

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 20 : The Court of Justice of the European Union

By Ms / Mr : BROK; SANTER; TAJANI; VAN DER LINDEN; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FREDO; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LAMASSOURE; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 20 : The Court of Justice of the European Union

1. The Court of Justice, including the High Court, shall ensure *that in the interpretation and application of this Constitution and the Acts taken under its provisions the law is observed.*
~~respect for the Constitution and Union law.~~

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 High Court shall include at least one judge per Member State: the number shall be fixed by the Statute of the Court of Justice. 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~~ *the Council, acting by qualified majority, with obtaining the assent of the European Parliament* for a *non-renewable* term of ~~six~~ *eight* years ¹, ~~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.

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.

Explanation (if any) :

The role of the Court should be specified more clearly. Text taken from Art. 220 ECT (Nice).

The judges and the advocates general should be appointed by the Council by qualified majority and after assent of the European Parliament.

The term should be prolonged but be non-renewable in order to enhance the independence of judges and advocates general.