

AMENDMENT FORM

Suggestion for amendment of Article : 20

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Status : - Members

Article 20: The ~~Court of Justice~~ Jurisdiction of the European Union

1. The ~~Court of Justice, including the High Court,~~ **institutional framework of the Union also comprises the independent and impartial Jurisdiction of the European Union, which shall have as its duty to ensure compliance with law in the interpretation and application respect for the of this Constitution and Union law. The Jurisdiction of the European Union consists of the Court of Justice of the European Union and the General Court of the European Union, as well as of the Specislised Courts established in accordance with the procedure laid down in Part II.**

Each Court shall act within the limits of the powers conferred upon it by Part II.

The Statute of the Jurisdiction shall be laid down in a separate Protocol to this Constitution.

~~The Member States shall provide rights of appeal sufficient to ensure effective legal protection in the field of Union law.~~

2. The Court of Justice shall consist of one judge from each Member State, and shall be assisted by Advocates-General, **the number of which is determined in the Statute.** The ~~High~~ **General Court** shall include at least one judge per Member State: the number shall be fixed by the Statute ~~of the Court of Justice.~~ **The statute may also provide for the General Court to be assisted by advocates-General.** ~~The judges of the Court of Justice and the High Court, and the Advocates-General of the Court of Justice, chosen from persons whose independence is beyond doubt and who satisfy the conditions set out at Article [XX] of Part II, shall be appointed by common accord of the governments of the Member States for a term of six years, renewable.~~

The judges of the Court of Justice and the General Court and the Advocates-General, shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence. They shall be appointed by common accord of the governments of the Member States for a term of six years¹, renewable.

¹ For the Court of Justice the Discussion Circle, chaired by Mr Vitorino, also examined the possibility of a non-renewable mandate of 9 or 12 years.

The provisions on the composition of Specialised Courts are laid down in the decisions on their establishment.

The Judges shall be immune from legal proceedings, as provided in the Statute.

The Member States shall provide rights of appeal sufficient to ensure effective legal protection in the field of Union law.

~~3. The Court of Justice shall be competent for :~~

- ~~— ruling on actions brought by the Commission, a Member State, an institution or a natural or legal person in the cases and according to the modalities foreseen in article [YY] of Part II;~~
 - ~~— preliminary rulings, at the request of Member State courts, on the interpretation of Union law or the validity of acts adopted by the institutions;~~
 - ~~— ruling on appeals on decisions given by the High Court or exceptionally reviewing these decisions under conditions laid down in the Statute of the Court.~~
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