

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 20

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Algirdas Gricius, Mrs Lone Dybkjaer, Lord MacLennan, Mr Adrian Severin.

Status : Members and alternate members.

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 the Constitution and of acts made under it, the law is observed.*

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 for a term of *nine* years, *non-renewable*.

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:

1. The description of the powers of the Court seems too limited. We propose here a re-formulation of the present Article 220 TEC in order to guarantee that there is to be no regression from the present acquis.

2. The term of office of nine years, non-renewable, is the best way to achieve the joint objective of stability and neutrality.