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NOTE

From:	General Secretariat of the Council
To:	Committee of Permanent Representatives (Part 2)
Subject:	Draft Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Protocol No 3 on the Statute of the Court of Justice of the European Union - Draft Position of the Council at first reading - Draft Statement of the Council's reasons

1. On 28 March 2011, the Court of Justice submitted a legislative initiative¹ under the second paragraph of Article 281 TFEU to amend the Protocol on the Statute of the Court of Justice, which included *inter alia* an increase of the number of judges at the General Court by 12. While the other proposed amendments were adopted on 11 August 2012 and entered into force on 1st September 2012, it was impossible to find an agreement within the Council as to the increase of the number of judges.
2. The European Parliament adopted at its plenary session on 15 April 2014 its position at first reading on the Court's proposal as regards the increase of the number of judges at the General Court, supporting an increase by 12.

¹ Document 8787/11.

3. Against this background, and taking into account the important increase of the caseload of the General Court since the initial proposal was made, the Court of Justice suggested on 13 October 2014² that the co-legislators amend it so as to double the number of judges at the General Court in three stages by 2019, including the integration of the Civil Service Tribunal in the General Court, resulting in a net increase of the number of judges by 21 additional judges.
4. On that basis, Coreper reached on 11 December 2014 an agreement in principle on the essential elements of the reform, as set out in document 16576/14 of 8 December 2014.
5. During the first semester of 2015, the Presidency has been trying to enter into informal discussions with the European Parliament's Legal Affairs Committee in a quadrilogue format, with the participation of the Court of Justice and the Commission, with a view to achieving an "early second reading agreement" on the reform, whereby the Council would adopt its position at first reading on the basis of a pre-negotiated text which the European Parliament could then approve under Article 294(7)(a) TFEU. However, these efforts have not been crowned by success.
6. It therefore appears appropriate for the Council to adopt its position at first reading corresponding to the agreement in principle reached in December 2014. The text of the draft Position of the Council at first reading, as revised by the legal-linguistic experts, is set out in document 9375/15 JUR 341 COUR 21 INST 181 CODEC 797
7. In these circumstances, the Permanent Representatives Committee is asked to suggest that the Council adopt, as an "A" item at a forthcoming meeting, its position at first reading under Article 294 (5) TFEU as set out in document 9375/15 JUR 341 COUR 21 INST 181 CODEC 797 and the Statement of reasons as set out in document 9375/15 ADD 1 JUR 341 COUR 21 INST 181 CODEC 797.

² Document 14448/14 + COR 1.