

AMENDMENT FORM

Suggestion for amendment of Article : Art. 20

Suggestion for protocol :

By: Ernâni Lopes, Maria Eduarda Azevedo, António Nazaré Pereira, Manuel Lobo Antunes.

Status : - Members and Alternates

Article 20 : The Court of Justice of the European Union

1. The Court of Justice, including the High Court **and Specialised Courts**, shall ensure 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 for a term of ~~six years renewable~~ **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.

NB: we generally agree with the proposed text. Nevertheless, we would prefer to include in n° 3 other competencies of the Court as presently stated in articles 229/229-A (unlimited jurisdiction), 235 (jurisdiction in disputes relating to compensation for damage), 236 (jurisdiction in disputes between the Community and its servants) and 238 (voluntary jurisdiction).

Explanation (if any) :