



Follow up inquiry into *The Workload of the Court of Justice of the EU report*

Background

The Justice and Institutions Sub-Committee, as it was then known, published its report *The Workload of the Court of Justice of the European Union* in April 2011. Since then, following debates and votes in both the House of Lords and the House of Commons in July, three proposals aimed at improving the efficiency of the Court have been scrutinised by the Sub-Committee and adopted. However, Member States failed to reach agreement on the most significant reform: the increase to the number of judges in the General Court.

The Member States set up a Friends of the Presidency Group to discuss reform of the General Court, including increasing the General Court's judiciary, and a report was expected by the end of December 2012. In the event, the Friends of the Presidency Group did not produce a report. Instead, a proposal was put forward by the Presidency whereby nine extra judges would be appointed to the General Court with a system of designation based on two parallel systems of rotation. The six larger member states would designate four additional judges, each designating a judge for two successive mandates, while all the other member states would designate five extra judges, each designating a judge for a single mandate.

This proposal was considered at the General Affairs Council on 11 December 2012 (see attached press release and extract from Hansard). However, the Council was unable to agree this proposal. On 7 January the Minister for Europe wrote to the Chairman of the EU Select Committee to update him on recent developments (see attached letter). Negotiations on the appointment of extra judges are not expected to resume until new rules of procedure for the General Court have been adopted. Proposals for these new rules of procedure have not yet put forward.

Follow up inquiry

The Justice, Institutions and Consumer Protection Sub-Committee, as it is now known, has repeatedly stated in correspondence with the Government that the continued inability by Member States to reach agreement to increase the number of judges in the General Court is leading to significant delays in that court and has severe implications in terms of bringing the institution into disrepute whilst undermining its legitimacy. The Minister says in his letter that he is "deeply concerned" at the level of the backlog at the General Court.

The Sub-Committee is seeking the views of the original witnesses to the inquiry of these latest developments. In particular we invite you to respond to the following questions:

Court of Justice

- **The Sub-Committee concluded in 2011 that the Lisbon Treaty would impact negatively on the workload of the Court of Justice, in particular**

the expansion of its jurisdiction into justice and home affairs matters. Has this been the case?

- **Do you think that the three legislative proposals that have been adopted already will have a significant impact on the workload of the Court of Justice?**
- **It was also recommended that the number of Advocates General should increase as soon as possible in order to increase the speed with which cases can be dealt with and to improve the quality of decision-making. This suggestion was not included in the proposed amendment to the Court's Statute. Do you think there is still a case for increasing the number of Advocates General?**

General Court

- **The Sub-Committee recommended increasing the General Court's judiciary by one third. Do you think this is still necessary in order for the General Court to better deal with its workload? Has the case for this change become more urgent since 2011?**
- **At present there is one judge per Member State. How would any additional judges be appointed?**
- **What is your view of the continued inability by the Member States to reach agreement on increasing the number of judges in the General Court?**

Written submissions should be sent via e-mail in Word format to rubioe@parliament.uk by **24 February 2013**.

It is expected that the Sub-Committee will take oral evidence from the Minister for Europe in early March and a report will be published in April.

If you have any questions please do not hesitate to contact me.

The report *The Workload of the Court of Justice of the European Union* can be found [here](#). The Government's response can be read [here](#); and the Commission's response is available [here](#).

Kind regards,

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Notes on submitting written evidence

Written submissions should be provided to the Committee as a Microsoft Word document and sent by e-mail to rubioe@parliament.uk. Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you do not have access to a computer you may submit a paper copy to Amanda McGrath, Committee Office, House of Lords, London SW1A 0PW, fax 020 7219 6715. The deadline for written evidence is 24 February 2013.

Short, concise submissions, of no more than six pages, are preferred. A longer submission should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is acting on an individual or corporate basis. All submissions will be acknowledged promptly.

Personal contact details supplied to the Committee will be removed from submissions before publication but will be retained by the Committee staff for specific purposes relating to the Committee's work, such as seeking additional information.

Submissions become the property of the Committee which will decide whether to accept them as evidence. Evidence may be published by the Committee at any stage. It will normally appear on the Committee's website and will be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence, you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the Committee. If you publish your evidence separately, you should be aware that you will be legally responsible for its content.

You should be careful not to comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the Clerk of the Committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the Committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the Clerk or the Chairman of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You may follow the progress of the inquiry at www.parliament.uk/hleu.