what the requirements will be at that time.

Statement by Germany

Germany welcomes the fact that by doubling the number of judges at the General Court, a structural and sustainable reform is being implemented that will enable the General Court's excessive workload to be reduced and will ensure that legal redress in the European Union is guaranteed within a reasonable time.

At the same time, Germany is aware that increasing the number of judges at the General Court will have a significant financial impact on the Union's budget. Germany is concerned to ensure cost effectiveness of the reform and to minimise its budgetary impact and therefore welcomes the Court's efforts to evaluate the General Court's situation in each phase of its expansion and, where appropriate, to make the necessary adjustments to the General Court's administrative expenditure, but without changing the number of additional judges. Germany likewise supports the Court's commitment to appoint no further legal secretaries or support staff during the third phase in September 2019 when the number of judges is increased by a further nine judges.

In order to support the long-term financing of a thus enlarged General Court, Germany invites the Court of Justice to take all appropriate measures and to give consideration, inter alia, to the possibility of introducing court fees for proceedings before the Courts of the European Union.

Statement by the Court of Justice

1. As a follow-up to the reform of the General Court, the Court of Justice proposes to present yearly figures on its judicial activity, including on the evolution of appeal cases, and, if necessary, suggest appropriate measures.
2. At the second and third stages of the enlargement of the General Court, an assessment of the situation of the General Court will take place which, if necessary, could lead to certain adjustments, notably in terms of the administrative expenditure of the Court.

3. Finally, the Court of Justice recalls that on the occasion of the approval of the revised Rules of Procedure of the General Court in January 2015, it invited the General Court to submit, before the swearing-in of the first twelve additional judges, a proposal regarding the creation of specialised chambers within the General Court and to align its internal rules governing the attribution of cases in the General Court with those that the Court of Justice applies.
