

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES OF 19 JUNE 1991

THE COURT,

Having regard to the Treaty on European Union, signed in Maastricht on 7 February 1992,

Having regard to the third paragraph of Article 188 of the Treaty establishing the European Community,

Having regard to Article 55 of the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community,

Having regard to the third paragraph of Article 160 of the Treaty establishing the European Atomic Energy Community,

Whereas following the entry into force of the Treaty on European Union and the Agreement on the European Economic Area it is necessary to amend the Rules of Procedure,

Having regard to the unanimous approval of the Council, given on 22 December 1994,

ADOPTS THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of Justice of the European Communities, adopted on 19 June 1991 (*Official Journal of the European Communities* No L 176, 4 July 1991, p. 7), shall be amended as follows:

1. The following shall be substituted for Article 1:

'In these Rules:

- "EC Treaty" means the Treaty establishing the European Community,
- "EC Statute" means the Protocol on the Statute of the Court of Justice of the European Community,
- "ECSC Treaty" means the Treaty establishing the European Coal and Steel Community,
- "ECSC Statute" means the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community,
- "Euratom Treaty" means the Treaty establishing the European Atomic Energy Community (Euratom),
- "Euratom Statute" means the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community,

— "EEA Agreement" means the Agreement on the European Economic Area.

For the purposes of these Rules:

- "Institutions" means the institutions of the Communities and bodies which are established by the Treaties, or by an act adopted in implementation thereof, and which may be parties before the Court,
- "EFTA Surveillance Authority" means the surveillance authority referred to in the EEA Agreement.'

2. The following fifth subparagraph shall be added to Article 29 (3):

'The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, may be authorized to use one of the languages mentioned in paragraph 1, other than the language of the case, when they intervene in a case before the Court or participate in preliminary ruling proceedings envisaged by Article 20 of the EC Statute. This provision shall apply both to written statements and oral addresses. The Registrar shall cause any such statement or address to be translated into the language of the case.'

3. The following shall be substituted for Article 32 (1):

'Agents, advisers and lawyers appearing before the Court of before any judicial authority to which the Court has addressed letters rogatory, shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.'

4. The following shall be substituted for Article 33:

'In order to qualify for the privileges, immunities and facilities specified in Article 32, persons entitled to them shall furnish proof of their status as follows:

- (a) agents shall produce an official document issued by the party for whom they act, and shall forward without delay a copy thereof to the Registrar;
- (b) advisers and lawyers shall produce a certificate signed by the Registrar. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.'

5. The following shall be substituted for Article 38 (3):

'The lawyer acting for a party must lodge at the Registry a certificate that he is authorized to practise before a court of a Member State or of another State which is a party to the EEA Agreement.'

6. The following second subparagraph shall be added to Article 69 (4):

'The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall bear their own costs if they intervene in the proceedings.'

The second subparagraph becomes the following third subparagraph:

'The Court may order an intervener other than those mentioned in the preceding subparagraphs to bear his own costs.'

7. In Article 93 (1):

- the following shall be substituted for point (f) of the second subparagraph:

'(f) a statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 37 of the EC Statute, Article 34 of the ECSC Statute or the second paragraph of Article 38 of the Euratom Statute.';

- the following shall be substituted for the third subparagraph:

'The intervener shall be represented in accordance with Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the Euratom Statute.'

8. The following shall be substituted for Article 95 (1):

'The Court may assign any case brought before it to a Chamber insofar as the difficulty or importance of the case or particular circumstances are not such as to require that the Court decide it in plenary session.'

In the first sentence of the second subparagraph of Article 95 (2), there shall be inserted after the words 'an institution', the words 'of the Communities'.

9. The following second subparagraph shall be added to Article 104 (1):

'In the cases governed by Article 20 of the EC Statute, the decisions of national courts or tribunals shall be notified to the States, other than the Member States, which are parties to the EEA Agreement, and also to the EFTA Surveillance Authority, in the original version, accompanied by a translation into one of the languages mentioned in Article 29 (1), to be chosen by the addressee of the notification.'

10. The following shall be inserted:

TITLE V

(Procedures provided for by the EEA Agreement)

Article 123a

1. In the case governed by Article 111 (3) of the EEA Agreement⁽¹⁾, the matter shall be brought before

the Court by a request submitted by the Contracting Parties to the dispute. The request shall be served on the other Contracting Parties, on the Commission, on the EFTA Surveillance Authority and, where appropriate, on the other persons to whom a reference for a preliminary ruling raising the same question of interpretation of Community legislation would be notified.

The President shall prescribe a period within which the Contracting Parties and the other persons on whom the request has been served may submit written observations.

The request shall be made in one of the languages mentioned in Article 29 (1). Paragraphs (3) and (5) of that Article shall apply. The provisions of Article 104 (1) shall apply *mutatis mutandis*.

2. As soon as the request referred to in paragraph 1 of this Article has been submitted, the President shall appoint a Judge-Rapporteur. The First Advocate-General shall, immediately afterwards, assign the request to an Advocate-General.

The Court shall, after hearing the Advocate-General, give a reasoned decision on the request in closed session.

3. The decision of the Court, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be served on the Contracting Parties and on the other persons referred to in paragraph 1.

Article 123b

In the case governed by Article 1 of Protocol 34 to the EEA Agreement, the request of a court or tribunal of an EFTA State shall be served on the parties to the case, on the Contracting Parties, on the Commission, on the EFTA Surveillance Authority and, where appropriate, on the other persons to whom a reference for a preliminary ruling raising the same question of interpretation of Community legislation would be notified.

If the request is not submitted in one of the languages mentioned in Article 29 (1), it shall be accompanied by a translation into one of those languages.

Within two months of this notification, the parties to the case, the Contracting Parties and the other persons referred to in the first paragraph shall be entitled to submit statements of case or written observations.

The procedure shall be governed by the provisions of these Rules, subject to the adaptations called for by the nature of the request.

⁽¹⁾ OJ No L 1, 3. 1. 1994, p. 27.

11. In

Article 7 (1),
Article 9 (1),
Article 16 (7),
Article 24 (1),
Article 36,
Article 38 (1), (4) and (6),
Article 45 (2),
Article 48 (4),
Article 77, second paragraph,
Article 80 (1),
Article 82a (1),
Article 83 (1),
Article 89, first paragraph,
Article 93 (1),
Article 103 (1),
Article 104 (3) and (4),
Article 107 (1) and (2),

Article 110 and

Article 125

the terms 'EEC Treaty' or 'EEC Statute' shall be replaced by the terms 'EC Treaty' or 'EC Statute'.

In Articles 7 (1), 9 (1), 16 (7), 38 (6), 48 (4), 77, second paragraph, 80 (1), 83 (1) and 89, first paragraph, the order in which the Treaties are cited becomes 'EC Treaty, ECSC Treaty, Euratom Treaty'.

In Articles 24 (1), 36, 38 (1) and (4), 45 (2), 82a (1), 93 (1), 110 and 125, the order in which the Statutes are cited becomes 'EC Statute, ECSC Statute, Euratom Statute'.

Article 2

These amendments to the Rules of Procedure, which are authentic in the languages mentioned in Article 29 (1) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities* and shall enter into force on the first day of the second month after their publication.

Adopted in Luxembourg, 21 February 1995.
