



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 29 November 2006 (01.12)
(OR. fr)**

15897/06

INST 152

"I" ITEM NOTE

from : General Secretariat
to : Permanent Representatives Committee (Part 2)
Subject : - Decision of the Representatives of the Governments of the Member States of the European Union appointing judges at the Court of Justice
- Decision of the Representatives of the Governments of the Member States of the European Union appointing judges at the Court of First Instance
= Use of the written procedure *

1. Upon accession, it will be necessary to appoint two judges to the Court of Justice and two judges to the Court of First Instance, pursuant to Article 46(1) of the Act of Accession ¹.
2. Article 46(2) of the Act of Accession states that: "*The term of office of one of the Judges of the Court of Justice appointed in accordance with paragraph 1 shall expire on 6 October 2009. This Judge shall be chosen by lot. The term of office of the other Judge shall expire on 6 October 2012.*
The term of office of one of the Judges of the Court of First Instance appointed in accordance with paragraph 1 shall expire on 31 August 2007. This Judge shall be chosen by lot. The term of office of the other Judge shall expire on 31 August 2010."

* Item on which a procedural decision may be taken by Coreper, in accordance with Article 19(7)(e) of the Council's Rules of Procedure.

¹ Act concerning the conditions of accession to the European Union of the Republic of Bulgaria and Romania (OJ L 157, 21.6.2005).

3. On 27 October 2006 the Republic of Bulgaria communicated the names of its candidates, viz. Mr Alexander ARABADJIEV for the Court of Justice and Mr Theodore CHIPEV for the Court of First Instance.

On 8 November 2006 Romania communicated the names of its candidates, viz. Ms Camelia TOADER for the Court of Justice and Mr Valeriu CIUCA for the Court of First Instance.

4. The drawing of lots to determine the duration of the judges' terms of office took place on 22 November 2006 while Coreper II was meeting.

As regards the Court of Justice, the term of office from 1 January 2007 to 6 October 2009 will be awarded to the Romanian judge and the term of office from 1 January 2007 to 6 October 2012 will be awarded to the judge from the Republic of Bulgaria.

As regards the Court of First Instance, the term of office from 1 January 2007 to 31 August 2007 will be awarded to the judge from the Republic of Bulgaria and the term of office from 1 January 2007 to 31 August 2010 will be awarded to the Romanian judge.

5. Coreper is accordingly requested to:
 - (a) recommend that the Representatives of the Governments of the Member States adopt the Decisions set out in 15100/06 INST 142 JUR 426 COUR 52 and 15107/06 INST 144 JUR 428 COUR 53 (as edited by the legal/linguistic experts);
 - (b) decide, in accordance with Article 19(7)(e) of the Council's Rules of Procedure, to use the written procedure referred to in Article 12(1) thereof to adopt the Decisions referred to in (a).