



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 2 October 2008 (03.10)
(OR. fr)**

13740/08

**INST 116
JUR 380
COUR 39**

COVER NOTE

from:	Mr Vassilios SKOURIS, President of the Court of Justice of the European Communities
date of receipt:	29 September 2008
to:	Mr Bernard KOUCHNER, President of the Council of the European Union and of the Conference of the Representatives of the Governments of the Member States
Subject:	Expiry of the terms of office of thirteen Judges and four Advocates General of the Court of Justice of the European Communities

Dear President,

6 October 2009 sees the expiry of the terms of office of thirteen Judges and four Advocates General, a list of whom is enclosed in the annexe to this letter. In accordance with the provisions of the Treaties currently in force, the appointments are to be made by common accord of the Governments of the Member States.

In order, insofar as possible, to avoid these appointments slowing down the Court's handling of cases pending before it, I hope that they will be made without delay and, accordingly, that the Governments make their proposals as soon as possible.

Many cases currently pending which could be heard before 6 October 2009 can be brought to a conclusion after that date only if a sufficient number (as laid down by the Statute of the Court of Justice) of Judges who have taken part in the hearing are still in office on the day on which judgment is given. If this is not the case, it becomes necessary to hold a new hearing, which will delay the handling of those cases considerably. Furthermore, uncertainty as regards the composition of the Court after 7 October 2009 is liable to cause difficulties in assigning cases to those Judge-Rapporteurs and Advocates General whose terms of office are due to expire, and in fixing hearing dates in cases already assigned to them.

A prompt decision would make it easier for the Court to handle its cases and, in particular, to make a fully-informed choice when deciding whether it can hold a hearing immediately or whether it must postpone the hearing until after 6 October 2009, which would undermine the Court's efforts to deal more quickly with its caseload.

Moreover, in the light of the circumstances I have outlined above, the Court would be most grateful if, when making these appointments, consideration could be given to the stability of the composition of the Court, which is of crucial importance for the efficient performance of the tasks entrusted to it by the Treaties.

I should be grateful if, in your capacity as President of the Conference of the Representatives of the Governments of the Member States, you would draw this letter to their attention.

Yours faithfully,

Vassilios SKOURIS

Enc: List of the Members of the Court of Justice whose term of office comes to an end on 6 October 2009; this list has been drawn up in accordance with the order of precedence currently applicable within the Court.

List of the Members of the Court of Justice
whose term of office comes to an end on 6 October 2009

Judge Vassilios SKOURIS, President of the Court of Justice
Judge Allan ROSAS, President of the Third Chamber
Judge Koen LENAERTS, President of the Fourth Chamber
First Advocate General Luis Miguel POIARES PESSOA MADURO
Judge Uno LÖHMUS
Judge Lars BAY LARSEN
Advocate General Dámaso RUIZ-JARABO COLOMER
Judge Rosario SILVA DE LAPUERTA
Advocate General Juliane KOKOTT
Judge Jerzy MAKARCZYK
Judge Endre JUHÁSZ
Judge Marko ILEŠIČ
Judge Ján KLUČKA
Judge Aindrias Ó CAOIMH
Advocate General Eleanor SHARPSTON
Judge Camelia TOADER
Judge Jean-Jacques KASEL