

AMENDMENT FORM

Suggestion for amendment of Article : III-259

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

Article III-259 (ex Article 225)

1. The High Court shall have jurisdiction to hear and determine at first instance actions or proceedings referred to in [ex Articles 230, 232, 235, 236 and 238], with the exception of those assigned to a judicial panel and those reserved in the Statute for the Court of Justice. The Statute may provide for the High Court to have jurisdiction for other classes of action or proceeding.

Decisions given by the High Court under this paragraph may be subject to a right of appeal to the Court of Justice on points of law only, under the conditions and within the limits laid down by the Statute.

2. The High Court shall have jurisdiction to hear and determine actions or proceedings brought against decisions of the judicial panels set up under [ex Article 225a].

Decisions given by the High Court under this paragraph may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

3. The High Court shall have jurisdiction to hear and determine questions referred for a preliminary ruling under [ex Article 234], in specific areas laid down by the Statute.

THE COURT RESPECTS THE DECISIONS OF NATIONAL CONSTITUTIONAL COURTS, NATIONAL HIGH COURTS AND THE EUROPEAN HUMAN RIGHTS COURT.

Where the High Court considers that the case requires a decision of principle likely to affect the unity or consistency of Union law, it may refer the case to the Court of Justice for a ruling.

Decisions given by the High Court on questions referred for a preliminary ruling may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

Explanation (if any) :