

AMENDMENT FORM

Suggestion for amendment of Article : 260 (ex Article 225a), 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**
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Article III-260 (ex Article 225a)

1. A European law, **adopted by the Council acting unanimously and after consulting the European Parliament**, may establish specialised courts attached to the ~~High-General~~ Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas. It shall be adopted either on a proposal from the Commission after consultation of the European Court of Justice or at the request of the European Court of Justice after consultation of 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-General~~ 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 European 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 European Court of Justice and the provisions of the Statute of the European Court of Justice shall apply to the specialised courts.
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Explanation (if any) :

Decisions on the establishment, composition and powers of specialised courts should be made unanimously by the Council because of the constitutional nature of the issue.