



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from: General Secretariat

to: Delegations

Subject: Reform of the General Court

Delegations will find attached copies of the letters sent on 27 December 2012 by the former Presidency to the Presidents of the Court of Justice and of the European Parliament.

27 December 2012

Αγαπώτετε κα Προέδρε,

At the end of the Cyprus Presidency and following the debate in the General Affairs Council on 11 December 2012, I would like to inform you about the state of the Council's deliberations on the Court of Justice's proposal, submitted on 28 March 2011, to increase the number of judges at the General Court by 12 in order to address the steady growth of the General Court's workload.

Unfortunately, despite the intensive efforts of successive Presidencies and the valuable input by the representatives of the Court of Justice of the European Union to the work of the Friends of the Presidency Group under the Cyprus Presidency, it has been impossible to secure, to date, an agreement in the Council on the increase of the number of Judges of the General Court. There appears to be broad support on the principle of an increase of the number of Judges, with the number of 9 being the compromise which seems to be acceptable to most Member States - although some delegations still remain doubtful as to whether an increase of the number of Judges is necessary, not least due to budgetary concerns. However, Member States are still divided on the system for the designation of the new Judges, and the latest compromise proposal presented by the Presidency to the General Affairs Council on 11 December failed to secure the necessary consensus.

As regards the way forward, it will be up to the incoming Irish Presidency to decide how to organize the Council's further work. In this respect, the Council looks forward to examining the proposal for amendments of the General Court's Rules of Procedure, which is of great interest in the present context, as it is one of the elements which influence the length of proceedings before the General Court and the efficient organisation of its work. This remains a concern for many Member States.

Mr Vassilios Skouris
President of the
Court of Justice of the European Union

.../...

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Therefore, the Chairman of the Friends of the Presidency Group already communicated, by letter of 11 October 2012, a number of suggestions by that Group to the Registrar of the General Court for consideration in that Court's internal deliberations on the future revision of its Rules of Procedure. The Council's deliberations on the said Rules of Procedure may provide an opportunity to gain further insight into the General Court's procedural constraints, the organisation of its work and the prospects of increased efficiency in its handling of cases. Thus the completion of the Council's examination of the said Rules of Procedure will be pertinent for the Council's further deliberations on an increase of the number of Judges.

Apart from the proposal on the amendments to the General Court's Rules of Procedure, the Council would also welcome any other input or information from the Court which might contribute to get to an agreement. The Court might also wish to consider alternative options in order to address the General Court's problems in the short to medium term. In this regard, I would note for your consideration, that a number of Member States at the General Affairs Council supported the suggestion that increasing the number of legal secretaries allocated to each Judge in the General Court would be of assistance in tackling the Court's workload.

*Με τους δειμούς μου χαιρετώ τους και τις
ευχές μου*



Andreas D. Mavroyiannis

27 December 2012

Dear Mr. President,

At the end of the Cyprus Presidency and following the debate in the General Affairs Council on 11 December 2012, I would like to inform you about the state of the Council's deliberations on the Court of Justice's proposal, submitted on 28 March 2011, to increase the number of Judges at the General Court by 12 in order to address the steady growth of the General Court's workload.

Unfortunately, despite the intensive efforts of successive Presidencies, it has been impossible to secure, to date, an agreement in the Council on the matter.

As regards the way forward, it will be up to the incoming Irish Presidency to decide how to organize the Council's further work. In this context, the Council is looking forward to examining the proposal for amendments of the General Court's Rules of Procedure. This may provide an opportunity to gain further insight into the General Court's procedural constraints, the organisation of its work and the prospects of increased efficiency in its handling of cases.

As regards the further work between the European Parliament and the Council on this file, I'm confident that the incoming Presidencies will return to the issue at the appropriate moment in time and will keep the European Parliament duly informed about the Council's deliberations.

*With the assurances of my highest consideration
and my best wishes,*



Andreas D. Mavroyiannis

Mr Martin Schulz
President of the European Parliament

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