

AMENDMENT FORM

Suggestion for amendment of Article 20 : The Court of Justice of the European Union

By : Mr Dick Roche, Member ; Mr Pat Carey and Mr Bobby McDonagh, Alternates

Article 20 : The Court of Justice of the European Union

1. The Court of Justice, ~~including the High Court~~, **together with the Court of First Instance**, shall ensure respect for the Constitution and Union law.

The Member States shall provide rights of ~~appeal~~ **access to their national courts** 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.
3. The Court of Justice, **in keeping with the provisions of Part Two of the Treaty**, 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 Discussion Circle on the Court of Justice considered the future name of the Court of First Instance. The majority view in the Group was that 'High Court' is not appropriate. Consideration should be given to adopting one of the options which received positive consideration in the group.

In all of the matters referred to in paragraph 3, the Court should act in accordance with the provisions of Part Two of the Treaty.