

**AMENDMENTS 001-005**

by the Committee on Legal Affairs

**Report****Tiemo Wölken****A8-0439/2018**

Proposed amendments to Protocol No 3 on the Statute of the Court of Justice of the European Union

Proposal for a regulation (02360/2018 – C8-0132/2018 – 2018/0900(COD))

**Amendment 1****Draft regulation****Recital 4***Draft by the Court of Justice**Amendment*

(4) It is, moreover, clear from the review undertaken by the Court of Justice and the General Court that many appeals are brought in cases which have already been considered twice, initially by an independent administrative authority, then by the General Court, **and that many** of those appeals are dismissed by the Court of Justice because they are patently unfounded, or on the ground that they are manifestly inadmissible. In order to enable the Court of Justice to concentrate on the cases that require its full attention, it is necessary, in the interests of the proper administration of justice, to introduce, for appeals relating to such cases, a mechanism whereby the Court determines whether an appeal should be allowed to proceed. It would accordingly fall to the party challenging a decision of the General Court in those cases first to convince the

(4) It is, moreover, clear from the review undertaken by the Court of Justice and the General Court that many appeals are brought in cases which have already been considered twice, initially by an independent administrative authority, **such as the European Union Intellectual Property Office, the Community Plant Variety Office, the European Chemicals Agency, the European Aviation Safety Agency**, then by the General Court. **Many** of those appeals **relating to cases in which an independent administrative authority has already been seized prior to the action before the General Court** are dismissed by the Court of Justice because they are patently unfounded, or on the ground that they are manifestly inadmissible. In order to enable the Court of Justice to concentrate on the cases that require its full attention, it is necessary, in the interests of

Court of Justice of the significance of the questions raised by its appeal with respect to the unity, consistency or development of Union law.

the proper administration of justice, to introduce, for appeals relating to such cases, a mechanism whereby the Court determines whether an appeal should be allowed to proceed. It would accordingly fall to the party challenging a decision of the General Court in those cases first to convince the Court of Justice of the significance of the questions raised by its appeal with respect to the unity, consistency or development of Union law.

## Amendment 2

### Draft regulation Recital 5

#### *Draft by the Court of Justice*

(5) In the light of the constant increase in the number of cases brought before the Court of Justice, and in accordance with the letter from the President of the Court of Justice of the European Union of 13 July 2018, it is necessary, at this stage, to prioritise the establishment of the procedure mentioned above whereby the Court of Justice decides whether an appeal should be allowed to proceed. The component of the request made by the Court of Justice on 26 March 2018 that relates to the partial transfer to the General Court of infringement proceedings should be examined at a later stage, after the report on the functioning of the General Court provided for in Article 3(1) of Regulation 2015/2422 of the European Parliament and of the Council of 16 December 2015 has been drawn up, in December 2020.

#### *Amendment*

(5) In the light of the constant increase in the number of cases brought before the Court of Justice, and in accordance with the letter from the President of the Court of Justice of the European Union of 13 July 2018, it is necessary, at this stage, to prioritise the establishment of the procedure mentioned above whereby the Court of Justice decides whether an appeal should be allowed to proceed. The component of the request made by the Court of Justice on 26 March 2018 that relates to the partial transfer to the General Court of infringement proceedings should be examined at a later stage, after the report on the functioning of the General Court, ***in particular, on the efficiency of the General Court, the effectiveness of and need for an increase in the number of judges to 56***, provided for in Article 3(1) of Regulation 2015/2422 of the European Parliament and of the Council of 16 December 2015 has been drawn up, in December 2020, ***where the achievement of gender balance within the General Court should also be assessed. In order to achieve that objective, partial replacements in that Court should be organised in such a way that the***

*governments of Member States gradually begin to nominate two Judges for the same partial replacement with the aim therefore of choosing one woman and one man, provided that the conditions and procedures laid down by the Treaties are respected.*

### Amendment 3

#### Draft Regulation

##### Article 1 – paragraph 1 – point -1 a (new)

Protocol No 3 on the Statute of the Court of Justice of the European Union

Article 8

#### *Present text*

Article 8

The provisions of Articles 2 to 7 shall apply to the Advocates-General.

#### *Amendment*

*(-1 a) Article 8 is replaced by the following:*

'Article 8

The provisions of Articles 2 to 7 shall apply to the Advocates General *mutatis mutandis*.'

### Amendment 4

#### Draft regulation

##### Article 1 – paragraph 1 – point 2

Protocol No 3 on the Statute of the Court of Justice of the European Union

Article 58a – paragraph 1

#### *Draft by the Court of Justice*

*An appeal brought against a decision of the General Court concerning a decision of a board of appeal of the European Union Intellectual Property Office, the Community Plant Variety Office, the European Chemicals Agency or the European Aviation Safety Agency shall not proceed unless the Court of Justice first decides that it should be allowed to do so.*

#### *Amendment*

*Where the seising of an independent administrative body whose members are not bound by any instructions when taking their decisions is a prerequisite of an action being brought before the General Court, an appeal brought against the decision of the General Court shall not proceed unless the Court of Justice first decides that it should be allowed to do so.*

## Amendment 5

### Draft regulation

#### Article 1 – paragraph 1 – point 2

Protocol No 3 on the Statute of the Court of Justice of the European Union

Article 58a – paragraph 3

#### *Draft by the Court of Justice*

The decision as to whether the appeal should be allowed to proceed shall be reasoned and published.

#### *Amendment*

The decision as to whether the appeal should be allowed to proceed ***or not proceed*** shall be ***sufficiently*** reasoned and published.