

COVER NOTE

from :	Secretariat
to :	Convention
Subject:	"Discussion circle" on the Court of Justice

Members of the Convention will find below the framework of proceedings for the "discussion circle" on the Court of Justice, as defined by the Praesidium. It will be chaired by Mr Antonio Vitorino.

The composition of this circle should be more restricted than that of the working groups and its members should ideally be able to contribute expertise in a specific area in order to ensure efficiency and swift results.

The constituent members are asked to send the Secretariat the names of the Convention members who could attend the proceedings of this "discussion circle" by 12.00 on Thursday 13 February.

Members are informed that an initial meeting is already scheduled for 10.00 on Monday 17 February.

Framework of proceedings

1. The plenary discussions on 5 and 6 December 2002 and 20 and 21 January 2003 revealed that some Convention members felt there was a need to look seriously at the implications that certain proposals made within the Convention might have for the operation of the Court of Justice. It was also considered important that the Court of Justice and the Court of First Instance be given an opportunity to express their views on matters concerning them which were being discussed within the Convention. The Praesidium therefore thought it advisable to set up a "discussion circle" on the operation of the Court of Justice.
2. This circle should in particular look at matters on which the Convention has not yet adopted fixed positions and could explore the following points amongst others:
 - (a) Should the procedure for appointing the Judges and Advocates-General (Article 223 EC) be altered? What about the appointment of members of the CFI (Article 224 EC)?
 - (b) To facilitate application of Articles 225a, 229a and 245 TEC, should the present unanimity rule be replaced by a qualified majority rule?
 - (c) Would it be better to reconsider the titles Court of Justice and Court of First Instance or leave them unchanged?
 - (d) Should the wording of the fourth paragraph of Article 230 EC concerning direct appeals by individuals against general acts of the Institutions be amended? What about acts of agencies or bodies set up by the Union?
 - (e) Should the system of penalties for non-compliance with a judgment of the Court of Justice be made more effective? How? By giving the Court the option of imposing fines where a Member State fails to comply with its judgment within a given period? By other means?
3. The "discussion circle" would be open to any other matters which its members or members of the Court or the CFI considered worth examining. It is proposed that the "discussion circle" meet 3 or 4 times during February and submit its report at the beginning of March 2003.
