

AMENDMENT FORM

Suggestion for amendment of Article : 224

By Mr Hannes Farnleitner, Mr Gerhard Tusek

Status : - Member and Alternate Member

Article 224

The number of Judges of the High Court shall be determined by the Statute of the Court of Justice.

The Council shall act unanimously.

The Statute may provide for the High Court to be assisted by Advocates-General.

This provision is a function of the length of the term of office; if the Praesidium were to opt for a renewable term of office, the provision would have to be deleted.

The members of the High Court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to high legal office.

They shall be appointed by common accord of the governments of the Member States for a term of six years after consulting the panel provided for in Article 224a. The membership of the High Court shall be partially renewed every three years. Retiring members may be reappointed.

The Judges shall elect the President of the High Court from among their number for a term of three years. He may be re-elected.

The High Court shall establish its Rules of Procedure in agreement with the Court of Justice.

It shall act after receiving the approval of the Council, acting by a qualified majority.

Unless the Statute of the Court of Justice provides otherwise, the provisions of the Constitution relating to the Court of Justice shall apply to the High Court.

Explanation :

As a constitutional issue the number of judges shall be determined unanimously.

AMENDMENT FORM

Suggestion for amendment of Article : 225a

By Mr Hannes Farnleitner, Mr Gerhard Tusek

Status : - Member and Alternate Member

Article 225a

1. The European Parliament and the Council, in accordance with the legislative procedure, **the Council, however, acting unanimously**, may adopt European laws establishing specialised courts attached to the High Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas. They shall act either on a proposal from the Commission after consulting the Court of Justice or at the request of the Court of Justice after consulting the Commission.
2. The European law establishing a specialised court shall lay down the rules on the organisation of the court and the extent of the jurisdiction conferred upon it.
3. Decisions given by specialised courts may be subject to a right of appeal on points of law only or, when provided for in the European law establishing the specialised court, a right of appeal also on matters of fact, before the High Court.
4. The members of the specialised courts shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office. They shall be appointed by the Council, acting unanimously.
5. The specialised courts shall establish their Rules of Procedure in agreement with the Court of Justice. They shall act after receiving the approval of the Council, acting by a qualified majority.
6. Unless the European law establishing the specialised court provides otherwise, the provisions of the Constitution relating to the Court of Justice and the provisions of the Statute of the Court of Justice shall apply to the specialised courts.

Explanation :

The establishment of new institutions merits, as a consitutional issue, the voting of the Council by unanimity.