

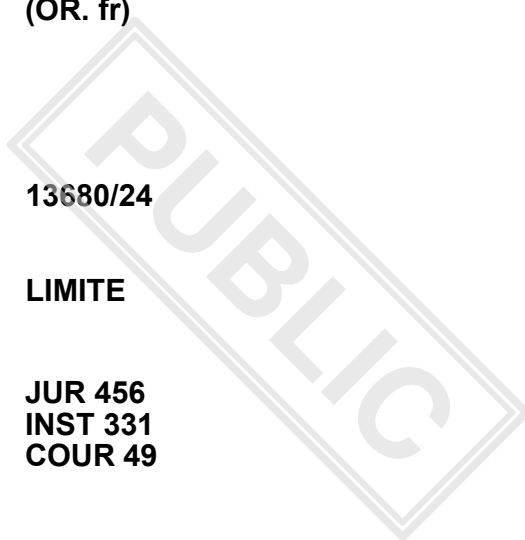
CONFERENCE
OF THE REPRESENTATIVES
OF THE GOVERNMENTS
OF THE MEMBER STATES

Brussels, 23 September 2024
(OR. fr)

13680/24

LIMITE

JUR 456
INST 331
COUR 49



NOTE

From:	Secretariat of the IGC
To:	Conference of the Representatives of the Governments of the Member States

Subject:	Adoption of decisions of the Representatives of the Governments of the Member States concerning appointments to the Court of Justice and the General Court
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I. Appointment of members of the Court of Justice

1. In a letter dated 5 April 2023¹, the President of the Court of Justice informed the President of the Conference of the Representatives of the Governments of the Member States (IGC) that the term of office of 13 Judges and 5 Advocates-General of the Court of Justice would end on 6 October 2024.
2. That being the case:
 - the Government of the Republic of Austria proposed that Mr Andreas Kumin² be reappointed as a Judge of the Court of Justice;

¹ 8325/23.

² 13255/24.

- the government of the Italian Republic nominated Mr Andrea Biondi³ for a first term of office as an Advocate-General of the Court of Justice following the resignation of Mr Giovanni Pitruzzella, who had been appointed Advocate-General of the Court of Justice by Decision (EU) 2023/2508 of the Representatives of the Governments of the Member States⁴.

The proposed appointments are for a term of office running from 7 October 2024 to 6 October 2030.

3. Following the resignation, with effect from 7 October 2024⁵, of the Judge of the Court of Justice of the European Union appointed on a proposal from the government of the Kingdom of Denmark, it was for the government of that country to propose a candidate for the post of Judge of the Court of Justice for the remainder of the current term of office, ending on 6 October 2027. That being the case, the government of the Kingdom of Denmark proposed that Mr Niels Fenger⁶ be appointed as a Judge of the Court of Justice.
4. Pursuant to the first paragraph of Article 253 in conjunction with the first paragraph of Article 255 of the Treaty on the Functioning of the European Union, the Judges and the Advocates-General of the Court of Justice are chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence; they are appointed by common accord of the governments of the Member States, after consultation of a panel set up in order to give an opinion on candidates' suitability to perform the duties of Judge or Advocate-General of the Court of Justice.

³ 13340/24.

⁴ Decision (EU) 2023/2508 of the Representatives of the Governments of the Member States of 8 November 2023 appointing two Judges and an Advocate-General to the Court of Justice (OJ L, 2023/2508, 10.11.2023, ELI: <http://data.europa.eu/eli/dec/2023/2508/oj>).

⁵ 13883/23.

⁶ 13339/24.

5. The panel provided for in Article 255 of the Treaty on the Functioning of the European Union has given a favourable opinion on the suitability of the aforementioned candidates to perform the duties of Judge or Advocate-General of the Court of Justice. In accordance with the second paragraph of Rule 8 of the operating rules of the panel provided for in Article 255 of the Treaty on the Functioning of the European Union, as set out in the Annex to Council Decision 2010/124/EU of 25 February 2010⁷, those opinions were forwarded to the Representatives of the Governments of the Member States.

II. Appointment of members of the General Court

6. In a letter dated 26 March 2021⁸, the President of the General Court informed the President of the Conference of the Representatives of the Governments of the Member States that the terms of office of 26 Judges would end on 31 August 2022.
7. That being the case, the government of the Slovak Republic nominated Mr Juraj Schwarcz⁹ for a renewal of his term of office.

The proposed appointment is for a term of office ending on 31 August 2028.

8. In addition, in a letter dated 29 February 2024¹⁰, the President of the General Court informed the President of the Conference of the Representatives of the Governments of the Member States that the term of office of 26 Judges would end on 31 August 2025.
9. That being the case, the government of Ireland nominated Ms Suzanne Kingston and Mr Colm Mac Eochaidh, and the government of the Kingdom of Spain nominated Mr José Martín y Pérez de Nanclares and Mr Miguel Sampol Pucurull, for a renewal of their terms of office¹¹.

⁷ OJ L 50, 27.2.2010, p. 18.

⁸ 7540/21.

⁹ 13254/24.

¹⁰ 7373/24.

¹¹ 13246/24, 13249/24, 13251/24, 13252/24.

These proposed appointments are for a term of office running from 1 September 2025 to 31 August 2031.

10. In addition, a Judge of the General Court, appointed on a proposal from the French Republic, was appointed as a Judge of the Court of Justice for the period from 7 October 2024¹². It was therefore for that country to propose a candidate for the post of Judge of the General Court for the remainder of the term of office of the outgoing Judge, i.e. until 31 August 2025. That being the case, the French Republic nominated Mr Hervé Cassagnabère¹³ for the post of Judge of the General Court.
11. Lastly, a Judge of the General Court, appointed on a proposal from the government of the Grand Duchy of Luxembourg, was appointed Advocate-General to the Court of Justice for the period from 7 October 2024¹⁴. It was therefore for that country to propose a candidate for the post of Judge of the General Court for the remainder of the term of office of the outgoing Judge, i.e. until 31 August 2028. That being the case, the Grand Duchy of Luxembourg nominated Mr Raphaël Meyer¹⁵ for the post of Judge of the General Court.
12. Pursuant to the second paragraph of Article 254 in conjunction with the first paragraph of Article 255 of the Treaty on the Functioning of the European Union, members of the General Court are chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial office; they are appointed by common accord of the governments of the Member States, after consultation of a panel set up in order to give an opinion on candidates' suitability to perform the duties of Judge of the General Court.

¹² OJ L, 2024/1036, 3.4.2024.

¹³ 13319/24.

¹⁴ OJ L, 2024/1036, 3.4.2024.

¹⁵ 13320/24.

13. The panel provided for in Article 255 of the Treaty on the Functioning of the European Union has given a favourable opinion on the suitability of the aforementioned candidates to perform the duties of Judge of the General Court. In accordance with the second paragraph of Rule 8 of the operating rules of the panel provided for in Article 255 of the Treaty on the Functioning of the European Union, as set out in the Annex to Council Decision 2010/124/EU of 25 February 2010, those opinions were forwarded to the Representatives of the Governments of the Member States.

III. Meeting of the Conference of the Representatives of the Governments of the Member States

17. By an information note of 13 September 2024¹⁶ from the Secretariat of the Conference of the Representatives of the Governments of the Member States (IGC), the Permanent Representatives of the Member States were informed of the convening of an IGC, in the margins of the Coreper meeting on 2 October 2024, with a view to examining those opinions and taking the appropriate decisions.
18. Accordingly, the IGC could, at its meeting on 2 October 2024, adopt the decision appointing Mr Andreas Kumin and Mr Niels Fenger as Judges of the Court of Justice and Mr Andrea Biondi as Advocate-General of the Court of Justice, as set out in 12660/24. The IGC could also, at its meeting on 2 October 2024, adopt the decision appointing Mr Juraj Schwarcz, Ms Suzanne Kingston, Mr Colm Mac Eochaidh, Mr José Martín y Pérez de Nanclares, Mr Miguel Sampol Pucurull, Mr Hervé Cassagnabère and Mr Raphaël Meyer as Judges of the General Court, as set out in 12659/24.
19. The IGC could also approve the minutes of the previous IGC, which took place on 3 July 2024, as set out in 12064/1/24.

¹⁶ 13358/24.