

Regulation (EU, Euratom) 2016/1192 of the European Parliament and of the Council of 6 July 2016 on the transfer to the General Court of jurisdiction at first instance in disputes between the European Union and its servants

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 256(1), the first and second paragraphs of Article 257, and the second paragraph of Article 281 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the request of the Court of Justice,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Commission⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) Article 48 of Protocol No 3 on the Statute of the Court of Justice of the European Union, as amended by Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council⁽³⁾, provides that the General Court, consisting of 40 Judges as from 25 December 2015, is to consist of 47 Judges as from 1 September 2016, and of two Judges per Member State as from 1 September 2019.
- (2) As indicated in recital 9 of Regulation (EU, Euratom) 2015/2422, the increase by seven of the number of Judges of the General Court on 1 September 2016 should be accompanied by the transfer to the General Court of jurisdiction at first instance in disputes between the Union and its servants under Article 270 of the Treaty on the Functioning of the European Union (TFEU). This transfer of jurisdiction presupposes, in accordance with Article 256(1) TFEU, the dissolution of the European Union Civil Service Tribunal ('Civil Service Tribunal').
- (3) Accordingly, jurisdiction at first instance in disputes between all institutions, bodies, offices or agencies, on the one hand, and their servants, on the other, in respect of which jurisdiction is conferred on the Court of Justice of the European Union, should be conferred on the General Court.

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- (4) It is therefore necessary to repeal Council Decision 2004/752/EC, Euratom⁽⁴⁾ and Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council⁽⁵⁾ as well as to amend Protocol No 3.
- (5) The General Court should try European Union civil service cases taking into account the specific features of disputes in that field, including by examining the possibilities for amicable settlement at all stages of the procedure.
- (6) Furthermore, in order to ensure the efficient conduct of proceedings in the cases pending before the Civil Service Tribunal on the date of transfer, and to lay down the rules applicable to appeals under examination as at that date, or brought subsequently, against decisions of that Tribunal, provision should be made for appropriate transitional arrangements concerning the transfer to the General Court of European Union civil service cases,

HAVE ADOPTED THIS REGULATION:

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- (1) Opinion of 22 February 2016 (not yet published in the Official Journal).
- (2) Position of the European Parliament of 9 June 2016 (not yet published in the Official Journal) and decision of the Council of 24 June 2016.
- (3) Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union ([OJ L 341, 24.12.2015, p. 14](#)).
- (4) Council Decision 2004/752/EC, Euratom of 2 November 2004 establishing the European Union Civil Service Tribunal ([OJ L 333, 9.11.2004, p. 7](#)).
- (5) Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council of 25 October 2012 relating to temporary Judges of the European Union Civil Service Tribunal ([OJ L 303, 31.10.2012, p. 83](#)).

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