

Report of the 14th Preparatory Committee Meeting

26 February 2016

February 24-25 the Preparatory Committee returned to its place of birth – the French Permanent Representation in Brussels – where the inaugural meeting of the Committee was held almost three years ago. The agenda was full and covered several decision points. The meeting was successful and it can be concluded that the Committee is on track for its goal to be able to finalise the necessary preparatory work by summer this year.

During the first day the Committee covered general items including updates from Member States on their ratification status, the UPC operating model, including the structure of the support functions of the new organisation, and the Protocol on Privileges and Immunities of the UPC (PPI). Several Member States hope to be able to ratify during 2016 and that it is likely the Court will enter into operation with well over the necessary number of 13 State Parties. The Protocol on Privileges and Immunities was agreed by the Committee. This was an important achievement especially since it was necessary for a number of Member States to conclude their national ratification processes.

Another major piece of work taken on the first day of the meeting was Rules from the Legal Framework Working Group. The Committee agreed on the Rules governing the Registry of the UPC and the Rules of Procedure of the Advisory Committee. The Committee also had a full discussion on the Arbitration Rules and the Rules of Operation of the Arbitration and Mediation Centre and decided to come back to these to agree these rules at its next meeting in April.

On the second day of the meeting the Committee started off by agreeing the Rules of the court fees and recoverable costs. This is an issue that has been thoroughly discussed and debated over a long time and the great work and level of commitment of the team responsible was warmly acknowledged by the Committee. The rules will be published at the Preparatory Committee website shortly.

The IT team made a full presentation of the case management system. From the presentation and the comments made it is clear that the work is on track and that the court will be equipped with a robust system. It is also clear and widely acknowledged by all involved that the case management system will be continuously fine-tuned and improved all the way up to the start of operation. During March, the case management system will be handed over to Luxembourg in order for it to be implemented at the actual location of the future Registry at the Court of Appeal.

The Committee also agreed, by vote, on the level of the judicial salaries. This was, of course, an important decision in order to move on to the major topic of the afternoon, namely the process for and the start of the recruitment of the UPC judges. The Human Resource and Training Working Group presented a thorough and detailed document to the Committee including a timeline and draft application forms for the recruitment. The quality of the work was widely acknowledged and it was concluded that the Committee is close to be able to launch the recruitment acknowledging this needs to be done well before the start of the provisional application phase. At the same time, however, it was deemed that some further tests and clarifications should be done before the recruitment is launched. Therefore, it was concluded to postpone the start of the recruitment for a short period with the clear aim and ambition to launch it later in the spring 2016.

The meeting ended with the Vice-Chair inviting delegations to Luxembourg for the next meeting of the Committee to be held at the premises of the Court of Appeal of the UPC. This will mark the start of a new era where the remaining meetings of the Committee will take place at the actual locations of the Court.

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