



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 22 October 2009 (27.10)
(OR. fr)**

14925/09

**INST 143
JUR 421
COUR 66**

COVER NOTE

from:	Mr Vassilios SKOURIS, President of the Court of Justice of the European Communities
dated:	6 October 2009
to:	Mr Carl Bildt, 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 fourteen Judges of the Court of First Instance of the European Communities
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Dear President,

The terms of office of fourteen Judges of the Court of First Instance of the European Communities, a list of whom is attached, will expire on 31 August 2010. 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.

To ensure the satisfactory organisation and efficient operation of the judicial system, these appointments should be made as soon as possible, and the Governments should therefore submit their proposals at the earliest opportunity. A large number of cases are likely to be subject to hearings prior to 31 August 2010. A ruling can only be given in these cases if the formation of the Court reaches the quorum laid down in the applicable provisions. If this is not the case, a new hearing must be held by the newly composed formation, and this substantially delays the handling of cases and damages the image of the law.

For the Court, this is particularly important since the vast majority of cases are assigned to formations composed of three Judges, for which the quorum is three Judges. Therefore, uncertainty regarding the appointment of Judges directly affects the timetable for hearings and the handling of cases, not only with regard to the cases assigned to the Judges whose terms of office are due to expire, but also those cases assigned to the other members of the Chamber to which they are assigned. The eight ordinary formations of the Court each include at least one member whose term of office is due to expire on 31 August 2010. In the case of five of these formations, furthermore, it is the President. Given that the President of the Chambers make up the Appeal Chamber, a Court formation which deals with disputes concerning appeals against decisions of the European Union Civil Service Tribunal, the operation of this specialised Chamber would therefore also be greatly disrupted in the event that the forthcoming appointments were not made until the second quarter of 2010.

Furthermore, since the Court is currently facing a substantial increase in its litigation, it is having to cope with new problems. The Court would therefore be most grateful if, when making these appointments, the significant effect of the stability of the Court's composition on its efficiency could be taken into consideration.

Finally, the Court respectfully draws your attention to the consequences, in terms of the timetable, of the possible entry into force of the Treaty on the Functioning of the European Union (TFEU). Both the setting up of the panel provided for in Article 255 TFEU and the consultation thereof will delay the process of appointing any Judges who may be concerned.

Under these circumstances, 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,

(signed) Marc JAEGER

List of the Members of the Court of First Instance
of the European Communities
whose term of office comes to an end on 31 August 2010

Judge Marc Jaeger, President of the Court

Judge Josef Azizi, President of the Third Chamber

Judge Arjen W. H. Meij, President of the Sixth Chamber

Judge Mihalis Vilaras, President of the Fifth Chamber

Judge Maria Eugénia Martins de Nazaré Ribeiro, President of the Eighth Chamber

Judge Ottó Czúcz, President of the Fourth Chamber

Judge Franklin Dehousse

Judge Irena Wiszniewska-Białecka

Judge Küllike Jürimäe

Judge Savvas Papasavvas

Judge Valeriu M. Ciucă

Judge Sten Frimodt Nielsen

Judge Heikki Kanninen (who will take up his duties on 6 October 2009, the day on which he takes the oath, following the resignation of the President of the Chamber, Virpi Tiili)

Judge Juraj Schwarcz (who will take up his duties on 6 October 2009, the day on which he takes the oath, following the resignation of Judge Daniel Šváby)

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