

# EUROPEAN PARLIAMENT

1999



2004

---

*Session document*

10 March 2004

FINAL  
**A5-0128/2004**

**\***

## **REPORT**

on a draft Council decision amending Articles 16 and 17 of the Protocol on the Statute of the Court of Justice  
(14617/2003 – C5-0579/2003 – 2003/0823(CNS))

Committee on Legal Affairs and the Internal Market

Rapporteur: José María Gil-Robles Gil-Delgado

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases*  
*covered by Articles 105, 107, 161 and 300 of the EC Treaty and*  
*Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

## CONTENTS

	Page
PROCEDURAL PAGE.....	4
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT .....	6

## PROCEDURAL PAGE

By letter of 27 November 2003 the Council consulted Parliament, pursuant to Article 245(2) of the EC Treaty and Article 160(2) of the EAEC Treaty, on a draft Council decision amending Articles 16 and 17 of the Protocol on the Statute of the Court of Justice (14617/2003 – 2003/0823(CNS)).

At the sitting of 3 December 2003 the President of Parliament announced that he had referred the draft decision to the Committee on Legal Affairs and the Internal Market as the committee responsible and the Committee on Constitutional Affairs for its opinion (C5-0579/2003).

The Committee on Legal Affairs and the Internal Market appointed José María Gil-Robles Gil-Delgado rapporteur at its meeting of 22 January 2004.

The committee considered the draft Council decision and draft report at its meetings of 23 February and 8 March 2004.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Giuseppe Gargani (chairman), Ioannis Koukiadis (vice-chairman), Bill Miller (vice-chairman), José María Gil-Robles Gil-Delgado (rapporteur), Uma Aaltonen, Gordon J. Adam (for Maria Berger pursuant to Rule 153(2)), Ward Beysen, Isabelle Caullery (for Brian Crowley), Enrico Ferri (for Bert Doorn), Janelly Fourtou, Evelyne Gebhardt, Malcolm Harbour, Klaus-Heiner Lehne, Sir Neil McCormick, Toine Manders, Arlene McCarthy, Manuel Medina Ortega, Angelika Niebler (for Kurt Lechner), Elena Ornella Paciotti (for Fiorella Ghilardotti), Anne-Marie Schaffner, Marianne L.P. Thyssen, Ian Twinn (for Rainer Wieland) and Diana Wallis.

The Committee on Constitutional Affairs decided on 19 January 2004 not to deliver an opinion.

The report was tabled on 10 March 2004.

## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on a draft Council decision amending Articles 16 and 17 of the Protocol on the Statute of the Court of Justice  
(14617/2003 – C5-0579/2003 – 2003/0823(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the draft Council decision (14617/2003)<sup>1</sup>,
  - having regard to Article 245(2) of the EC Treaty and Article 160(2) of the EAEC Treaty, pursuant to which the Council consulted Parliament (C5-0579/2003),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the Internal Market (A5-0128/2004),
1. Approves the draft Council decision;
  2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  3. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
  4. Instructs its President to forward its position to the Council and Commission.

---

<sup>1</sup> Not yet published in OJ.

## **EXPLANATORY STATEMENT**

The draft Council decision to amend Articles 16 and 17 of the Protocol on the Statute of the Court of Justice as a consequence of enlargement concerns an increase in the judges of the Grand Chamber and the full Court.

In its proposal the Court wishes to increase the Grand Chamber from 11 to 13 judges, keeping the quorum at 9. In the case of the full Court it is raising its quorum from 11 to 15 judges.

The proposal appears to have obtained a consensus both in the Council and the Court and is well-founded, and can therefore be approved without amendment.