

Joined Cases C-300/99 P and C-388/99 P

Area Cova SA and Others

v

Council of the European Union

(Appeal — Fisheries — Measures for the conservation of resources —
Community catch quota for Greenland halibut — Appeal in part clearly
inadmissible and in part clearly unfounded)

Order of the Court (Fourth Chamber), 1 February 2001 I- 985

Summary of the Order

*Appeals — Pleas in law — Incorrect assessment of the facts — Mere repetition of the
pleas in law and arguments put forward before the Court of First Instance — Failure to
identify the error of law made by the Court of First Instance — Inadmissible*
(Art. 225 EC; EC Statute of the Court of Justice, Art. 51, first para.; Rules of Procedure of
the Court of Justice, Art. 112(1)(c))

It follows from Article 225 EC, the first paragraph of Article 51 of the EC Statute of the Court of Justice and Article 112(1)(c) of the Rules of Procedure that an appeal may be based only on grounds relating to the infringement of rules of law, to the exclusion of any appraisal of the facts. The Court of First Instance has exclusive jurisdiction, first, to establish the facts except where the substantive inaccuracy of its findings is apparent from the documents submitted to it and, second, to assess those facts.

support of the appeal. That requirement is not satisfied by an appeal which, without even including an argument specifically identifying the error of law allegedly vitiating the contested order, simply repeats or reproduces verbatim the pleas in law and arguments already put forward before the Court of First Instance, including those which were based on facts expressly rejected by that Court. Such an appeal amounts in reality to no more than a request for re-examination of the application submitted to the Court of First Instance, which the Court of Justice does not have jurisdiction to undertake.

It also follows from those provisions that an appeal must indicate precisely the contested elements of the order which the appellant seeks to have set aside, and the legal arguments specifically advanced in

(see paras 36–37)