

COURT OF JUSTICE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE of 16 May 2000

THE COURT,

Having regard to the Treaty establishing the European Community, and in particular the third paragraph of Article 245 thereof,

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

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

Whereas:

- (1) In the light of experience, it is necessary to make certain amendments to the provisions of the Rules of Procedure with a view to improving the conduct of proceedings.
- (2) In the case of references for a preliminary ruling involving particular urgency, it is necessary to provide for accelerated procedures.
- (3) Following the entry into force of the Treaty of Amsterdam and of the amendments made by that Treaty to the Treaty on European Union and to the Treaty establishing the European Community, it is necessary to adapt the provisions of the Rules of Procedure,

With the unanimous approval of the Council given on 13 April 2000,

HAS ADOPTED 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 (OJ L 176, 4.7.1991, p. 1, with corrigendum in OJ L 383, 29.12.1992, p. 117), as amended on 21 February 1995 (OJ L 44, 28.2.1995, p. 61) and 11 March 1997 (OJ L 103, 19.4.1997, p. 1, with corrigendum in OJ L 351, 23.12.1997, p. 72), shall be amended as follows:

1. In Article 1, after the words 'In these Rules:', the following shall be inserted:

— "Union Treaty" means the "Treaty on European Union";

2. Article 44a shall be replaced by the following text:

'Article 44a

Without prejudice to any special provisions laid down in these Rules, the procedure before the Court shall also include an oral part. However, after the pleadings referred to in Article 40(1) and, as the case may be, in Article 41(1) have been lodged, the Court, acting on a report from the Judge-Rapporteur and after hearing the Advocate-General, and if none of the parties has submitted an application setting out the reasons for which he wishes to be heard, may decide otherwise. The application shall be submitted within a period of one month from notification to the party of the close of the written procedure. That period may be extended by the President.'

3. The title of Chapter 2 of Title II of these Rules 'Preparatory Inquiries' shall be replaced by the following: 'Preparatory Inquiries and other Preparatory Measures'.

4. After Article 54, the following text shall be inserted:

'Section 4

Article 54a

The Judge-Rapporteur and the Advocate-General may request the parties to submit within a specified period all such information relating to the facts, and all such documents or other particulars, as they may consider relevant. The information and/or documents provided shall be communicated to the other parties.'

5. Article 103(3) shall be replaced by the following text:

'3. In cases provided for in Article 35(1) of the Union Treaty and in Article 41 of the ECSC Treaty, the text of the decision to refer the matter shall be served on the parties in the case, the Member States, the Commission and the Council.

These parties, States and institutions may, within two months from the date of such service, lodge written statements of case or written observations.

The provisions of paragraph 1 shall apply.'

6. Article 104(3) shall be replaced by the following text:

'3. Where a question referred to the Court for a preliminary ruling is identical to a question on which the Court has already ruled, where the answer to such a question may be clearly deduced from existing case-law or where the answer to the question admits of no reasonable doubt, the Court may, after informing the court or tribunal which

referred the question to it, after hearing any observations submitted by the persons referred to in Article 20 of the EC Statute, Article 21 of the Euratom Statute and Article 103(3) of these Rules and after hearing the Advocate-General, give its decision by reasoned order in which, if appropriate, reference is made to its previous judgment or to the relevant case-law.'

7. Article 104(4) shall be replaced by the following text:

'4. Without prejudice to paragraph 3 of this Article, the procedure before the Court in the case of a reference for a preliminary ruling shall also include an oral part. However, after the statements of case or written observations referred to in Article 20 of the EC Statute, Article 21 of the Euratom Statute and Article 103(3) of these Rules have been submitted, the Court, acting on a report from the Judge-Rapporteur, after informing the persons who under the aforementioned provisions are entitled to submit such statements or observations, may, after hearing the Advocate-General, decide otherwise, provided that none of those persons has submitted an application setting out the reasons for which he wishes to be heard. The application shall be submitted within a period of one month from service on the party or person of the written statements of case or written observations which have been lodged. That period may be extended by the President.'

8. In Article 104, the following text shall be inserted as paragraph 5, the present paragraph 5 becoming paragraph 6:

'5. The Court may, after hearing the Advocate-General, request clarification from the national court.'

9. After Article 104, the following text shall be inserted:

'Article 104a

At the request of the national court, the President may exceptionally decide, on a proposal from the Judge-Rapporteur and after hearing the Advocate-General, to apply an accelerated procedure derogating from the provisions of these Rules to a reference for a preliminary ruling, where the circumstances referred to establish that a ruling on the question put to the Court is a matter of exceptional urgency.

In that event, the President may immediately fix the date for the hearing, which shall be notified to the parties in the main proceedings and to the other persons referred to in Article 20 of the EC Statute, Article 21 of the Euratom Statute and Article 103(3) of these Rules when the decision making the reference is served.

The parties and other interested persons referred to in the preceding paragraph may lodge statements of case or written observations within a period prescribed by the President, which shall not be less than 15 days. The President may request the parties and other interested persons to restrict the matters addressed in their statement of case

or written observations to the essential points of law raised by the question referred.

The statements of case or written observations, if any, shall be notified to the parties and to the other persons referred to above prior to the hearing.

The Court shall rule after hearing the Advocate-General.'

10. After Article 109, the following text shall be inserted:

'Chapter 12

REQUESTS FOR INTERPRETATION UNDER ARTICLE 68 OF THE EC TREATY

Article 109a

1. A request for a ruling on a question of interpretation under Article 68(3) of the EC Treaty shall be served on the Commission and the Member States if the request is submitted by the Council, on the Council and the Member States if the request is submitted by the Commission and on the Council, the Commission and the other Member States if the request is submitted by a Member State.

The President shall prescribe a time limit within which the institutions and the Member States on which the request has been served are to submit their written observations.

2. As soon as the request referred to in paragraph 1 has been submitted, the President shall designate the Judge-Rapporteur. The First Advocate-General shall thereupon assign the request to an Advocate-General.

3. The Court shall, after the Advocate-General has delivered his opinion, give its decision on the request by way of judgment.

The procedure relating to the request shall include an oral part where a Member State or one of the institutions referred to in paragraph 1 so requests.

Chapter 13

SETTLEMENT OF THE DISPUTES REFERRED TO IN ARTICLE 35 OF THE UNION TREATY

Article 109b

1. In the case of disputes between Member States as referred to in Article 35(7) of the Union Treaty, the matter shall be brought before the Court by an application by a party to the dispute. The application shall be served on the other Member States and on the Commission.

In the case of disputes between Member States and the Commission as referred to in Article 35(7) of the Union Treaty, the matter shall be brought before the Court by an application by a party to the dispute. The application shall be served on the other Member States, the Council and the Commission if it was made by a Member State. The application shall be served on the Member States and on the Council if it was made by the Commission.

The President shall prescribe a time limit within which the institutions and the Member States on which the application has been served are to submit their written observations.

2. As soon as the application referred to in paragraph 1 has been submitted, the President shall designate the Judge-Rapporteur. The First Advocate-General shall thereupon assign the application to an Advocate-General.

3. The Court shall, after the Advocate-General has delivered his opinion, give its ruling on the dispute by way of judgment.

The procedure relating to the application shall include an oral part where a Member State or one of the institutions referred to in paragraph 1 so requests.

4. The same procedure shall apply where an agreement concluded between the Member States confers jurisdiction on the Court to rule on a dispute between Member States or between Member States and an institution.'

11. Article 120 shall be replaced by the following text:

'Article 120

After the submission of pleadings as provided for in Article 115(1) and, if any, Article 117(1) and (2) of these Rules, the Court, acting on a report from the Judge-Rapporteur and after hearing the Advocate-General and the parties, may decide to dispense with the oral part of the procedure unless one of the parties submits an application setting out the reasons for which he wishes to be heard. The application shall be submitted within a period of one month from notification to the party of the close of the written procedure. That period may be extended by the President.'

12. The following text shall be inserted after Article 125:

'Article 125a

The Court may issue practice directions relating in particular to the preparation and conduct of the hearings before

it and to the lodging of written statements of case or written observations.'

13. The references to articles of the EC Treaty shall be amended as follows:

- in Article 7(1) the number '167' shall be replaced by the number '223',
- in Article 9(1) the number '165' shall be replaced by the number '221',
- in Article 16(7) the number '184' shall be replaced by the number '241',
- in Article 38(6) the numbers '181' and '182' shall be replaced by the numbers '238' and '239',
- in Article 48(4) the numbers '187' and '192' shall be replaced by the numbers '244' and '256',
- in the second paragraph of Article 77 the numbers '173' and '175' shall be replaced by the numbers '230' and '232',
- in Article 83(1), first subparagraph, the number '185' shall be replaced by the number '242',
- in Article 83(1), second subparagraph, the number '186' shall be replaced by the number '243',
- in Article 89, first paragraph, the numbers '187' and '192' shall be replaced by the numbers '244' and '256',
- in Article 107(1) the number '228' shall be replaced by the number '300',
- in Article 125 the number '188' shall be replaced by the number '245'.

Article 2

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

Done at Luxembourg, 16 May 2000.