

AMENDMENTS

titre vi – subsection 5

EUROPEAN COURT OF JUSTICE

ART. III-257 (EX ART. 224)

AMENDMENT FORM

Suggestion for amendment of Article : III-257

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne KaufmannStatus : - Member - ~~Alternate~~

Artikel III-257 (ex-Artikel 224)

Die Zahl der Richter des Gerichts wird in der Satzung des Europäischen Gerichtshofs festgelegt. In der Satzung kann vorgesehen werden, dass das Gericht von Generalanwälten unterstützt wird.

Zu Mitgliedern des Gerichts sind Personen auszuwählen, die jede Gewähr für Unabhängigkeit bieten und über die Befähigung zur Ausübung hoher richterlicher Tätigkeiten verfügen. Sie werden von den Regierungen der Mitgliedstaaten im gegenseitigen Einvernehmen nach Anhörung des in [Artikel III-258 (ex-224a)] vorgesehenen Ausschusses für sechs Jahre ernannt. Alle drei Jahre wird das Gericht teilweise neu besetzt. Die Wiederernennung ausscheidender Mitglieder ist zulässig.

Die Richter wählen aus ihrer Mitte den Präsidenten des Gerichts für die Dauer von drei Jahren. Wiederwahl ist zulässig.

Das Gericht erlässt seine Verfahrensordnung im Einvernehmen mit dem Europäischen Gerichtshof. Sie bedarf der Genehmigung des Rates *und des Europäischen Parlaments*.

Soweit die Satzung des Europäischen Gerichtshofs nichts anderes vorsieht, finden die den Europäischen Gerichtshof betreffenden Bestimmungen der Verfassung auf das Gericht Anwendung.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: Art. III-257, Title VI, Chapter I, Section 1, Subsection 5

By: Mr. Ernâni Lopes, Mr. Manuel Lobo Antunes.

Status: Government - Member and Alternate

Article III-257

The number of Judges of the High Court shall be determined by the Statute of the Court of Justice.
The Statute may provide for the High Court to be assisted by Advocates-General.

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 **nine years non renewable**. ~~six years after consulting the panel provided for in [ex 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~~ **four and an half** 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: The elimination of the sentence is due to the suppression of article III-258 (ex 224^a); the extension of the mandates is in line with previous proposal.

AMENDMENT FORM

Suggestion for amendment of Article : 257 (ex Article 224), part III of the Constitution

By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

Status : **Tiilikainen, Kiljunen, Vilén - Members**
 Peltomäki, Takkula and Helle - Alternates

Article III-257 (ex Article 224)

~~The number of Judges of the High Court shall be determined by the Statute of the European Court of Justice. The Statute may provide for the High Court to be assisted by Advocates General.~~

The members of the ~~High~~ **General** 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 consultation of the panel provided for in [Article III-258 (ex 224(a))]~~. The membership of the ~~High~~ **General** Court shall be partially renewed every three years. Retiring members may be reappointed.

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

The ~~High~~ **General** Court shall establish its Rules of Procedure in agreement with the European Court of Justice. The Rules shall be subject to the approval of the Council.

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

Explanation (if any) :

The question concerning the number of Judges and the Court's Statute respectively is already addressed in Article I-28 paragraph 2, and there is no need to repeat them here.

Translations of the names of courts into different languages must not create any danger of confusion. Such a danger exists with the proposed 'High Court'. The other alternative, 'the General Court', also reflects better the role of the Court of First Instance as agreed in Nice.

We do not find it necessary to set up an 'advisory panel' (see Article III-256).